

## 1. Policy

Copyright protects the form in which an idea is expressed; it does not protect the actual ideas contained in a work. Copyright protection arises automatically as soon as a work is created and can be transferred or sold.

Materials that are subject to copyright include, but are not limited to:

- literary works and other works of text.
- data that is expressed in a unique or original way.
- dramatic and musical works.
- images.
- audio and audio-visual items.
- published editions of works.
- computer programs, other software, or code

## 2. Purpose

The purpose of this Policy is to outline responsibilities and procedures regarding the use of third-party copyright material, with the objectives of:

- reducing staff and MARS's exposure to the risks associated with the use of third-party copyright material.
- assisting staff in making full legal use of the materials at their disposal by clearly identifying responsibilities.
- promoting copyright compliance
- This Policy applies to all MARS staff and students

## 3. Definitions

Intellectual property (IP) is a term used to encompass a range of legal rights that protect the creations of the mind and creative effort. Patents, trademarks, and registered designs are examples of IP, as is copyright.

Copyright refers to the rights granted to the creators or copyright holders of original works. Copyright protects owners' rights to control how their works are used. Generally, permission must be obtained before using work protected by copyright. Copyright protection lasts for a specific period of time. Once that period has ended (usually 70 years after the death of the creator), the work can be used without the need for permission or payment.

## 4. Statement

What individuals can do with copyright protected materials depends upon who owns the copyright, whether the use of the material is the subject of an agreement, the type of material used, how the material is used, how much material is used, and the purpose for which the material will be used. MARS has a responsibility to provide information and guidelines to employees and students concerning copyright. These can be broken down into the following:

- Addressing copyright rights and responsibilities.
- Develop, implement, and support systems and processes that facilitate copyright compliance; ensure there are financial, structural, and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required.
- Monitor external developments in relation to copyright, especially copyright legislation, to revise and update policies,
- practices and documentation to adequately reflect changes, and to raise awareness of any developments as
- appropriate.
- Ensure MARS corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and are revised.
- Respond appropriately to any alleged breaches of the Copyright Act brought to the attention of MARS.



- Individuals have a responsibility to:
  - Make an effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations.
  - Adhere to the requirements of the Copyright Act, apply MARS policies, practices and procedures when using copyright works.
  - Consult with MARS when developing learning and teaching resources, to ensure compliance with the relevant copyright law requirements, licence conditions, and MARS processes.
  - Consult with MARS before entering into agreements with outside organisations on behalf of MARS, particularly when third party copyright material has been used.
  - Report any alleged breaches of copyright to MARS.

## 5. Users

The Australian Copyright Act contains provisions that allow educational institutions to use text, images and notated (print) music in ways that would otherwise require copyright clearance. MARS staff can copy and communicate text, images, and print music without a copyright clearance if it is for educational purposes

Which content?

MARS allows the use of text and images from any source or format:

- digital or hardcopy
- online or offline
- Australian or foreign content
- published or unpublished content

How much of a work?

A 'work' is an item of text or an image, usually created by a single 'author'. An 'edition' (such as a book, journal, or newspaper), or a publishing platform such as a website or CD ROM, may contain many 'works'. For example, in a newspaper, each article, opinion piece, letter to the editor, cartoon and photograph is a separate 'work'. In some cases, a teacher may use only a 'reasonable portion' of a work, not the entire work. For some content, a specified proportion is deemed to be a 'reasonable portion'. More than this specified proportion can be a 'reasonable portion', but there is no guidance in the legislation about how much. Similarly, there is no guidance on what constitutes a 'reasonable portion' of works such as artistic works.

The following is a guide:

There is a general understanding that a student in a course should receive no more than a 'reasonable portion' for that course. For example, a teacher who copies 10% of a commercially available book for a class should not copy another 10% of the book for the same class. Any kind of copyright material can be used in both online and hardcopy exams by educational institutions. This includes broadcast, sound, and film

Principle	Entire Work	Demonstrated by
Hardcopy	If: <ul style="list-style-type: none"> <li>• unpublished</li> <li>• published, but not separately</li> <li>• not available (in any form) within area reasonable time at an ordinary commercial price</li> <li>• an article in a periodical (such as a journal, newspaper or magazine) -more than one if they are on the same subject •a text work of no more than 15 pages published in an anthology</li> </ul>	If work is published as an edition of 10 or more pages: <ul style="list-style-type: none"> <li>• 10% of the number of pages, or</li> <li>• a chapter (if more than 10%of the pages)</li> </ul>
Digital	If: <ul style="list-style-type: none"> <li>• if one of the hard copy criteria applies</li> </ul>	If work published: 10% of the words



## Copyright Policy

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|  | <ul style="list-style-type: none"> <li>• work available for purchase, but only in hardcopy</li> <li>• work is an image (even if it is available for purchase in digital form) Otherwise, a 'reasonable portion'.</li> </ul> | <p>a chapter (if more than 10%of the words)<br/>10% of a musical work</p> |
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## 6. Non-Compliance

MARS's disciplinary procedures may be applied where employees or students fail to comply with this policy or the Copyright Act. Some breaches of the Copyright Act are criminal offences, attracting heavy fines and terms of imprisonment. Students are entirely responsible for any copyright infringement resulting directly or indirectly from their actions.

## 7. Roles and Responsibilities

All staff and students must ensure that they understand and comply with the legal restrictions and obligations regarding the use of third-party copyright materials.