

Intellectual Property and Copyright Procedure

Purpose

1. This Procedure gives effect to the Intellectual Property and Copyright Policy.

Scope

2. This Procedure applies to all GHE staff and students.

Definitions

3. Definitions for key terms are presented in the Glossary of Terms which may be accessed on the GHE website at <https://www.globalhe.edu.au/policy>

Suite documents

4. This Procedure is linked to the Intellectual Property and Copyright Policy.

Procedure

Intellectual Property

5. Where students are required to assign their IP to GHE under the circumstances outlined in the Intellectual Property Policy the Manager, Quality and Compliance will facilitate the completion of a Deed of Assignment.

Copyright compliance

6. All staff are advised of legal requirements under the *Copyright Act 1968 (Cth) (the Act)*, as part of their initial induction and are required to undertake refresher training every three years.
7. Students are advised of legal requirements under *the Act* as part of their orientation and through other relevant channels including the GHE website and appropriate notices in the Library and Learning Resources Centre.
8. The Manager, Quality and Compliance manages GHE's copyright systems and undertakes a compliance check on an annual basis.

Use of material produced by others

9. Where copyright clearance is required, GHE staff should approach copyright owners. Staff should seek any clarifications or assistance from the Head, Library and Learning Resources.
10. Where seeking to rely on GHE's licences or exemptions, staff must pay particular attention to the limits on the amount that may be copied and the labelling requirements as specified by the [Australian Copyright Council \(Educational Institutions\)](#).
11. Where a specific licence or permission has been obtained from the copyright owner, staff are responsible for ensuring that their use complies with the terms of that licence or permission.
12. The notice provided in Schedule A must be included on all copyrighted material (A4: 97mm by 210mm).

Resolution of issues

13. Where a dispute arises between GHE and an employee in relation to intellectual property or copyright the parties shall try in good faith to settle the dispute in accordance with the grievance provisions in the **Human Resources Framework**.
14. Where a staff member is found to have breached this Policy, they will be subject to the disciplinary provisions in the **Human Resources Framework**.
15. Where a dispute arises between GHE and a student in relation to intellectual property or copyright the parties shall try in good faith to settle the dispute in accordance with the **Student Complaints, Grievances and Appeals Policy**.
16. Where a student is found to have breached this Policy, they will be subject to provisions in the **Student Non-Academic Conduct and Misconduct Policy**.

Roles and responsibilities

17. The Chief Executive Officer (CEO) is the accountable officer in relation to *the Act*. The CEO has delegated this authority to the Manager, Quality and Compliance.
18. The Manager, Quality and Compliance is responsible for:
 - a) the establishment and management of copyright systems and effective copyright management together with the Head, Library and Learning Resources;
 - b) ensuring compliance with this Procedure;
 - c) ensuring that staff and students are adequately notified of the existence of this Policy and the related procedures, including through the provision of appropriate training, induction and orientation programs;
 - d) benchmarking GHE policy and standards with those adopted elsewhere in the higher education sector;
 - e) the monitoring of information available from the review of records relating to the implementation of this Procedure;
 - f) the maintenance of any records arising from this Procedure.
19. All staff are responsible for becoming familiar with and complying with this Procedure.
20. All staff are responsible for complying with *the Act*, including the production and use of material generated in the course of their employment, as well as the use of third-party copyright material.
21. All students are responsible for complying with *the Act*, in all aspects of their studies, including the use of third-party copyright material.

Associated information

Related Internal Documents	Intellectual Property and Copyright Policy Course Design Policy Enrolment Policy Human Resources Framework Student Academic Integrity and Academic Misconduct Policy Student Complaints, Grievances and Appeals Policy Work-Integrated Learning Placement Policy Glossary of Terms
Related Legislation, Standards and Codes	<i>Tertiary Education and Quality Standards Agency Act 2011</i> <i>Higher Education Standards Framework (Threshold Standards) 2021</i> <i>Copyright Act 1968 (Cth)</i>
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Change history

Version Control	Version 1.2	
Change Summary	3-Apr-20	V1.0 Draft approved by Board of Directors (BoD) 1 May 2020
	23-July-20	V1.1 Administrative updates
	10-Oct-23	V1.2 administrative updates following TEQSA registration

Warning - Document uncontrolled when printed! The current version of this document is maintained on the GHE website at <https://www.globalhe.edu.au/policy>

Schedule A – Copyright Notice

COMMONWEALTH OF AUSTRALIA
Copyright Regulations
WARNING

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including:

A reproduction that is a fair dealing under the *Copyright Act 1968 (the Act)*, including a fair dealing for the purposes of research or study; or

A reproduction that is authorised by the copyright owner.

It is a fair dealing to make a reproduction for the purposes of research or study, of one or more articles on the same subject in a periodical publication, or, in the case of any other work, of a reasonable portion of a work.

In the case of a published work in hardcopy form that is not less than 10 pages and is not an artistic work, 10% of the number of pages, or one chapter, is a reasonable portion.

In the case of a published work in electronic form only, a reasonable portion is not more than, in the aggregate, 10% of the number of words in the work.

More extensive reproduction may constitute fair dealing. To determine whether it does, it is necessary to have regard to the criteria set out in the subsection 40(2) of the Act.

A court may impose penalties and award damages in relation to offences and infringements relating to copyright material.

Higher penalties may apply, and higher damages may be awarded, for offences and infringements involving the conversion of material into digital or electronic form.