COPYRIGHT POLICY

RATIONALE:
‘Copyright’ refers to a set of legal rights that copyright owners can exercise to the exclusion of all others. These rights protect the original expression of ideas in a material form, for example, original works of art, literature, music, films, broadcasts and computer programs. Copyright protection is automatic; a work does not need to be registered or even marked in a particular way for copyright to apply.

AIM:
To ensure that all students and staff abide by the copyright laws as stated in the Copyright Act.

IMPLEMENTATION:
- Copyright laws apply to a wide variety of resources commonly used in schools including printed materials, sound recordings, videos, computer software, Internet websites and intellectual property.
- The school will comply with all copyright laws.
- These licences or agreements do not however allow schools to simply copy resources without restrictions or limitations.
- Limitation notices that comply with the requirements should be displayed at appropriate locations, for example, photocopiers, video recorders, libraries, printers, computers etc.
- The Principal will ensure that all such notices are in place and updated as required.
- Records of copies will be kept as required.
- Staff will be provided with information relating to copyright as provided by DEECD.
- If in doubt, staff must refer the matter to the Principal for clarification before proceeding.
- In general, copyright of material created by an employee of the DEECD in the course of their normal duties is owned by the DEECD.
- Computer software will be generally restricted to DEECD or Microsoft Agreement products and school purchased software. A register of all software will be maintained by the school.

Copyright in material created by students
Students retain the copyright over original material that they create unless the students have been asked to assign these rights. It is not the DEECD’s policy to ask for the ownership of student created works. However students may be requested to grant the DEECD a licence to use the works.

Statutory Exceptions
The Copyright Act allows staff to use copyright material for free. The exemptions include:
- copying text and artistic works for inclusion in examinations.
- playing audiovisual material or reading text materials aloud in a classroom.
- communicating copyright materials for the sole purpose of classroom teaching (e.g. playing a DVD using a centralised player or showing a film to a distance education class using virtual classroom software).

Flexible use exceptions allow some uses of copyright materials for teaching purposes where it:
- is for a special, narrow purpose
- will not harm the copyright owner
- will not conflict with the usual market for that copyright work (e.g. when a school could buy the work or would ordinarily obtain a licence for that use)

Copyright Infringement
Copyright infringement is the unauthorised exercise of one of the copyright owner's exclusive rights. Common examples of copyright infringement that could occur in schools are:
- copying more than the amount of a work permitted by the education statutory licences, a direct licence or a fair dealing exception;
- downloading and sharing files of music, videos or games without permission of the copyright owner;

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• putting files of music, videos or games on a shared digital space for download by students or the public;
• scanning a photograph that has been published and using it without permission or attribution and in the absence of an exception (lack of attribution would be an infringement of the creator’s moral rights);
• installing more copies of a software program on computers than are allowed for in the relevant licence agreement.

Penalties for copyright infringement
If copyright is infringed, the copyright owner generally has the right to take legal action to recover damages. An employee who infringes copyright is generally liable in their own right. However, their employer may also be liable if the employee was acting on instructions, or if the employer did not take reasonable steps to ensure that the employee did not infringe copyright, for example by failing to discourage employees from using the employer’s equipment to make infringing copies.

Copyright in material produced by Government staff
Staff may produce original material in their day to day work. This could include presentations, teaching and professional development materials. Original material created in this way will be protected by copyright. The copyright in work that is created by staff is owned by the State of Victoria (DEECD) if it is created as part of staff’s work duties or professional development activities that form part of a staff member’s employment. This is the case whether the individual is employed by DEECD or by a School Council. This is called ‘Crown’ copyright. The DEECD administers this copyright on behalf of the State of Victoria. The Office of Government School Education’s Regional Directors are authorised to grant licences for the use of these copyright materials by other parties.

EVALUATION: This policy will be reviewed as part of the school’s three year review cycle.

REFERENCES:
• Findon Primary School Acceptable Use Policy
• Copyright Act 1968