

POLICY C8.0

COPYRIGHT AND INTELLECTUAL PROPERTY

1.0 INTRODUCTION

1.1 Context

In the provision of their business, including higher education, vocational education and bespoke courses for industry, Scentia and its subsidiaries, the Australasian College of Health and Wellness Pty Ltd (ACHW), the Australian Institute of Management Education and Training Pty Ltd (AIM) operating as AIM Business School (ABS), and AIM VET, a Registered Training Organisation (RTO), (collectively 'the Scentia Group') and Third-Party Partners (TPPs) are committed to ensuring the protection not only of its own intellectual property, but the intellectual property of others.

1.2 Purpose

The purpose of this policy is to outline the principles governing Copyright and Intellectual Property protection and management within the Scentia Group and TPPs.

1.3 Scope

This policy applies to all Scentia Group and TPP staff and students.

For the purposes of this policy, 'staff' includes the people defined as 'Workers' in the Fair Work Act 2009 - employees, contractors, agency staff, labour hire staff, people on work experience, sub-contractors, volunteers, trainees and outworkers.

1.4 Scope Exceptions

None.

2.0 RESPONSIBILITIES

1. All staff and students of the Scentia Group and TPPs are responsible to comply with this policy and Copyright and Intellectual Property legislation.

3.0 POLICY

3.1 Principles

1. The Scentia Group and TPP (where applicable under an agreement) staff create and make use of intellectual material, including teaching materials, and make use of intellectual material created by others. In doing so they operate within the law, and with respect for the Copyright and Intellectual Property of others.

2. The Scentia Group owns and is exclusively entitled to the benefit of the Intellectual Property in all material developed, produced, or created by Scentia Group and TPP staff during their period of employment and in accordance with employment conditions or contractual requirements, unless there is a specific, written agreement to the contrary.
3. Where staff are presented with opportunities in their personal capacity to publish papers leveraging their general industry experience and profile, they are prima facie permitted to do so, provided the Scentia Group is informed first, through the manager, and the paper does not detract from any brand of the Scentia Group or impugn competitive advantage.
4. The Scentia Group reserves the right to take legal and/or disciplinary action if their Copyright is breached or their Intellectual Property is stored, distributed or used at any time, in any way for the benefit of any person who is not a staff member, client or student of the Scentia Group and TPPs.
5. Staff and students:
 - are not to disclose any information without approval where disclosure could be in breach of the Scentia Group's Intellectual Property Rights;
 - must also take care not to breach the Intellectual Property Rights of third parties or cause the Scentia Group or TPP to be in breach;
 - are not to send any Scentia Group or TPP resources/contacts/reports to personal networks without written confirmation from the Head of Information Technology and Chief Finance Officer;
 - are not permitted to copy any computer programs or software belonging to the Scentia Group or TPPs, or illegally download programs/computer software on to any Scentia Group or TPP device, for personal or work use;
 - must ensure they do not breach copyright laws and must not encourage others to do so; and
 - staff are not to access or compile reports from Salesforce outside of their scope of work/employment responsibilities without the express written permission from the Chief Executive Officer, Chief Finance Officer, or IT Manager.
6. A person may be liable for infringement of Copyright if they authorise another person to make the infringement. The Scentia Group can be liable for any unauthorised copies made using Scentia Group-owned equipment. Staff and students must be mindful of what they copy and the permissions / reasons they have for copying the material. Guidelines on Copyright are contained in Appendix 1 of this policy.
7. A breach of this policy will be considered serious misconduct and will lead to disciplinary proceedings.

8. Grievances and complaints under this policy are managed in accordance with the appropriate Grievances and Complaints Policy - staff or students.

4.0 DEFINITIONS

- **Copyright** - part of intellectual property. Copyright is a law (Copyright Act 1968) that gives the owner of a work (for example, teaching materials, an article, a research paper, a book, movie, picture, song or website) the right to say how other people can use it.
- **Intellectual Property (IP)** - includes:
 - Inventions and improvements;
 - Teaching and other materials developed by staff;
 - Patents, trademarks, copyright, and designs whether registered or unregistered; and
 - Circuit layout rights and know-how and any other form of intellectual property.
- **Intellectual property rights** - are the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time. The rights may relate to designs, computer software, licenses, copywrite, trademarks, domain names, social media accounts, patents, company information and sensitive information.
- **Teaching Materials** - means any IP created for use in or in relation to a course, unit or short course, whether leading to the award of a degree or not, including for use by a partner of the education organisation that developed the Teaching Material. Teaching Material includes lecture notes, unit notes, slides, presentations, handbooks, spreadsheets, unit outlines, reading lists, computer programs used for teaching purposes, maps, photographs, broadcasts, tutorials, questions, exams, online materials, films and all other materials created, developed, used or supplied for the purpose of learning and teaching at an education organisation.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- Academic Integrity and Honesty Policy
- Acceptable Use of ICT Facilities Policy
- Appendix 1: Guidelines on Copyright.
- [Australian Intellectual Property Laws](#)
- Copyright Act (1968)
- Fair Work Act (2009)

- Freedom of Intellectual Inquiry and Expression Policy
- Staff Code of Conduct
- Staff Grievances Policy
- Student Code of Conduct
- Student Grievances and Complaints Policy

Note: This policy does not have a related procedure.

6.0 POLICY OWNERSHIP

Policy Owner	Director of Education
Status	Reviewed on July 2021
Approval Authority	Scentia Corporate Board, with endorsement by ACHW and AIM Corporate Boards
Date of Approval	21/10/2021
Effective Date	21/10/2021
Implementation Owner	Director of Education
Maintenance Owner	Senior Policy and Compliance Officer
Review Due	October 2024
Content Enquiries	Janene Barrett - Director of Education Email: jbarrett@achw.edu.au

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C8.0	21 October 2021	Corporate Board	<p>New template.</p> <p>Student IP included.</p> <p>Detail from the Acceptable Use of IT Facilities Policy removed from that policy and now forms clause 3.1.6 of this policy.</p> <p>Responsibilities and Definitions included.</p> <p>References increased.</p> <p>Appendix 1 added.</p>

APPENDIX 1 - GUIDELINES ON COPYRIGHT

1. Protected Material

The following materials are protected under the Copyright Act 1968:

- Written material, for example books, reports, journal articles
- Artistic works, like paintings, photographs, maps, and plans
- Music
- Dramatic works
- Computer programs
- Compilations of material, for example directories and databases
- Electronic publications generally
- Cinematographic films such as feature films and television programs including commercials
- Sound recordings, for example recorded music or audio books.

2. Use of Protected Material

Copyright is infringed when a person copies protected material without the copyright owner's written permission or uses it in another way controlled by the copyright owner, e.g., screening or playing copyright material, such as a film, in public. Copyright may also be infringed by using only part of a work.

Copyright material may be used without permission if it is used for certain purposes such as research or study and use of the material is 'fair'.

3. Copyright and the Internet

Material found on the Internet is also subject to copyright. Downloading, printing, or emailing material on to other people from a website may constitute an infringement of copyright if the copyright owner's permission has not been obtained.

If a document or site does not contain a copyright notice do not assume the material is copyright free. If possible, contact the general email address on the site where copyright information and permission may be sought if required.

4. Copying Computer Software

It is an offence to copy computer programs/software for personal use or sale, whether by an individual or a company.