

## PC006 Copyright and Intellectual Property Code of Practice

### 1. Purpose

This code outlines the behavioural expectations incumbent on all staff in relation to protection of copyright and management of the intellectual property of Wodonga TAFE.

### 2. Scope

This Code of Practice refers to all staff of Wodonga TAFE and to any person contracted to carry out work on behalf of the Institute, during the period of that contract. Breaches of this Code of Practice may result in the initiation of disciplinary action.

### 3. References

POL15 Staff Conduct Policy  
PC001 Staff Code of Conduct  
PC002 Financial Propriety Code of Practice  
PC003 Conflict of Interest Code of Practice  
PC004 Customer Service Code of Practice  
PC005 Privacy Protection Code of Practice  
PC007 Use of Electronic Resources Code of Practice  
PP042 Staff Discipline Procedure  
PP043 Staff Dispute Resolution Procedure  
PP044 Staff Grievance Procedure  
PF046 Permission for External Use of Intellectual Property Form  
DP028 Teaching Material Control Procedure  
KP015 No Copying under Part VA ('off air' TV/Radio broadcasts) Procedure  
Institute Referencing Guide (on *StaffNet*)  
Copyright Guidelines (on *StaffNet*)  
Federal Copyright Act (1968) (as amended)

### 4. Definitions

For the purpose of this code

**Copyright** means protects the authors of original works of authorship and other intellectual works or materials.

**Intellectual Property** is a concept which gives rights to individuals or organisations which develops ideas, systems and materials for use in a particular context.

**5. Code**

Principle	Behavioural Expectations
<p><b>1. Wodonga TAFE respects the rights of copyright owners.</b></p>	<p>a) The Copyright Act provides that educational institutions may copy, without the need to obtain permission of the copyright owner, certain amounts of literary, dramatic, artistic and musical works for educational purposes.</p> <p>Wodonga TAFE has put in place all the procedural requirements to enable staff to copy under the statutory licence.</p> <p>Staff should be cognisant that copying under the statutory licence requires payment of licence fees to CAL. This licence fee is a considerable cost to the Institute.</p> <p>Any copying under the statutory licence must be within the limits and meet the requirements of the statutory licence.</p> <p>Details of the statutory licence copying limits are contained in the Copyright Guidelines (available on StaffNet).</p> <p>i) If you are developing a teaching resource that you intend to sell to students, you may not include third-party material without the written permission of the copyright owner.</p> <p>ii) Do not download copyrighted material from the Internet or other electronic sources beyond the limits of the statutory licence without the permission of the copyright owner (assume that you do not have permission to copy material unless that is specifically stated).</p> <p>b) Keep accurate records of copying and reproduction as required by the Institute.</p> <p>c) Use the Institute Referencing Guide (available on StaffNet) to properly acknowledge the work of others.</p> <p>i) This includes quoting or paraphrasing the work of others.</p> <p>ii) Acknowledge the owners of work or ideas that has influenced your work, including Institute colleagues.</p> <p>d) Seek permission from copyright owners to use copyright materials. This permission must be in writing and the original or copy of the licence/permission must be provided to the Copyright Officer for registering on TRIM and entering into the permissions register.</p> <p>e) If uncertain, seek information from relevant Institute staff (eg the Copyright Officer) about the use of material.</p>

Principle	Behavioural Expectations
<p><b>2. As an educational institution we have an obligation to educate and inform students about Copyright and Intellectual Property.</b></p>	<p>a) Ensure that you are aware of the obligations placed on you as a user of copyrighted materials for the purposes of research or study.</p> <ul style="list-style-type: none"> <li>i) Help to inform new staff of their responsibilities.</li> <li>ii) Inform students via handbooks and as part of orientation programs.</li> <li>iii) Display appropriate signage in prominent places within your department or area of responsibility.</li> </ul> <p>b) Inform students of their obligations to appropriately reference authors in any written work, assignments and presentations.</p> <p>c) Take appropriate action in the event that you observe any other member of the Institute community (student or staff) infringing copyright requirements.</p>
<p><b>3. While claiming copyright to work created by staff in the course of their employment, Wodonga TAFE recognises the moral rights of authors to have their authorship acknowledged, not to have authorship falsely attributed and to object to derogatory treatment of their work.</b></p>	<p>a) Ensure that the wishes of relevant people are sought and followed in relation to the acknowledgement of authorship (or not) on published materials.</p> <p>b) Do not subject the work of others to derogatory treatment.</p>
<p><b>4. Wodonga TAFE claims ownership of the Intellectual Property of resources, ideas and systems developed by staff, in the course of their employment with Wodonga TAFE.</b></p>	<p>a) While employed at Wodonga TAFE, any ideas, products or systems developed for use in part or whole, by staff at the institute, for internal use or for use by our clients, remain the exclusive property of Wodonga TAFE.</p> <p>b) No part of any resources, systems or ideas may be reproduced by a staff member or former staff member, without first obtaining formal permission from Wodonga TAFE to use those resources. (Use the <i>PF046 Permission for External Use of Intellectual Property Form</i> for this purpose.) <i>Note that if this external business occurs while you are still employed at the Institute, you must ensure compliance with PC003 Conflict of Interest Code of Practice.</i></p> <p>c) Ensure that all resources developed during your employment with Wodonga TAFE are stored at the Institute and are available to other staff as required (ie on shared network drives for electronic resources, registered on TRIM, or, for teaching materials, registered on Departmental Master Lists according to <i>DP028 Teaching Materials Control Procedure</i>.)</p> <p>d) Ensure that all physical and electronic resources</p>

Principle	Behavioural Expectations
	<p>developed during your employment with Wodonga TAFE are left with the Institute at the termination of your employment. (<i>Note that you will be required to certify that this has occurred when you leave the Institute</i>).</p> <p>e) Ensure that all contracts, agreements and Memorandums of Understanding (MOUs) developed by Wodonga TAFE include clear statements about the ownership of intellectual property and where the authority for permission remains.</p> <p>f) Unless contracts contain specific statements to the contrary, ensure that commercial contracts entered into by Wodonga TAFE with other organisations state that the Intellectual Property developed as part of that contract remains with Wodonga TAFE.</p> <p>g) Do not use any ideas, systems or resources developed by staff of Wodonga TAFE in other educational contexts or settings which could be in direct or indirect competition with Wodonga TAFE.</p> <p>h) Do not use any ideas, systems or resources developed by staff of Wodonga TAFE in any manner that could disadvantage Wodonga TAFE.</p>
<p><b>5. Staff shall not copy any broadcast (be it off television, radio or online) under any circumstances for use at or on behalf of Wodonga TAFE</b></p>	<p>a) The Copyright Act 1968 provides educational institutions with the option to exercise rights to copy broadcasts subject to meeting certain requirements.</p> <p>Wodonga TAFE has elected not to access the rights available and has chosen to do so on the basis that the costs and burden imposed for copying far outweigh any possible educational benefit.</p> <p>All staff are required, without failure, to comply with the <i>KP015 No Copying under Part VA ('off air' TV/Radio broadcasts) Procedure</i>.</p>