

POLICY C8.1

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 Holdings Pty Ltd (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), 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 Scentia and TPPs.

1.3 Scope

This policy applies to all Scentia subsidiaries and TPP Workers and students.

1.4 Scope Exceptions

None.

2.0 RESPONSIBILITIES

1. All staff and students of Scentia and TPPs are responsible for complying with this policy and Copyright and Intellectual Property legislation.

3.0 POLICY

3.1 Principles

1. Scentia and TPP (where applicable under an agreement) workers 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. Scentia owns and is exclusively entitled to the benefit of the Intellectual Property in all material developed, produced, or created by Scentia 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 Scentia is informed first, through the manager, and the paper does not detract from any brand of Scentia or impugn competitive advantage.
4. Scentia 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 Scentia and TPPs.
5. Staff and students:
 - are not to disclose any information without approval where disclosure could be in breach of Scentia's Intellectual Property Rights;
 - must also take care not to breach the Intellectual Property Rights of third parties or cause Scentia or TPP to be in breach;
 - are not to send any Scentia or TPP resources/contacts/reports to personal networks without written confirmation from the Chief Information Officer and the Chief Finance Officer;
 - are not permitted to copy any computer programs or software belonging to Scentia or TPPs, or illegally download programs/computer software onto any Scentia 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 Chief Information Manager.
6. A person may be liable for infringement of Copyright if they authorise another person to make the infringement. Scentia can be liable for any unauthorised copies made using Scentia -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 - Workers 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.
- **Workers** - employees, contractors, agency staff, labour hire staff, people on work experience, sub-contractors, volunteers, trainees and outworkers.

5.0 REFERENCES AND ASSOCIATED INFORMATION

- Academic Integrity and Honesty Policy
- Information Management
- 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

- Student Use of ICT Services

Note: This policy does not have a related procedure.

6.0 POLICY OWNERSHIP

Policy Owner	Chief Executive Officer
Status	Reviewed on July 2024
Approval Authority	Scentia Corporate Board, with endorsement by ACHW and AIM Corporate Boards
Date of Approval	27 August 2024
Effective Date	6 September 2024
Implementation Owner	Head of People and Culture
Maintenance Owner	Head of Compliance
Review Due	September 2027
Content Enquiries	Steve Smith - Executive Director, Future Skills & CTO. Email: ssmith@scentia.com.au

7.0 AMENDMENTS

Version	Amendment Approval (Date)	Amendment Made By (Position)	Amendment Details
C8.0	21 October 2021	Corporate Board	New template. Student IP included. Detail from the Acceptable Use of IT Facilities Policy removed from that policy and now forms clause 3.1.6 of this policy. Responsibilities and Definitions included. References increased. Appendix 1 added.
C8.1	23 July 2024	Head of Compliance	Additional references added, Titles updated

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.