

Copyright

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Policy Statement

Copyright is one of several forms of protection an organisation can use to protect its intellectual property rights. Actual ideas or information are not protected by copyright, rather copyright law protects the way an idea, information or method is expressed and provides the owner with the exclusive right to deal with the copyright material including the right to publish it.

This policy sets out responsibilities of staff in dealing with copyright material. It includes measures to encourage broad use of the department's information, while maintaining protection of the department's rights where necessary.

The following broad principles underpin the policy:

- A commitment to preserving the integrity of the department's information and ensuring that the public does not misuse or misrepresent our material.
- A commitment to achieving widespread distribution of the department's information.
- The need to be able to commercialise material that has strategic or commercial value for the benefit of the people of NSW.

Scope

This policy applies to:

- all divisions and authorities within NSW Department of Industry, Skills and Regional Development. It applies to all ongoing/term/casual/ temporary/seconded employees and private contractors/consultants.
- trusts, boards and committees administered by the department, except where the body concerned is incorporated, or has been established as a corporation under the relevant legislation.

Requirements

1. Crown copyright applies to all written material, images, videos, computer programs and compilations or other creative works produced by staff of the department in the course of their employment.

The department has the right to publish, communicate, reproduce, adapt and modify any materials created by staff in the course of their work. The department at all times retains the right not to publish any material prepared by a staff member.

Staff should be aware that Crown copyright also applies any material developed or prepared in their own time if it is in relation to the area for which they are employed. Staff must not, unless specifically approved by a delegated officer, privately publish any material on any subject in relation to the area for which they are employed by the department as this would result in a real or perceived conflict of interest.

Crown copyright may be overridden by the terms of an agreement or contract. This is often the case in funded research, where the funding body may retain ownership of copyright on material produced during the course of a project.

Where a member of staff is unsure if the copyright of any material is subject to Crown copyright or is concerned that a conflict of interest may exist in relation to copyright, they should discuss the matter with their supervisor.

Where any questions remain, the matter should be referred to Legal Services.

2. Requests from parties outside the department for clearance to use departmental material must be referred to a delegated officer for approval (see delegations below). Delegated officers are required to maintain an official record of all copyright clearances they provide. Automated systems to manage routine requests are permitted. A copyright request form is available via the department's website at - www.industry.nsw.gov.au/legal/copyright.

3. Copyright ownership of departmental material must not be assigned or licensed to another party without the approval of a delegated officer (see delegations below). Approving officers are required to maintain an official record of all copyright assignment or licence approvals.

4. All published material issued by the department must include a copyright statement identifying the copyright owner and usage conditions where appropriate. Standard copyright statements for use in different situations are available in the Editorial Guidelines.

5. All staff are required to respect the copyright of others when copying, communicating, or publishing information. Staff must comply with the following requirements:

- Publications and other material distributed to the public must not infringe copyright. Departmental authors may use material in accordance with the conditions set down in the source (such as the copyright statement). Approval may also be obtained from the copyright holder. Evidence of any formal copyright clearance must be stored with the official records of the publication.
- Material may be copied for the purposes of government (see Section 183 of the Copyright Act 1968 (Cth)). Payment for this copying is made under an agreement between the NSW Government and the Copyright Agency Limited (CAL). These provisions do not cover the use of material in departmental publications.
- Material may be copied under other copyright agreements with CAL or any other collecting society declared under the Copyright Act. This includes copying for the purposes of student education in the department's colleges.

6. The department respects the moral rights that belong to staff who create material in the course of their work but the department retains the right to determine the format, style and consistency of all publications and other works it publishes.

7. All staff are required to respect the moral rights of other parties within the department, in other organisations and in the broader community. The department's Editorial Guidelines contain information on standard practice including criteria for claiming authorship, guidelines for credits and acknowledgments and guidelines for revising or rewriting another author's work.

8. Funding or collaborating organisations sometimes request departmental staff to sign a 'Consent to infringe' their moral rights. Moral rights belong to the individual author, so staff are entitled to make their own decision on whether to sign such agreements. However, they may choose to discuss the implications of these agreements with Legal Services.

9. The Manager Corporate Communications is the nominated contact officer for the department in relation to dealings with the Copyright Agency Limited.

10. The Manager Corporate Communications is the nominated contact officer for the purposes of dealing with copyright matters not otherwise defined in this policy.

Safety considerations

Businesses, industry, the community and staff rely on current and accurate information published by the department to inform and guide the healthy and safe conduct of activities.

Delegations

Activity or function	Policy reference	Delegated officers
Approval to privately publish material by a staff member where the material is on a subject in relation to the area for which the staff member is employed.	1	Head of Division
Approval to use departmental material (copyright clearance)	2	Manager Corporate Communications or an officer appointed by the Executive Director Communications & Engagement
Approval to reassign Crown held copyright to a third party.	3	Head of Division
Approval to assign copyright of the printed edition of a peer reviewed academic paper to the publisher of a journal or proceedings, where the author is an employee of the department.	3	Author of publication
Approval to assign copyright of the printed edition of an article to the publisher of a newsletter, newspaper, magazine or other publication, where the author of the material is an employee of the department.	3	Author of material

Definitions

- Copyright is a form of intellectual property which protects the original expression of ideas, not the ideas themselves. Copyright does not need to be registered in Australia but automatically safeguards original written works, films, sound recording, visual images, broadcasts and computer programs from copying and certain other uses.

A copyright owner has the exclusive right, including the right to licence others, to:

- reproduce, including photocopying, scanning, copying by hand, photographing or recording;
 - publish, that is, make public for the first time;
 - communicate, such as by fax, email, website or broadcast;
 - adapt or modify a copyright work.
- Moral rights are personal rights that belong to authors or creators in relation to their work. Moral rights are not economic rights such as is the case with copyright and moral rights do not confer any rights to publish, reproduce, publish or communicate a work.

Moral rights recognised under Australian law are as follows:

- the right of attribution of authorship—to be recognised as the author or creator;

- the right not to have authorship falsely attributed to another person;
- the right of integrity of authorship—not to have a work distorted or mutilated to the detriment of the author’s honour or reputation.
- Private publishing would occur is a staff member published work-related material in their own right, such as loading the material on a personal website. It does not include the publishing of material by recognised third parties, which is covered under Policy TI-G-144 Publishing.

Legislation

- Copyright Act 1968 (Cth)

Related policies

- TI-G-144 Publishing
- A-043 Records Management

Other related documents

- NSW Department of Industry how to write for ministers and the public (https://intranet.industry.nsw.gov.au/__data/assets/pdf_file/0004/7771/editorial-guidelines.pdf) internal access only
- Copyright information for staff (<https://intranet.industry.nsw.gov.au/support-and-services/knowledge-and-information-management/access-information-services/copyright>) internal access only
- Copyright permission request form (<http://www.industry.nsw.gov.au/copyright>)

Superseded documents

This policy replaces:

- A052 - Copyright

Revision history

Version	Date issued	Notes	By
1	15/10/2013	Policy updated to reflect current department name, delegated officers' position titles and references to supporting resources.	Principal Communications Officer
2	08/02/2016	Administrative updates.	Communications Officer

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31/12/2016

Contact

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