

COPYRIGHT POLICY

Details

Policy & Procedure Owner	CEO	
Approved by	CEO	
Date Approved	Date of Last Revision	Next Review
5 November 2015	March 2025	March 2028

Abbreviations

ACFID	Australian Council for International Development
CAL	Copyright Agency Limited
ERF	Edmund Rice Foundation

Definitions

ACFID Member	A not-for-profit organisation that has obtained accreditation with ACFID
Board Members	Voluntary directors of ERF's Board
Donor	Members of the public including individuals or organisations who contribute to ERF in cash or in-kind
Partner	Any organisation which has an MOU or contract with ERF
Primary Stakeholder (beneficiary)	Children and adults who participate in and are directly impacted by ERF partner projects
Program	Programs are overarching development approaches and initiatives that set priorities and guide project outcomes, results and activities. Programs can comprise ministries or entities
Project	Projects are the development activities of a Program
Staff	Employees, contractors, subcontractors, outworkers, apprentices and trainees, work experience students, volunteers and any other person who performs work for ERF or ERFK
Stakeholder	Anyone who interacts with ERF/ERFK and its Partners including but not limited to suppliers, contractors, volunteers, donors, etc.

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Contents Page

Section	Page
1.0 Policy overview	3
2.0 Production of copyright material	3
3.0 Copyright notice	3
4.0 Use of copyright material	3
5.0 Infringement	4
6.0 Copying for schools or ministries	4
7.0 Moral rights	4

1.0 Policy overview

Edmund Rice Foundation (Australia) (ERF) is responsible for managing its assets, including its intellectual assets, in a way that maximises contribution to the goals of the organisation. Subject to these responsibilities, ERF is committed to the widest possible dissemination of its ideas and findings where these may assist others.

ERF is committed to crediting the original authors of creative and educational material that it may use for organisational activities. As a development organisation that funds and supports education programs, copying educational material forms an integral part of ERF's work activities. To maintain the incentives for authors to continue to publish educational and cultural work that benefits society, as set out in this Copyright Policy, ERF complies with Australian copyrighting law, as contained in the Commonwealth Copyright Act 1968. All Staff are required to comply with Australian copyright requirements.

The purpose of this policy is to clarify the status of material subject to copyright used by the organisation, and to remove any possible misunderstandings about ownership of copyright.

2.0 Production of copyright material

Material created by Staff, in the course of their employment, irrespective of whether it is created using ERF facilities or materials, or during normal working hours, will belong to ERF. What constitutes the course of employment will be determined by the Staff member's position description and usual duties.

A Staff member employment contract may vary the default position of when copyright belongs to ERF. The employment contract overrides the default position that exists at law. Staff may be required to sign additional documents vesting or assigning copyright to ERF where that material was created by the employee using ERF resources and during paid working hours. One example of when this may be necessary is if the Staff member is required to engage in a project or duties that are outside of their normal employment duties.

Works by independent contractors and volunteers shall be owned in accordance with the written contract under which the work was created. ERF shall ensure that there is a written contract for work by an independent contractor or volunteer specifying ownership. At law, unless a written contract specifies otherwise then independent contractors and volunteers will own copyright in everything that they create.

Any dispute between ERF and its staff, contractors or volunteers, or between staff, or between contractors or between volunteers, on issues of copyright ownership shall be determined by the organisation's dispute resolution procedures.

3.0 Copyright notice

Staff should ensure that every publication of ERF, including any books, newsletters, brochures, forms, reports and computer software contains the following statement:

© [Name of Organisation], Australia, [Year of creation of material]

This statement is not required in normal business letters, invoices, receipts.

4.0 Use of copyright material

Staff are required to observe all applicable copyright laws and regulations.

Staff may use copyright material belonging to or licensed to ERF only for the purposes of their work for ERF. Where the material is used by ERF under licence, staff and volunteers must act in accordance with that licence.

Staff may not reproduce, publish, distribute or adapt third party copyright material in the course of

their work for ERF without the authorisation of the copyright owner. Staff may not download or reproduce text, photographs or illustrations found on the internet without authorisation of the copyright owner. This includes for use in internal or external newsletters, reports or presentations. All non-generic images and illustration should be sourced from and with the consent of the creator. Generic images may be obtained from a stock image supplier (e.g. Shutterstock or iStockphoto).

When reproducing or otherwise using third party copyright material, it cannot be assumed that just because something is on the internet that it is free for everybody to copy and use. This includes images on Facebook or photo sharing websites such as Flickr. Acknowledgement of source of the material does not overcome the need for authorisation; actual authorisation is still required.

5.0 Infringement

Using copyright material in a way which is exclusively controlled by the copyright owner requires permission unless the copyright has expired or a special exception to infringement applies. Failure to get permission will usually result in copyright being infringed. Using part of a work without permission may also infringe copyright, if that part is important to the work – it does not need to be a large part. You may also infringe copyright if you authorise an infringement (that is, if you sanction, approve or countenance someone else to infringe copyright).

It is important to remember that one item may contain a number of separate copyrights. For example, a book may contain a literary or dramatic work, photographs, drawings and typesetting, each of which may be separately protected.

There are also special provisions for copying by educational institutions, libraries and governments. In some cases, certain procedures must be followed, and in some cases, fees must be paid.

6.0 Copying for schools or ministries

On advice from the Australian Copyright Council, Staff may copy copyright material for use by Staff or students or Board Members in Edmund Rice schools. This would be covered by the agreement that the individual schools have with CAL (Copyright Agency Limited) by which schools pay an annual payment for permission to copy material under certain conditions.

7.0 Moral rights

Where it is reasonable to do so, Staff should ensure that:

- a) When reproducing any written material, photograph or illustration, the creator should be acknowledged where it is appropriate to do so. It is generally appropriate to acknowledge the author of a report or article in a newsletter, but it is not appropriate to acknowledge the creator of a marketing brochure or promotional flyer, or where it is desirable for operational reasons that correspondence be sent out in the name of somebody else (such as in the name of a director, executive or manager).
- b) When reproducing any written material, photograph or illustration, a person should not be falsely attributed as the creator unless it is reasonable to do so. For example, some correspondence may need to go out in the name of a director, executive or manager even though it was written by somebody else.