

NRSM - ITS: Software Copyright Policy

1. Background

The Australian Copyright Act 1968 provides strong legal protection for the intellectual property rights of developers and licenced distributors of proprietary software.

The penalties for breaching copyright law as it applies to computer software are severe. Unauthorised copying of computer software is theft of intellectual property, and irrespective of whether this occurs accidentally, through ignorance, or deliberately, serious penalties may result to both the University and to any individuals involved. Currently these penalties include fines of up to \$60,500 or 5 years imprisonment for an individual, and the organisation can be fined up to \$302,500.

Please also note that a copyright owner can obtain the right, through the Federal Court, to enter business premises, unannounced, and search for evidence of illegal copying of software.

The diverse and geographically dispersed framework of the University increases the risk of exposure to non-compliance of Software Copyright and Licencing agreements.

The following policy will therefore apply to software used within NRSM.

2. Policy

- a. All software in use within NRSM must be appropriately purchased and/or used according to the licence conditions. An appropriate number of licences must be purchased (where required) to reflect the usage of the software. All staff are required to abide by the licence agreement conditions.
- b. Staff will not unlawfully copy software or use copies of illegal software. Disciplinary action may be taken against staff engaged in the unlawful copying of software.
- c. Staff are required to notify their supervisor or the Head of School of any illegal copies of software or related documentation of which they become aware.
- d. Staff obtaining and/or using software must make themselves aware of their obligations regarding the use of copyright software.
- e. Software media (where applicable) must be securely stored in order to avoid theft and/or unauthorised use or copying.
- f. Software may only be used within NRSM when there is no infringement of the software copyright.
- g. Software that is not otherwise freely available under the terms of the applicable licence (eg commercial software) should be purchased through the accounts area of the school so that a register of software may be maintained. Software assets should be purchased in such a manner so as to take advantage of volume discounts, site licences, preferred supplier agreements or any other mechanism to reduce costs.
- h. A register of all software purchase will be maintained by the School Accountant.
- i. The School Accountant is responsible for ensuring periodic software inventory audits are undertaken. This is to ensure all new purchases of software are recorded and to ensure all software has the appropriate licence. Any unauthorised software will be removed or licenced as appropriate.
- j. Any software no longer required (eg surplus, obsolete) should be removed from the register and disposed of in accordance with the appropriate licence conditions.
- k. Staff should follow any applicable guidelines that the University may from time to time issue through the Internal Audit Office or other authorised organisational unit.