

Youth Solutions – Policy and Procedures

1 Policy statement

This policy is designed to assist in protecting Youth Solutions' intellectual property and to guide Youth Solutions in monitoring, controlling, using and producing copyright material.

2 Purpose, scope and outcomes

This policy will guide the appropriate use and management of assets, including intellectual assets, of Youth Solutions, its service users, staff, Board, Youth Advisory Group (YAG), student placements, volunteers and stakeholders.

Youth Solutions is committed to ensuring copyright laws are not breached.

Implementing this policy will:

- Ensure Youth Solutions is compliant with copyright laws
- Protect Youth Solutions' own copyright material and intellectual property
- Protect the rights of Youth Solutions service users, staff, Board, YAG, Peer Educators, student placements, volunteers and stakeholders in relation to their copyright material

3 Definitions

Please refer to the [Policy and Procedure Definitions](#) document, section 2.2 Policy & Procedure, for all definitions.

4 Principles

Youth Solutions is responsible for managing its assets, including intellectual assets. Effective asset management can contribute to the goals of the Service.

Youth Solutions is committed to sharing its ideas and findings with the community when this information can assist others. Youth Solutions is also committed to protecting its own intellectual property.

5 Policy detail, action and procedures

5.1 *Intellectual property and copyright*

Intellectual property is defined as the creation of a productive new idea, such as an intervention, trademark, design, brand or the application of an idea. Intellectual property must be something new or original.

Youth Solutions' programs, projects and other materials are all the intellectual property of Youth Solutions. As stated in the Youth Solutions employment contracts for all staff:

Any original work, process, design or other material produced or to be published by the Employee and arising from employment remains the property of the Employer who shall have full rights to

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such work, process, design, or other material whether those rights are exercised in any form or not during the employment or on cessation of the employment.

Intellectual property can be protected by applying for patents, trademarks or by applying copyright rights.

Youth Solutions is responsible to taking steps to protect its own intellectual property and copyright materials.

There is no registration system for copyright in Australia. Copyright protection is free and applies automatically when material is created.

Copyright protects a range of materials including text materials and literary works, published editions, computer programs, compilations, artistic works, dramatic works, musical works, cinematograph works, sound recordings and broadcasts.

Any reports, research projects or other materials produced by Youth Solutions, and its staff in the course of their work for Youth Solutions, must be attributed to Youth Solutions and published under the Youth Solutions name.

5.2 Production of copyright material

All materials resulting from activities carried out at Youth Solutions, developed with the aid of Youth Solutions staff or facilities or developed using Youth Solutions funds, are considered the property of Youth Solutions and copyright applies. Copyright is also included in the terms and conditions of employment at Youth Solutions. The only exceptions are for material created during personal time or material for which there is a prior written agreement.

Material created by Youth Solutions staff on their personal time, which does not involve the use of Youth Solutions facilities or materials, is the property of that staff member.

Staff or volunteers who claim material was made on personal time have the responsibility of demonstrating this. Staff engaged in work during personal time are encouraged to first discuss this with the Youth Solutions Chief Executive Officer (CEO) and Board to avoid any confusion about the copyright of any material created.

Youth Solutions will keep records of all discussions made with any staff member regarding agreements about the copyright status of any material.

Works carried out by independent contractors are owned in accordance with the contract under which work was created. Youth Solutions must ensure there is a written contract for all work created by independent contractors. Contracts between Youth Solutions and third parties will specify in writing the copyright status of any material produced under that agreement.

Any copyright dispute between Youth Solutions, its staff, Board, YAG, student placements or volunteers shall be dealt with in line with the [Policy – Internal Grievances](#).

5.3 Use of copyright material

Youth Solutions staff, Board, YAG, student placements and volunteers must observe all applicable copyright laws and regulations. Copyright law is set out in the Copyright Act 1968 (Cth). The CEO is

responsible for implementing procedures to ensure the use of copyright materials is recorded and complies with the copyright legislation.

Youth Solutions acknowledges the creators and owners of all work by referencing all external material used to inform its documents, projects and activities.

5.4 Copyright and the Youth Solutions website

According to the Australian Copyright Council (2014), whole websites are not protected by copyright. However, components of a website, such as a logo, video, photograph, music or a work of text, may be protected.

Accordingly, Youth Solutions must not include another organisation's logo on its site without permission. Youth Solutions must also gain permission to use any photo or video taken by an external party, or any other work of an external party, before including it on the Youth Solutions website.

The Australian Copyright Council (2014) raises no copyright objections to linking to other websites, provided it is made clear that the material/link is linking to another website. Youth Solutions must ensure all links are represented according to this guideline. Accordingly, Youth Solutions does not use links in a manner that presents external information as a product of its own site.

To minimise copyright risk, Youth Solutions also acknowledges the creators and owners of all work by referencing all external material.

Should content on an organisation's website be in breach of copyright, the organisation may be issued with a "take down" notice from the copyright owner. On receiving a take down notice, the infringing material must be promptly removed or a counter-notice must be issued to dispute that the material is infringing.

Youth Solutions also has a copyright disclaimer on its website, to protect the copyright of Youth Solutions' work. This disclaimer is stated below:

Youth Solutions' logo, projects and campaigns are protected by copyright. The images and Youth Solutions reports on this website are also protected by copyright.

To request permission to use the Youth Solutions logo, or other materials protected by copyright, please contact Youth Solutions on 02 4628 2319 or email info@youthsolutions.com.au.

A routine audit of the Youth Solutions logo and intellectual property should be carried out regularly.

5.5 Copyright on Youth Solutions' materials

Copyright applies to all materials created by or on behalf of Youth Solutions.

The CEO will classify Youth Solutions materials into the following classes:

- Copyright materials which cannot be reproduced by any other process other than its intended purpose. This is subject to the provisions of the Copyright Act 1968 (Cth) and any licensing agreement between Youth Solutions and the user
- Copyright materials that may be circulated and/or reproduced as long as any reproduction features specified credits and disclaimers

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- Copyright materials that may be reproduced without conditions
- Materials that do not have copyright

Permission to use Youth Solutions copyright material must be granted in line with these classes.

Generally, permission to reproduce or circulate Youth Solutions copyright material will only be granted when the materials are used for positive purposes in line with their initial aim, and when their reproduction or circulation will benefit the community.

Permission will be declined if people are seeking to use Youth Solutions copyright material for inappropriate purposes which contradict the material's aim.

The CEO is responsible for granting permission to use Youth Solutions copyright material.

Use of Youth Solutions material must be referenced accordingly. Internally, all Youth Solutions materials which inform any document, policy, procedure, activity, project or campaign, must be included in a list of references.

It is best practice and advisable for Youth Solutions to place a copyright notice in a prominent place on any of its copyright work. This may include Youth Solutions presentations, promotional materials, documents and reports. Legally there is no required set of words for a copyright notice, but as a guide the notice may state the following:

This work is copyright. Apart from any use permitted under the Copyright Act 1968, no part may be reproduced by any process, nor may any other exclusive right be exercised, without the permission of Youth Solutions, 02 4628 2319, info@youthsolutions.com.au, PO Box 112 Macarthur Square NSW 2560 Australia, (and the year in which the work was made).

Using the © symbol has little legal effect but it alerts others that copyright is claimed in the material. Accordingly, Youth Solutions should place the © symbol on any of its copyright material.

It is the responsibility of Youth Solutions staff, Board, YAG, Peer Educators, student placements and volunteers to read, understand and implement the Policy – Copyright and Intellectual Property.

This policy, as amended from time to time, forms part of the conditions of employment for all staff. This policy must be included in the orientation material given to all staff, Board, YAG, Peer Educators, student placements and volunteers.

This policy will be reviewed by the CEO as per the review schedule to ensure it complies with relevant state and federal laws.

6 Delegations and responsibilities

All Youth Solutions staff, Board, YAG, Peer Educators, student placements and volunteers must read, understand and implement the Policy – Copyright and Intellectual Property.

Position	Delegation or task
Board	<ul style="list-style-type: none">• Endorse policy• Ensure compliance with relevant legislation• Comply with the policy

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	<ul style="list-style-type: none"> • Delegate policy implementation and procedural development to management • Be familiar with internal communications and media guidelines
Executive	<ul style="list-style-type: none"> • Endorse the policy • Be familiar with internal Communications and Media guidelines
Management	<p>CEO</p> <ul style="list-style-type: none"> • Comply with the policy • Ensure systems are in place at Youth Solutions to use communication lines effectively and respectfully • Endorse associated procedures • Manage implementation of the policy and associated procedures • Grant or decline permission for the use of Youth Solutions' own copyright material by other parties
Staff	<p>CC</p> <ul style="list-style-type: none"> • Comply with the policy and associated procedures • Develop and review associated procedures <p>All</p> <ul style="list-style-type: none"> • Comply with the policy and associated procedures • Support continuous quality improvement initiatives relating to the policy and associated procedures • Provide advice and expertise (relative to role) in reviewing the policy and associated procedures • Advise management on any breach in relation to policy and associated procedures

7 Policy implementation

This policy is developed in consultation with all staff and approved by the Board.

All staff, Board, YAG, Peer Educators, student placements and volunteers are responsible for understanding and adhering to this policy.

This policy should be referenced in all relevant policies, procedures and other supporting documents to ensure it is familiar to all staff and actively used.

This policy will be reviewed in line with Youth Solutions' quality improvement program and any relevant legislation changes.

8 Risk management

This policy is in place to ensure Youth Solutions' actions and decisions comply with state and federal copyright laws.

Non-compliance with this policy could result in Youth Solutions breaching copyright guidelines and laws. This could place Youth Solutions at risk of legal action.

All staff, Board, YAG, Peer Educators, student placements and volunteers are made aware of this policy during their orientation. Youth Solutions staff, board, YAG, Peer Educators, student

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placements and volunteers are provided with ongoing support and information to assist them to establish and maintain copyright guidelines.

Policies and procedures is a standing agenda item for Youth Solutions staff meetings to discuss any relevant issues.

9 Breaches

There are various penalties for breaching the Policy – Copyright and Intellectual Property. These penalties can include legal action taken against Youth Solutions.

If staff are concerned with the conduct of a colleague in regards to copyright the matter should be raised with the staff member's direct supervisor. If that is not possible, follow the delegation indicated in the Policy – Internal Grievances.

Staff members who are deemed to have breached copyright guidelines set out in this policy, may be subject to disciplinary action.

If a service user or stakeholder is concerned with the conduct of a Youth Solutions staff or Board member, a complaint should be raised as per the Policy – Complaints Handling. Information on making a complaint will be made available to service users and stakeholders via the Youth Solutions website. Additionally, a complaint can be taken over the phone by any staff member.

10 References to other relevant internal sources

- Policy – Privacy and Confidentiality
- Policy – Communications and Media
- Policy – Complaints Handling
- Policy – Corporate Partnership Program
- Policy – Referral
- Policy – Internal Grievances
- Procedure – Referencing
- Generic Employment Contract Youth Solutions

11 References to external sources

Arts Law Centre of Australia, 2016, *Information Sheet: Copyright*, accessed on 16/08/2017 via [http://www.artslaw.com.au/images/uploads/Copyright - 08.01.2016.pdf](http://www.artslaw.com.au/images/uploads/Copyright_-_08.01.2016.pdf).

Australian Copyright Council, May 2014, *Information Sheet G084v05: Protecting Your Copyright*, accessed on 16/08/2017 via http://www.copyright.org.au/acc_prod/ACC/Information_Sheets/Protecting_Your_Copyright.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef.

Australian Copyright Council, December 2014, *Information Sheet G057v13: Websites and Copyright*, accessed on 16/08/2017 via http://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Websites_Copyright.aspx?WebsiteKey=8a471e74-3f78-4994-9023-316f0ecef4ef.

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Australian Copyright Council, January 2017, *Information Sheet G010v19: An Introduction to Copyright in Australia*, accessed on 5/12/2017 via [file:///C:/Users/APartridge/Downloads/An%20Introduction%20to%20Copyright%20in%20Australia%20\(G010v19\).pdf](file:///C:/Users/APartridge/Downloads/An%20Introduction%20to%20Copyright%20in%20Australia%20(G010v19).pdf).

Australian Government, IP Australia, 2017, *IP explained*, accessed on 5/12/2017 via <https://www.ipaustralia.gov.au/understanding-ip/getting-started-ip/ip-explained>.

Commonwealth Government, 1968, *Copyright Act 1968*, accessed on 16/08/2017 via http://www.comlaw.gov.au/Details/C2014C00291/Html/Text#_Toc390432222.

National Copyright Unit, 2017, *Smartcopying; Linking to other Websites*, accessed on 16/08/2017 via <http://www.smartcopying.edu.au/copyright-guidelines/hot-topics/linking-to-other-websites>.

Network of Alcohol and Other Drug Agencies, 2010, *NADA Tool Kit*.

Our Community Policy Bank, *Copyright Policy*, accessed on 16/08/2017 via www.ourcommunity.com.au.

12 Quality and accreditation standards

12.1 Australian Service Excellence Standards (ASES)

Provided by Quality Innovation Performance (QIP)

Standard C.2.2 – Policy and Procedures

Legal and contractual compliance

- Youth Solutions maintains awareness of all legal obligations and ensures compliance with all legal and contractual requirements

Personal records and privacy

- Youth Solutions ensures that information collected and stored about individuals is managed in accordance with legislated Privacy Principles and the privacy requirements of relevant funding bodies

Policies and procedures

- Youth Solutions provides guidance to the Board, staff and volunteers through providing documented policy and procedures for all core aspects of its operation
- Youth Solutions reviews and updates policies on an annual or as-needed basis to ensure their relevance to the organisation

Document control

Please note printed this document is uncontrolled when printed.

<i>Policy</i>	Copyright	<i>Effective date</i>	June 2011
<i>Responsibility</i>	CEO or designate	<i>Approved by</i>	CEO
		<i>Review date</i>	Refer to Register

Record of policy review

<i>Reviewed</i>	<i>Reason for review</i>	<i>Reviewed by</i>	<i>Additional comments</i>
June 2006	New Policy		
June 2011	Policy for external review	Brooke Manzione	
September 2014	Policy needed reworking and updating	Amanda Partridge	
May 2016	Added website-specific information Updated policy	Amanda Dillon	

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August 2017	Due for review	Amanda Dillon	
December 2017	Added blurb about intellectual property and excerpt from employment contract and renamed to Policy – Copyright and Intellectual Property	Amanda Dillon	