

SOFTWARE COPYRIGHT – ROLES AND RESPONSIBILITIES

1. Policies

- 1.1 The University of Melbourne is committed to ensuring full compliance with the law in relation to Software copyright.
- 1.2 All software used on University owned equipment or on equipment used on University premises or for University purposes must have been obtained legally and must only be used in accordance with its licensing conditions.
- 1.3 The University will under no circumstances tolerate the making or use of unauthorised software copies by its employees, students, honoraries, visiting staff or students, or contractors within our organisation. Processes for obtaining University computer accounts require the user to acknowledge that use of University computing facilities to breach copyright is absolutely forbidden.
- 1.4 Employees, students, honoraries, visiting staff or students, or contractors found to be engaging in the unauthorised copying of software will be liable to disciplinary or legal action.
- 1.5 The University of Melbourne has clear policies on the use of its computing resources. These are stated in Regulation 8.1.R7 which can be found on the University web site at:

<http://www.unimelb.edu.au/ExecServStatutes/r8r7.htm>

2. Responsibilities

The University has a clear statement of the Responsibilities of University Staff in relation to the use of University network and computer facilities. This includes the use of University licensed software. These responsibilities are stated in the Personnel Policy and Procedures Guide in section 10.16 and can be found at:

<http://www.unimelb.edu.au/ppp/docs/10.html#10.16>

It should be noted that:

- All staff, students and honoraries, visiting staff or students, must comply with the University's software copyright policy. All Departments must maintain a register of software acquired with University funds or licensed through the University. They must not copy University owned software or load such software on other equipment in breach of the software license.
- Heads of Department are responsible to ensure that there are procedures in place to record and control software purchases, and to establish a system of monitoring software compliance.

- Heads of Division are responsible to ensure that Heads of Department have established systems to mitigate the risk associated with breaching software copyright compliance.

3. Procedures and Guidelines

3.1 Software can be licensed in many ways. The University has negotiated various campus wide software licenses for widely used software. These agreements provide software licenses at much lower cost than can be obtained through other legal channels.

A list of Special Software License Agreements under which staff and students can acquire software is maintained by the Information Division (through University Computer Supplies) and can be found at:

<http://www.infodiv.unimelb.edu.au/itpp/5.html#5.2>.

A list of other known site licenses can be found at:

<http://www.unimelb.edu.au/lanad/infopages/resources/sl/index.html>

A list of recommended software and the levels of support for it by the Information Division can be found at:

<http://www.infodiv.unimelb.edu.au/itpp/5.html#5.1.2>.

Before acquiring software please consult the above as this may prevent unnecessary expenditure.

3.2 Further Information

It should be noted that Freeware and Shareware may also have licensing conditions attached. Generally, the right to use such software is free but charges may be made for the media it comes on, distribution costs, or documentation. In many cases such software may be used for free, passed on to others etc but it may not be used for incorporating into packages or systems, which will be sold commercially or used for commercial purposes. In the case of shareware, a fee is sometimes required if the software is used beyond an evaluation period.

For further information about the legal conditions as they apply to software copyright in Australia the Business Software Association of Australia (BSAA) web site, is an excellent source of information. It is at:

<http://www.bsaa.com.au/home/index.cfm?subID=1>

3.3 In the event of a software audit by the BSAA (Business Software Association of Australia) or the auditor general, the University would be required to show proof of acquisition and licensing conditions for any software on University premises. Departments must at a minimum maintain a register of all software acquired with University funds or licensed through the University. It is recommended that the following minimum information be kept:

- Name of Software
- How acquired (ie Purchased through University or acquired/funded through other source)
- Date acquired.
- Person acquiring software
- License Number (if applicable)
- Cost of acquisition
- Type of License (ie Single Use, Named Users, Concurrent Users etc.)
- Number of copies (or users etc.)

3.4 A suspected breach of software licensing should in the first instance be brought to the attention of the person suspected of breaching the licensing. If no action is taken to rectify the situation the Head of Department (or nominee) must be made aware of the breach as soon as practicable.

If the situation is not satisfactorily resolved or there is uncertainty as to whether it is a breach of the licensing condition advise should be sought from either:

The University Compliance Officer
The University Solicitor
or the Vice-Principal (Information) or delegate.

3.5 Reporting Software Compliance

3.5.1 Heads of Department or Heads of Division will be required to certify that reasonable measures and processes are in place to ensure that:

- (a) Software licensed for use in their department or division is used only within the terms of the license; and that
- (b) Equipment managed by their department or division is not used in any way that would breach software copyright.

This will form part of the annual compliance certification.

3.5.2 Reasonable measures available to ensure software copyright compliance include:

- In places where computers are available for student use (eg computing labs), display of notices reminding staff and students that breach of software copyright is forbidden.

- Financial planning to ensure that funds are available for the software needed.
- Briefing new staff about University policy on software copyright during local induction.
- Instructing local IT staff (LITES) to not install software on computers without first ascertaining that a proper license is held.

3.6 The University has the right to inspect computing equipment owned by the University with the purpose of ensuring that all software on such equipment is being used in accordance with its licensing conditions.