



COPYRIGHT POLICY

Policy name	Copyright Policy	Version	1.0
Drafted by	Cameron Heyde Mark Seymour	Approved by board on	28/11/2018
Responsible person	Board	Scheduled review date	01/06/2019

INTRODUCTION

Southern Community Broadcasters Inc. (Southern FM) is responsible for managing its assets, including its intellectual assets, in a way that maximises their contribution to the goals of the organisation. Southern FM is also responsible not to encroach on other entities' rights and to prevent Copyright infringement where possible.

This Policy is not meant to be legal advice and a member or presenter should obtain their own legal advice if they are unsure as to whether copyright attaches to any material they intend to use in any association with the Southern FM name.

PURPOSE

The purpose of this policy is to clarify the status of material that is subject to copyright so as to remove any possible misunderstandings about ownership of copyright. The copyright policy of Southern FM is binding on all members and presenters.

POLICY

1. Broadcast of copyright material

- 1.1 Copyright in a radio broadcast will be owned by the broadcaster (Southern FM).
- 1.2 That being said, copyright of musical or other material or recordings used in a broadcast ('a performance') remain the property of the person who owns the copyright to that particular piece of material.
- 1.3 In all cases Southern FM presenters must have acquired permission of the copyright owner to use the performance before it is broadcast.
- 1.4 Presenters who use their own recordings of a performance must ensure that they have the necessary permission to play the performance BEFORE it is put to air. Failure to do so can result in both the presenter and Southern FM breaching copyright rules and incurring legal penalties.
- 1.5 For clarity, it can be assumed by presenters that Southern FM has permission to use all material that has been loaded in to RadioBOSS.
- 1.6 The usage of online services such as YouTube, Spotify, and iTunes to broadcast music on air is prohibited.
- 1.7 Southern FM is licensed by the Phonographic Performance Co of Australia (PPCA), the Australasian Performing Right Association (APRA) and Australasian Mechanical Copyright Owners Society (AMCOS), more commonly known as APRA-AMCOS. Southern FM has permission to broadcast material licensed by the PPCA and APRA-AMCOS.

2. Publication on Southern FM Social Media platforms

- 2.1 Southern FM retains copyright over any post published on the Southern FM website or any Southern FM Social Media platform by members and presenters in the course of their membership or in furtherance of a presenter's program. This includes Social Media channels related to Southern FM, that have been created by presenters, even though they may not directly be controlled by Southern FM Management. An example of this would be a Facebook page for a presenter's program.
- 2.2 Members and presenters using the Southern FM website or Southern FM Social Media platforms must not publish copyrighted material in posts unless they have obtained the necessary permission from the copyright owner.
- 2.3 Failure to obtain the necessary permission can result in both the presenter and Southern FM breaching copyright rules and incurring legal penalties.

3. Copyright notice

- 3.1 Members and presenters of Southern FM should ensure that every publication of Southern FM, including any books, newsletters, brochures, forms, reports and computer software contains the following statement:

© Southern Community Broadcasters Inc, Australia, [Year of creation of material]
- 3.2 This statement need not be included in normal business letters, invoices, or receipts.

4. Use of copyright material

- 4.1 Members and presenters of Southern FM are required to know and observe all applicable copyright laws and regulations.
- 4.2 Members and presenters of Southern FM may use copyright material belonging to or licensed to Southern FM only for the purposes of their work for Southern FM. Where the material is used by Southern FM under licence, members and presenters must act in accordance with that licence.
- 4.3 Members and presenters of Southern FM must not reproduce, publish, distribute or adapt third party copyright material for any purpose connected with Southern FM without the authorisation of the copyright owner.
- 4.4 Members and presenters must not download or reproduce text, videos, images, photographs, illustrations or similar found on the internet without authorisation of the copyright owner.
- 4.5 All non-generic images, illustrations or similar must be sourced from and with the consent of the creator. Generic images can be obtained from a stock image supplier (e.g. Shutterstock or iStockphoto).
- 4.6 When reproducing or otherwise using third party copyright material, you cannot assume that just because it is on the internet that it is free for you or anybody else to copy and use. This includes images on Facebook or photo sharing websites such as Flickr. Acknowledgement of the source of the material does not overcome the need for authorisation. Actual authorisation is still required.
- 4.7 If a member or presenter intends to use a text, video, image, photograph, illustration or similar found on the internet that requires authorisation by the copyright holder in a broadcast, social media post or any other manner connected to Southern FM, the member or presenter must confirm authorisation of the use of the text, video, image, photograph, illustration or similar by email with a Southern FM Board member prior to the use of the text, video, image, photograph, illustration or similar in the broadcast, social media post or any other manner connected to Southern FM.

5. Copyright of Southern FM materials

- 5.1 All materials produced by or on behalf of Southern FM are subject to copyright. Permission to reproduce such materials depends on the category into which they fall.
- 5.2 All materials produced by or on behalf of Southern FM will be classified by the Board into one of the following classes:
 - 5.2.1 Materials that are copyright and that cannot be reproduced by any process other than for the purposes of and subject to the provisions of the Copyright Act and any licensing agreement between the user and Southern FM.
 - 5.2.2 Materials that are copyright and that may nonetheless be circulated and/or reproduced as long as any reproduction features specified credits and disclaimers.
 - 5.2.3 Materials that are copyright and that may nonetheless be reproduced without conditions.
 - 5.2.4 Materials that are not copyright.

6. Moral rights

6.1 Where it is reasonable to do so, members and presenters of Southern FM should ensure that when reproducing any written material, photograph or illustration:

6.1.1 the creator should be acknowledged where it is appropriate to do so.

6.1.2 a person should not be falsely attributed as the creator unless it is reasonable to do so.

7. Assigning of copyright to Southern FM

7.1 Members and presenters may be asked to sign additional documents vesting or assigning copyright to Southern FM where that material was created by the member or presenter using Southern FM resources.

8. Disputes

8.1 Any dispute between Southern FM and its members or between members of Southern FM regarding issues of copyright ownership shall be determined by Southern FM's dispute resolution procedures as outlined in section 8 of the Constitution.

9. Breach of this Policy

9.1 A member or presenter who has been found by the Southern FM Board to have breached this Copyright policy will be deemed to have engaged in conduct unbecoming a member or prejudicial to the interests of Southern FM and will be disciplined in accordance with section 7 of the Constitution.

AUTHORISATION

Approved by the Board of Management

28/11/2018

Southern Community Broadcasters Inc.