Copyright Policy

Policy Scope

Kaplan Australia and New Zealand Group (hereby referred to as 'Kaplan') is committed to maintaining the highest standards of copyright compliance to protect its legal, operational, and reputational interests. Accordingly, the Copyright Policy outlines the principles and obligations in the appropriate use, reproduction, adaptation, and communication of third-party material across all forms of publication, including digital, online, and print.

The policy applies to all Kaplan staff, contractors, students, and any individuals acting on behalf of, or in connection with, Kaplan

Compliance with this policy is mandatory. The misuse of third-party material can expose both Kaplan and individuals to legal liability. All users are personally responsible for ensuring they comply with copyright obligations when using third-party material.

This policy does not restrict Kaplan's use of content for which it is the copyright owner.

Purpose

This policy serves to:

- Clearly define copyright compliance obligations for all Kaplan employees, contractors, and students.
- Mandate compliance with copyright laws and licensing agreements and minimize the legal and reputational risks that follow from copyright non-compliance.
- Recognise and respect the rights of copyright owners and the Moral Rights of creators (except where contractual exceptions apply).
- Encourage the lawful and responsible use of third-party material in educational content, course delivery and administration.
- Support accessibility and inclusion by enabling the appropriate use of content for individuals with disabilities, consistent with legal provisions.

Definitions

The following definitions are applicable to this Policy.

Kaplan Australia and New Zealand Group means Kaplan Australia Holdings Pty Ltd ACN 117 261 980 and its Subsidiaries (as defined in section 9 of the *Corporations Act 2001 (Cth).*

Copyright holders are the legal entity or person who holds the exclusive rights to use, distribute, reproduce, and license a copyrighted work.

Copyright Infringement occurs when a person or entity uses third-party material in a way that is not otherwise permitted under a copyright licence, statutory licence, copyright exception or permission from the copyright holder.

Copyright Legislation means the *Copyright Act 1968 (Cth)* or *Copyright Act 1994 (NZ)* or both, as the context requires, and any replacement legislation from time to time and the common law pertaining to copyright.

Copyright Officer means the person appointed by Kaplan who is responsible for administering, monitoring, and ensuring compliance with the Copyright Policy and Framework. Contact to this individual can be made via email: copyright@kaplan.edu.au

Educational Purposes refers to the reproduction (copying) and communication (making content available online) of third-party material for one or more of the following purposes:

- Teaching students as part of a course of study under one of the Kaplan institutions
- Retaining a copy within the Kaplan Library for use as a teaching resource.
- Assisting in the administration of students and courses.

Moral Rights are legislative responsibilities to attribute authorship and protect the reputation of the original creator(s) and the integrity of their work. This protection continues to apply even after the creator has assigned copyright to another party.

Disability, in context of the copyright legislation, refers to any person who has an impairment that causes them difficulty in reading, viewing, hearing or comprehending copyright material in a particular form. In practice, this includes anyone with a disability as defined in the *Disability Discrimination Act 1992 (Cth)*.

Take Down Notice, a notice received alleging the availability of material on Kaplan's system may be in breach of copyright.

Commercial Activities include, but are not limited to:

- Selling products or services that incorporate third-party copyright protected works (e.g. images, music, text)
- Using copyrighted content in advertising, promotions, or marketing
- Public performances, broadcasts, or displays for paying audience or customers.
- Licensing or sub-licensing third-party content to others.

Policy Principles

1. Copyright law and the use of third-party material

Kaplan strives to comply with all applicable laws, including copyright law, and seeks to provide users with consistent high-quality experience when engaging with our content. The sections below detail the requirements to meet these obligations:

1.1 Kaplan asserts ownership of all original material created by employees in the course of their employment and by contractors in the course of and during their engagement, unless a specific written agreement states otherwise.

1.2 Kaplan invests substantial resources in developing its own content. Any external use – such as reuse, adaption, or creation of derivative works – of Kaplan-owned content for purposes outside of the organisation requires prior written consent. Users must contact the Copyright Officer to seek approval.

1.3 All users must respect and uphold the Moral Rights of creators in all academic and professional activities. This includes proper attribution unless otherwise contractually agreed between Kaplan and the creator.

1.4 Registration is not required for copyright protection. Do not assume that materials without © symbol or copyright notice are available for use without permission. Assume that the work is protected by copyright and follow the procedures for obtaining permission.

1.5 Payment of a licence fee does not give Kaplan ownership of the content. Kaplan only obtains the rights specifically described and granted in the licence. Unless the licence explicitly permits adaptation or the creation of derivative works, you should assume that these uses are not permitted.

1.6 Do not assume that content found on the internet or social media is free to use. Public availability does not mean this content can be copied, shared, adapted, or reused without permission from the copyright holder.

1.6.1 Providing an external hyperlink is generally allowed. Users are responsible for checking that they do not link to sites that clearly contain material that has been uploaded without the permission of the copyright holder.

1.6.2 Embedding content (e.g. videos, documents, images), including use of iFrames or inline linking, is not permitted without explicit permission from the copyright holder.

1.7 Kaplan recognises the growing relevance of generative artificial intelligence (referred to as 'AI') in academic and professional contexts. Users are responsible for remaining informed about evolving Kaplan policies and legal developments relating to the use of AI.

1.7.1 **Use of copyright protected works in AI tools:** Under no circumstances may third-party material, including content licensed through the Kaplan Library be uploaded, ingested, or otherwise provided to AI tools without approval from the Copyright Office, unless you have permission in writing from the copyright holder for this use. Doing so may constitute a breach of both copyright law and the licence agreements that Kaplan holds with content providers.

1.8 Kaplan recognises that certain third-party material may be used for Educational Purposes by eligible educational institutions, specifically in the context of curriculum development and delivery. For further details, refer to section 2: Using third-party material for 'Educational Purposes'.

1.8.1 The educational exceptions discussed in section 2 **should not** be relied on for the creation of content or activities related to Kaplan's commercial educational products. Examples include:

- Public marketing or promotional materials (e.g. brochures, videos, social media posts using third-party material.
- Commercial training or fee-payment short courses not formally accredited or offered as part of an award course.
- Distribution of course materials to individuals not enrolled in the course (e.g. alumni or external partners.
- Internal staff training or development that is not part of an accredited course.
- Conferences or public seminars where access is not limited to enrolled students or staff.

1.8.2 In all such cases, written permission from the copyright holder must be obtained, or an appropriate commercial licence must be secured on Kaplan's behalf before using third-party material.

1.9 Kaplan expects all staff, contractors, and students to comply with these legal requirements. Unauthorised use of third-party material is strictly prohibited; and breaches of this policy may lead to disciplinary action (refer to section 5 "Dealing with Alleged Breaches of Copyright").

2. Using copyright material for 'Educational Purposes'

Kaplan recognises the value of using third-party material to enhance teaching and learning. Before creating or distributing teaching material containing third-party material you must ensure that at least one of the following applies:

- The statutory licence for educational institutions which applies to the use of third-party material for Educational Purposes provided that the conditions set out in the Copyright Act are complied with -
    - Section *113P of Copyright Act (cth) 1968,* and
    - Section *44-54 of the Copyright Act (NZ) 1994.*
- Relevant exceptions contained in the Copyright Act, including (e.g. "Fair dealing for the purpose of access by persons with a disability" and "Use of copyright material by organisation assisting persons with a disability").
- Contractual agreements (e.g. institutional subscriptions and licences).
- Open access licences (e.g. Creative Commons licences)
- Written permission from the copyright holder.

2.1 All third-party material must be used in a manner that complies with applicable copyright legislation and licensing conditions.

2.2 Where a license, agreement, or copyright exception cannot be applied, written permission from the copyright holder (or relevant collective management organisation) must be obtained.

2.3 Any third-party material included in Kaplan created content must comply with this policy.

2.4 Kaplan maintains systems and processes to ensure copyright compliance, particularly within Kaplan-hosted digital platforms. This includes:

- Central oversight of online and digital content used in teaching,
- Routine audits to ensure compliance with copyright law and contractual conditions.

2.5 Kaplan also acknowledges that external agencies (e.g. collective management organisation) may conduct 'sampling surveys' under the statutory licence from time to time. All staff, contractors, and students are required to fully cooperate during these activities.

2.6 Kaplan is committed to providing equitable access to educational materials for all users, including those with disabilities. In accordance with copyright legislation, specific provisions allow for the creation of accessible form copies of third-party material under certain conditions.

3. Using copyright material in commercial activities

The use of third-party material in commercial activities requires careful consideration.

3.1 The fair dealing exceptions generally do not apply to commercial uses.

3.2 All third-party material used in customer-facing, revenue-generating, or branded materials must be appropriately licensed or otherwise have explicit written permission.

3.3 Where Kaplan licenses content or sells any assets containing third-party material, Kaplan must ensure that it is permitted under the agreement with the copyright holder. Kaplan must retain all permission documentation for future validation or resale of licensed material.

4. Seeking permission to use third party material

Where the use of third-party material is not covered by a Kaplan issued licence or agreement, users must obtain express written permission from the copyright holder before using the material.

4.1 Permission must be documented in writing – this may be a formal contract or an email from the copyright holder clearly granting specific consent. Verbal permission is not acceptable and must not be relied upon.

4.2 It must not be assumed that permission allows use in future editions or across formats/platforms; adaptation or creation of derivative works; embedding in new content or rebranding. Any expanded or renewed use must be covered by additional explicit permission. Time-limited licences must be monitored and renewed or removed accordingly.

4.3 It is the responsibility of an individual or team seeking permission to ensure that appropriate records are maintained in accordance with the Kaplan Copyright Framework.

4.4 All permission documentation must be retained indefinitely for legal and operational reference. These records are required to:

- Demonstrate compliance in the event of a legal challenge.
- Facilitate renewal or reuse requests.
- Support future licensing or resale of Kaplan's intellectual assets.

4.5 If there is any uncertainty about whether permission is required, users must consult with the Copyright Officer before proceeding, and refrain from using the material until approval or confirmation is received.

5. Dealing with alleged breaches of copyright

Kaplan takes all allegations of copyright infringement seriously and is committed to responding to concerns promptly, fairly, and in accordance with copyright legislation. Where breaches are substantiated, Kaplan may take remedial action including removing or replacing content, updating licences, or engaging with rights holders to resolve the issue.

5.1 All allegations of copyright infringement must be reported to the Copyright Officer.

5.2 Upon receipt of external Take-Down Notice, Kaplan will conduct a preliminary review to determine:

- Whether the use of the third-party material is permitted under a statutory licence, contractual agreement, or copyright exception.
- Whether there is reasonable evidence of copyright infringement.
- Whether the material presents a legal, reputation, or financial risk to Kaplan.

5.3 If it is determined that there is sufficient evidence of potential infringement, Kaplan will take appropriate corrective or remedial action, which may include:

- Temporary or permanent removal of the material.
- Obtaining retroactive permissions or licensing.
- Notifying affected parties.
- Initiating internal disciplinary processes.

5.4 Unauthorised use of third-party material – whether intentional or accidental – may lead to disciplinary or legal consequences, depending on the severity of the breach and the role of the user. Copyright breaches by students may be referred to the Academic Integrity and Misconduct Committee or equivalent investigative body.

6. Governance and compliance monitoring

Kaplan will maintain a centralised copyright compliance system to assist in ensuring full compliance with its copyright obligations.

6.1 Responsibility for copyright is centralised within the Kaplan Library team, with oversight provided by the designated Copyright Officer.

6.2 The Library team, on behalf of the Copyright Officer, will conduct regular compliance monitoring, including:

- Internal audits: formal assessment of how copyright obligations are met across Kaplan's operations, including the identification of risks or breaches.
- Periodic reviews: Evaluation of processes, systems, and resources used to support copyright compliance.

Findings from these activities will be reported to senior management, and any required corrective actions will be coordinated with the relevant institution.

6.3 Kaplan will provide all users with access to training, guidance, and resources to assist them in understanding their responsibilities under this policy and copyright legislation.

6.4 All authorised users of Kaplan systems, networks, and equipment must ensure they do not use these resources in any way that infringes copyright. More information about appropriate system uses and consequences for breach is available in the Kaplan IT Acceptable Use Policy.

Complaints and Appeals

Students who are dissatisfied with the application of this Policy, or who wish to appeal a decision made by Kaplan, may refer to the School's Grievances, Complaints and Appeals Handling Policy (available on the School's website) for information regarding their options.

Enquiries

For advice regarding Copyright, please contact the local Kaplan Copyright Officer or Disability Liaison Officer assigned by your School.

Relevant Legislation

As a registered education provider, Kaplan operates under strict laws and regulations. Policies and procedures are in place to ensure compliance with such laws. Below, please find the most relevant legislation which apply to this policy:

- Copyright Act 1968 (Cth)
- Copyright Act 1994 (NZ)
- Disability Discrimination Act 1992 (Cth)
- Disability Standards for Education 2005

Related Policies

This Policy should be read in conjunction with the following Kaplan policies available on the Company's Intranet) and/or School websites:

- Academic Freedom Policy
- Academic Integrity and Conduct Policy
- Course and Subject Development and Review Policy
- Electronic Media Policy
- Diversity, Inclusion and Equity Policy
- Learning Facilities and Resources Policy
- Student Misconduct Policy (RTO).

In addition, this Policy relates to the following internal documents which can be found on Kaplan's Intranet.

- Kaplan Code of Conduct
- Kaplan Copyright Framework
- Kaplan Copyright Guidelines
- Kaplan IT Acceptable Use Policy.

Version Control and Accountable Officers

It is the joint responsibility of the Implementation Officer and Responsible Officers to ensure compliance with this Policy.

Policy Category	Legal
Responsible Officer	Vice President, Academic
Implementation Officers	Academic Dean (KBS, KHE-KP), General Manager Teaching and Learning (Kaplan Professional), College Directors (Pathways)
Review Date	December 2027

Endorsed by:	**Approved by:**
Academic Board	Corporate Board

Version	**Authored by**	**Brief Description of the changes**	**Date Approved**	**Effective Date**
2.1	Quality, Regulations and Standards Team	Addition of New Zealand entity and New Zealand legislation. Brought to Policy Committee for approval to add NZ. Added new policy template.	02.12.2020	9.12.2020
2.2	Quality, Regulations and Standards Team	Updated provider category to *Institute of Higher Education.* Removal of references to MIT. Updated role titles.	N/A	13/07/2021
3.0	Quality, Regulations and Standards Team & Legal	Full review of policy as per the policy review cycle. Clarifications & Refinements: • Enhanced definitions and terminology for clarity. • Refined scope and purpose statements to better reflect the policy's intent. AI and Copyright: • New section acknowledging the use of generative AI, with an emphasis on compliance with copyright laws. Compliance & Accessibility Updates: • Expanded information on accessibility provisions for individuals with disabilities, ensuring compliance with disability-related copyright laws. • Strengthened compliance measures, including internal audits, periodic reviews, and sampling procedures. Disciplinary Actions & Policy Enforcement: • Further details on handling copyright breaches, including internal procedures and potential legal consequences.	08/07/2025	25/07/2025