

Website Content & Discussion Forums: Conditions of Use



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Person responsible	Marie Malica	Scheduled review date	October 2021

Introduction

These Terms and Conditions establish COSA's expectations and requirements for appropriate content by users when contributing to or participating in members' only areas including Discussion Forums via COSA's website at www.cosa.org.au.

Purpose

The purpose of this document is to state the content that is **not** considered appropriate for use and publication on COSA's website at www.cosa.org.au. This document does not provide a comprehensive legal review of the topics outlined below and should not be treated as legal advice.

Terms of Use

In making any contribution to or using COSA's website, you agree that you will not seek to transmit content or take actions that are defamatory, unlawful, indecent or otherwise inappropriate.

If COSA has any concerns about the content that is transmitted or otherwise intended to be made available on COSA's website, it may remove from or refuse to post that content to COSA's website, or suspend, restrict or terminate your access to all or any part of the COSA's website without giving any reason.

In particular you agree not to use COSA's website to:

- a) transmit any content that is abusive, harassing, obscene, defamatory (see below for further information) or is otherwise offensive
- b) infringes the copyright of any person (see below for further information)
- c) transmit any content to invade the personal privacy of any other person or groups and not to include any personal information (such as names, private addresses or phone numbers)
- d) collect or store personal data about other users of COSA's website that is of a personal nature
- e) Impersonate any person or entity, or falsely state or misrepresent your affiliation with a person or entity

- f) abuse, harass, stalk, threaten or otherwise violate the legal rights of others
- g) harm minors in any way
- h) transmit any unsolicited content or advertising, including, but not limited to junk mail, surveys, pyramid schemes and chain letters
- i) transmit content that is unrelated to cancer
- j) transmit pornographic content, including links to other sites containing pornographic material
- k) transmit advertisements for personal or commercial uses including for sale advertisements, chain letters and other websites
- l) transmit content designed to bypass the language censors
- m) transmit or use offensive language, including:
 - obscene or explicit language
 - language that discriminates – whether as to sex, race, religion, ethnicity, age or disability
 - language that intimidates, threatens or harasses other users
 - language that insults, mocks or antagonises other users
- n) use general disruption techniques, including:
 - blank postings
 - hard to read/over-sized text
 - forcing a user to scroll horizontally to read text
 - flooding a Discussion Forum with multiple posts.

“Transmit” means post, upload, email, distribute or disseminate.

“Content” includes information and material in any form.

Further Explanation

To assist users to understand some of the concepts, we provide the following information which is provided as a general guide, is not legal advice and may not be comprehensive or up to date.

1. Defamation

What is defamation?

In the context of Discussion Forum, defamation could be in the form of posts that include text or uploads/links to images or other media, that attempt (for example) to:

- lower the reputation of someone in the eyes of the general public
- cause others to shun or avoid that person
- expose the person to hatred, contempt or ridicule.

Defamatory imputations may arise directly from:

- Words or implied words for example from “reading between the lines”
- Words/material in conjunction with facts extrinsic to the matter (facts which are generally known).

How is someone likely to be defamed?

Posts or uploads most likely to be defamatory make negative comments relating to:

- a person's skill
- the private lives of persons
- the private lives of other users of the Discussion Forums.

Content may be defamatory even if prefaced by "it is alleged that," "rumour has it that" or if the user did not intend to defame and/or intended to "amuse". Any content that may be defamatory will be removed.

2. Copyright

What is copyright?

Copyright is a right that comes into existence automatically when a person creates an original work. Copyright gives the creator the exclusive right to exploit their work, whether through the sale, hire, publishing, reproduction or other distribution. The creator has the right to control distribution of the work, prevent the unauthorised exploitation of the work and the right to take legal action to prevent such unauthorised exploitation. Protection not only covers the entire work but also applies to segments. It generally lasts for 70 years after the death of the creator.

What types of work are covered by copyright?

- Original literary works (novels, computer programs, lyrics for songs, articles in newspapers)
- Original artistic works (paintings, photographs, sheet music, technical drawings, maps and logos)
- Sound recordings in any medium (including MP3 format)
- Film recordings (videos, DVD's and digital copies).

Examples of potential breaches by Discussion Forum users

- Copying the text of a copyright protected newspaper or magazine article into a post
- Copying a photograph, map or logo into a post
- Providing a link post to copyright protected materials to enable other users' access and/or ability to download music, video or a computer program.

In particular, any message containing the word "download" may be reviewed and removed for potential infringement.

Exceptions

For the purposes of moderation there are two exceptions which may be permitted:

- the posting of a work that has been created by the user. For example, an article or excerpt created by a user that does not incorporate any material created by anyone else; and
- where a user posts a small quote. It would generally not be a breach for a Discussion Forum user to post the following: The Sydney Morning Herald reported yesterday that “cancer would be in decline by 2020.” It would, however, be a breach of copyright if the user copied a substantial portion of the article.

Responsibilities

All COSA staff, Board and Council members and Members will adhere to COSA’s Website Content & Discussion Forums: Conditions of Use Policy at all times.

All Members will also be asked as part of the membership and renewal process to confirm that they adhere to their terms of this Policy (as amended from time to time).

Related Documents

COSA Constitution

COSA Privacy Policy

Privacy Act 1988

Defamation Act 2005

Copyright Act 1968