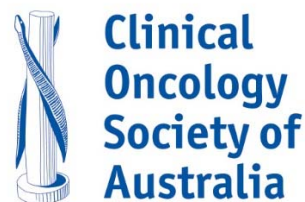


# Website Content & Discussion Forums: Conditions of Use



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Drafted by	Marie Malica	Date approved by Board	20 September 2013
Person responsible	Marie Malica	Scheduled review date	September 2015

## Introduction

Members must agree to these Terms and Conditions governing the use of content on the COSA website [www.cosa.org.au](http://www.cosa.org.au) and their participation in member's only areas including Discussion Forums via tick box on the Application form and Existing Member Renewal form.

## Purpose

The purpose of this document is to provide members with guidance on illegal and otherwise inappropriate or offensive material on the COSA website [www.cosa.org.au](http://www.cosa.org.au). This document does not provide a comprehensive legal review of the topics outlined below.

## Policy

The following should be taken as a general guide only.

### 1. Defamation

*What is defamation?*

In the context of Discussion Forum, defamation will be in the form of posts that may 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 as statements of fact (and not opinion) relating to:

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

Material 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 material that seeks to lower someone’s reputation in the eyes of the general public will be removed.

## **2. Copyright**

### *What is copyright?*

Copyright is a right that comes into presence 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 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.

Any potential breaches will be removed from the Discussion Forum. In particular, any message containing the word “download” will be reviewed for potential infringement.

### *Exceptions*

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

- the posting 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 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 the whole of the article.

### **3. Privacy**

*What are COSA's and its members' privacy obligations?*

Please refer to COSA's privacy policy.

*How might privacy be infringed using a Discussion Forum?*

Members publishing identifiable personal information about other people, including full names with an address or telephone number.

*Exceptions*

There will be no restrictions on users publishing their own email address.

### **4. Other content restrictions on the COSA Website including Discussion Forums**

*Topics unrelated to cancer*

*Pornographic material, including links to other sites containing pornographic material*

*Advertisements for personal or commercial uses including for sale adverts, chain letters and other websites Material designed to bypass the language censors*

*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.

*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.

*Exceptions*

Users may provide links to other relevant websites that may be of interest to users provided that they do not provide links to download copyright protected material – see above.

### **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.

### **Related Documents**

COSA Constitution

COSA Privacy Policy

Privacy Act 1988

Defamation Act 2005

Copyright Act 1968