This guide is written for Curtin University staff to provide general information on the use of copyright material in MOOCs.

What is a MOOC?

A MOOC is a Massive Open Online Course. Generally, the delivery of the course is freely available to the public and delivered online. MOOC providers, such as edX, are designed to engage large numbers of enrolled users and to facilitate learning by incorporating elements of social media.

When developing your MOOC, important questions to ask are:

1. **How ‘open’ is your MOOC? Is access open to the public, or restricted to Curtin students? Are students enrolled through the University or the MOOC provider?**
   If your MOOC is restricted to Curtin staff and students (and the students are fully enrolled through Student One), you can rely on the University Statutory Licences to provide access to copyright material through the course.

2. **Is your MOOC accessible beyond Curtin staff and students?**
   If you are developing a MOOC for the general public then you cannot rely on the University’s Statutory Licences to facilitate access to copyright material through the course.

How is use of Copyright Material different for MOOCs?

In a MOOC, access to copyright material cannot be provided through the University’s Statutory Licences if the course is available to the general public.

The Statutory Licences require that access is limited to Curtin staff and students only, for example, through use of an Intranet or Learning Management System such as Blackboard. The University pays annual fees for the Statutory Licences that are calculated on enrolment units and student FTEs. If we considered MOOC students in our FTEs, this would dramatically increase the fees for our Statutory Licences.

The University’s Copyright Procedures, require staff provide online access to copyright material through the Library’s Reading Lists service to ensure compliance with the University’s Copyright Agency Statutory Licence agreement. As MOOCs cannot rely on the Statutory Licences, Reading Lists cannot be used to provide access to learning materials for MOOC students.
The **Fair Dealing** exception in the Copyright Act, which permits copying a limited amount of material for the purposes of ‘research or study’ and ‘criticism or review’, is unlikely to apply to MOOCs due to the large scale use of the MOOC.

When using this exception, the purpose (‘research or study’ and ‘criticism or review’) is determined by the person dealing with the copyright work. For example, an instructor cannot post third party material on behalf of a student’s ‘research and study’. The exception may however be used by course participants who are evaluating a copyright work for ‘criticism or review’.

It is important to note that the country where the MOOC content is generated is subject to that country’s copyright law. Therefore MOOC content generated in Australia is subject to Australian copyright law.

**What Copyright Material can I use in my MOOC?**

Through your [Faculty Librarian](#), you can request help from Library staff in sourcing suitable material for use in your MOOC. You can provide access to:

1. **External links (URLs) to content.** By providing a link, you are not making a copy or reproducing the material. This also includes embedding links to online video services such as YouTube and Vimeo. Keep in mind:
   - You should not link to or embed links to material that is clearly an infringing copy (for example a clip of *Finding Nemo* that is not uploaded by Disney).
   - You cannot link to resources that are available through the Library Catalogue or Databases A to Z. These links are customised for our authorised Curtin staff and students only, and will not be accessible to the general public.
   - There may be potential access issues for users in specific countries, for example Chinese students are unable to access YouTube.
   - There may be accessibility concerns for visually impaired students who require use of assistive technologies to access the content.

2. **University-owned content**, i.e. publications where Curtin University own the copyright. Make sure the copyright is definitely held by Curtin University and not held by an individual author or held by joint authors/institutions.

3. **Content with open licensing**, for example a [Creative Commons](#) licence. Check the open licensing terms and abide by these in your use of open resources. For example, if using a Creative Commons CC BY-NC you must credit the copyright owner and use the material for non-commercial purposes.
Examples of open licensing content:

- Creative Commons Search (http://search.creativecommons.org/)
- OER (http://www.oercommons.org/)
- Smithsonian Institution Collections Search Center (http://collections.si.edu/search/)
- Internet Archive Moving Image Archive (http://www.archive.org/details/movies/)

4. **Out of copyright, or public domain, material.** Keep in mind, copyright duration may differ between countries and some public domain material is subject to Creative Commons licensing (for example where a specific institution has digitised the primary source material).

Examples of Public domain content:

- Project Gutenberg ebooks (http://www.gutenberg.org/)
- Europeana (http://europeana.eu/portal/)
- Wikimedia Commons (http://commons.wikimedia.org/wiki/Main_Page)
- Flickr: The Commons (http://www.flickr.com/commons)

5. **Obtaining permission to use copyright material.** If there is no visible licence on material that indicates permission to re-use, contact the rights holder and obtain permission in writing. Permission via email correspondence is acceptable. Make sure you retain a copy of the permission.

To be transparent with your use of the material, you could note in the first page of the material that it has been reproduced with permission and in the last page of the material include a copy of the permission itself. Ensure the copy of the permission has any sensitive or personal information removed.

The University does not negotiate commercial licences with publishers and copyright holders which require the University to pay to provide access to content through MOOCs.

**Protecting Your Copyright as a MOOC Developer**

When developing your MOOC, there should be a contract between the University, instructor(s) and/or the MOOC provider. This contract will specify who owns the course materials. The contract may require that you licence or assign your copyright in the course materials to the MOOC provider.

Before formalising any agreement, consider the conditions you want to attach to the course materials you create. Perhaps the course materials can be made available as an open access resource, enabling other educators to use them?
Further information

The Copyright at Curtin website (http://copyright.curtin.edu.au) has detailed information on the Statutory Licences, the Fair Dealing exception and additional resources.

The Australian Copyright Council has a large number of information sheets covering a range of Copyright issues (http://www.copyright.org.au).

If you want to discuss your specific situation or source open access resources for your MOOC, please contact the University Copyright Team or your appropriate Faculty Librarian.

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Copyright Compliance Officer
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