

This guide is written for Curtin University staff and students and provides general information on how to use images and videos for teaching and research purposes, while ensuring compliance to Copyright legislation.

## Images



Under Copyright legislation, images are considered “artistic works” and include cartoons, drawings and photographs. This definition does not include moving images or animations.

Under the ‘**Fair Dealing**’ provisions, you can copy an image in its entirety for the purposes of ‘research or study’ or ‘criticism or review’. You are limited to a single copy unless multiple copies are required for the purposes of ‘criticism or review’.

Curtin University participates in the **Statutory Licence** Part VB which permits staff and students to copy and communicate all or part of an artistic work in electronic form. If the artistic work is in hardcopy form, you may copy all or part of the image if:

- It accompanies or illustrates an extract of text material that you are copying within the Part VB licence limits of 1 chapter or 10% of a book and 1 article per journal issue.
- Is not separately published. If published, you may only copy the artwork if a new copy cannot be obtained within a reasonable time or at an ordinary commercial price.

Under Statutory Licence Part VB, images may be incorporated into lectures and teaching materials. Any online communication must be restricted to Curtin staff and students via a password protected Intranet such as Blackboard. The online communication must include the Part VB copyright warning notice with or immediately before each image, so students encounter the notice before viewing the image. Advice on placement of the warning notice is available at [http://copyright.curtin.edu.au/teaching/notices\\_and\\_labels.cfm](http://copyright.curtin.edu.au/teaching/notices_and_labels.cfm).

Part VB does not permit you to post images to a publicly accessible website or include them in a commercial publication. For these uses you will need to seek permission from the copyright owner.

## Video



Videos generally include multiple types of copyright material. Aside from the footage itself, there may be separate copyright owners for the recording of the soundtrack, the music and the screenplay.

Under **'Fair Dealing'**, you may copy a video for the purposes of 'research or study' or 'criticism or review' depending on how much you want to copy and whether a copy is commercially available. An example of 'research or study' may be a student making a compilation of excerpts from movies as part of an assignment. An example of 'criticism or review' may be an individual taking an extract from a video to do a film review. It is not 'fair dealing' to copy an entire film if it is commercially available.

Under **'Flexible use'** provisions in the Act (section 200AB) you may be permitted to copy 'for the purpose of giving educational instruction'. Examples may include compiling excerpts to create an educational resource that is not commercially available, or converting an outdated format into a more useful digital format for teaching (e.g. from video to a digital file). Aside from the purpose of educational instruction, copying under these provisions also require you fulfil the following criteria: the circumstances amount to a special case; the use must not conflict with a normal exploitation of the work; and the use must not unreasonably prejudice the legitimate interests of the copyright owner. The legal position regarding the application of the 'Flexible use' provisions is uncertain, so staff are advised to contact the Copyright Officer for advice before making copies.

It is important to note that you cannot remove or circumvent a **TPM**, or Technological Protection Measure, from copyright material, even if you fulfil the criteria for a copyright exception to make a copy. Copyright owners are entitled to take legal action if TPMs are removed without permission. An example would be to use a program to remove CSS (Content Scrambling System) protection from a DVD.

**Screening** in a live, classroom situation is permitted in the Act for the purposes of not-for-profit educational instruction and if restricted to Curtin staff and students. This does not permit you to copy the item to communicate it. The screening may not be captured in an iLecture as the material will be communicated online. It is advisable to pause the iLecture while the video is playing or to edit it out of the recording. For screening outside of class, you will need a licence if: screening for a purpose other than educational instruction; if the instruction is given for profit; and/or the audience include people who are not Curtin staff and students.

**Broadcast TV programs** can be copied and communicated in their entirety for educational purposes under the Statutory Licence Part VA. The program can be in any format and loaded into Blackboard but access must be restricted to Curtin staff and students and for educational purposes only. The program must be from a broadcast, i.e. it cannot be a purchased, rented or borrowed DVD or digital download. Part VA covers cable, satellite and broadcast services only where the program is made available by the broadcaster without payment. The online communication must include the Part VA copyright warning notice with or immediately before the video image, so students encounter the notice before viewing. Advice on placement of the warning notice is available at [http://copyright.curtin.edu.au/teaching/notices\\_and\\_labels.cfm](http://copyright.curtin.edu.au/teaching/notices_and_labels.cfm). In addition, where an analogue recording is made there are specific labelling requirements.

**Commercial Videos** will require permission to copy unless a specific exception applies. If the video has terms and condition attached, you must abide by these.

**Online videos accessed via the Library website** are governed by licence agreements that generally permit copying content for non-commercial and educational purposes. For example, the database Kanopy has a large catalogue of films and documentaries available for video streaming online. The Library has created a LibGuide on the use of Video Streaming resources for teaching at: <http://libguides.library.curtin.edu.au/content.php?pid=176410>

**YouTube** has specific Terms of Use that you must abide by. The Terms of Use do not permit you to download or reproduce a video however you can provide or embed a link through the normal functionality of the service, e.g. through the video playback facility or the embeddable player. There are no issues with screening a YouTube video in a live lecture or tutorial situation. However if you record the lecture and place it on Blackboard you are reproducing the video online and this is not permitted in the YouTube Terms of Use. As an alternative you can pause the iLecture while you play the video or edit it out of the iLecture video. The link to the video can be provided to students through Blackboard. Ensure you acknowledge the source appropriately and you do not link to infringing material. Remember not all students can access YouTube depending on where they are located so it may not always be suitable for use in teaching.

## **Images and Videos from Websites and Social Media**

Whole websites are not protected by copyright. Its component parts (video, text, artwork, images, logos, source code, etc.) may be protected by copyright. Although an image or video is freely available online, this does not necessarily mean it is free to use and reproduce. If the material is an infringing copy, you risk further infringement by downloading and/or linking to a copy.

When accessing the website, ensure you abide by any Terms of Use specified. Websites may give explicit or implied permission to use or copy material. Explicit permission is where there is a statement on the website saying you can do certain things with the content. An example would be use of a Creative Commons licence. Implied permission is where permission is not spelled out but the website suggests you may reuse content. For example, icons for a 'printer friendly version' or to 'share' content on social media.

On Social Media, users own copyright in material they post or create. Providers of online social media services such as Facebook will have a limited licence to use content contributed by users. It is generally okay to 'share' content using social media however keep in mind you should acknowledge the source of the content and avoid providing links to infringing content.

## When you do not need to seek permission to use copyright material



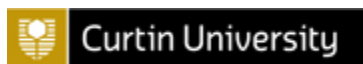
If you are unsure of whether or not you are permitted to reproduce copyright material, **links to websites** are a good alternative. As you are linking to the resource and not reproducing it, you will not infringe copyright. However, keep in mind you should not link to infringing material as you can be seen to be authorising the infringement by providing access to the content. Also remember to adequately cite the source of the link.



**Out of copyright** works are in the public domain. This means the copyright has expired and you can copy the material without the copyright owner's permission. Duration of copyright varies depends on the type of material and when and where it was made. For more information refer to the Australian Copyright Council information sheet on Duration of Copyright at <http://www.copyright.org.au/find-an-answer/browse-by-a-z/>



Content available via a **Creative Commons** licence or other open licensing models have their Terms of Use attached and may be used in Blackboard. You will need to abide by the licence terms, for example attribution, non-commercial use, no derivative works, share alike, etc.



**Curtin Publications** may be copied without special permission as long as Curtin University definitely owns the copyright and the material is not considered 'confidential'. There are no limits to how much you can copy however access should be restricted to Curtin staff and students.

## 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/find-an-answer/browse-by-a-z/>).

If you want to discuss your specific situation, please contact your appropriate Faculty Librarian (<http://library.curtin.edu.au/about/organisational-structure/staff/faculty-librarians.cfm>) or the Copyright Officer (<http://copyright.curtin.edu.au/contact/>).

*Images reproduced in this guide have been sourced from various websites and their creators have made them available to the public under a Creative Commons CCO Public Domain/No Copyright licence.*

Amanda Bellenger  
Copyright Officer  
December 2014, updated March 2016