

Learning Management System (LMS): Your copyright responsibilities

La Trobe University staff have legal responsibilities with respect to copyright when using material within the LMS.

The 'when' question

When do I need to think about copyright in a teaching activity within the LMS? This can be answered by the 'what' question.

The 'what' question

Will any teaching activity material be uploaded to the LMS which I or the University did NOT create? If you answer 'yes' to this question, then you DO need to consider and think about copyright compliance.

The 'how' question

How do I ensure copyright compliance when uploading material to the LMS which I or the University did not create?

To ensure copyright compliance, any LMS material intended for use in a teaching activity that you or the University did not create must be used in reliance upon a licence or permission.

A licence or permission to use material may be allowed under one of the following:

Public Domain:

The **public domain** consists of all the creative works to which no exclusive intellectual property rights apply.

Those rights may have expired or been expressly waived or released.

A work in the public domain instantly gives you the licence to use that work in any way you choose for any purpose.

A good source of public domain material can be found at [Wikimedia Commons](#).

Express Licence:

An express licence is a licence that expressly sets out requirements that may allow you to use a work as intended without having to acquire direct permission from a copyright owner.

For example:

- Creative Commons ([more information](#))
- Terms and Conditions of a website
 - Examples of websites offering express licencing to use material:
 - [Pixabay](#)
 - [Pexels](#)
 - [Unsplash](#)
- Specific licence agreement

Direct Permission:

If the material intended to be used in an activity is not in the public domain or covered by the conditions of an express licence, then obtaining direct permission from a copyright owner will need to be considered.

University Copyright Permission Service:

A service is available to seek copyright permission on behalf of La Trobe University academic staff to use copyright protected material in a core teaching activity for a current University course. This might include using material in the University Learning Management System, University publications, web pages or events which relate to teaching current La Trobe University students.

[Access the Copyright Permission Service.](#)

Allowances under the Australian Copyright Act:

Educational Statutory Licence

An Educational Statutory Licence is available to Australian Universities to enable copying and communication for educational purposes (in both analogue and digital formats) of print and graphic material (books, journal articles, pictures, graphs etc) and audio-visual material (TV & radio off-air broadcasts).

More information and scenarios on how to use specific material in reliance upon the Educational Statutory Licence is available on our [Using copyright material webpage](#).

Attribution:

There is often a common practice of believing that attribution IS copyright permission.

In reality, attribution or referencing is generally an important **part** of permission requirements but is **NOT** a substitute for permission to use intellectual property owned by someone else.

Once you have permission to use material, you **must** credit the creator or copyright owner of the material you intend to use in your activity.

This will comply with the moral rights of the creator.

T.A.S.L (Try to include all the elements of this formula in your attribution statement)

Title (what)	(the name of the material)
Author (who)	(the creator of the material)
Source (where)	(the location where you acquired the material from)
Licence (how)	(the name of the licence you are relying on to use the material)

Even if the licence terms state that no attribution is required it is advisable that you DO include attribution as this will provide the end user with **what, who, where** and **how** answers to questions about the material.

Summary:

- Using material within the LMS to which you or the University did not create requires the reliance on a licence allowing you to use the material as intended followed by the inclusion of appropriate attribution.
- All requirements of the licence being relied upon must be complied with.
- A copyright infringement is an unintentional or deliberate act of using copyright protected material without permission or reliance on any licence allowing the intended use.
 - Please refer to our [Compliance webpage](#) for your responsibilities and reporting requirements of compliance breaches.
- If you are relying on the Educational Statutory Licence, then all the requirements stipulated under [these scenarios](#) must be complied with including reporting the use to the [University Online Copyright Database](#).
 - If you are not relying on the Educational Statutory License to use copyright protected material within the LMS then you are not required to submit a record of use to the University Online Copyright Database.

Further Information:

- [Copyright Hub](#)
- [Using third party material in teaching, learning and research activities](#)
- [Copyright Training Module](#)

Contact:

Please do not hesitate to contact the University Copyright Advisor if you have any questions:

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