

Copyright Information for La Trobe University (LTU) Academic Staff: Using third party material in teaching, learning and research activities

What you need to know about copyright

When using ANY third party copyright protected material (i.e. not created by LTU) in a teaching, learning and research activity you must be copyright compliant. Third party copyright protected material must be used in reliance upon a licence/permission **before** you proceed.

Referencing or attribution is an important element in using material. However, referencing or attributing the material **cannot** be used as a substitute for permission of its use. Referencing is usually an element of the permission or licence. It is this licence that allows you to use the material as intended.

Material used for an educational purpose does not imply that permission to use copyright protected material has been given.

Using material with permission or in reliance upon a licence and subsequently appropriately referencing the material is not covered by any University policy. It is covered and governed by copyright law.

Streaming content

The Copyright Act allows ANY copyright protected material to be shown in a classroom environment provided that the classroom environment is restricted to students and staff of La Trobe University or people directly associated with the course of instruction. 'Shown' means the allowance to play or stream content to the classroom environment in a 'live' scenario to an audience physically in the room or connected online.

However, the key element is **live** streaming or playing. If the playing or streaming of the copyright protected content is **recorded** to allow students to view the content at another time or download, then this activity will breach the rights of the copyright owner unless permission is acquired to allow that activity.

In summary, the streaming or playing of the content to ONLY students and staff of LTU is permissible and copyright compliant, but NOT the recording of that content during the playing or streaming activity, unless further permission from copyright owners is acquired.

If the lecture is being streamed **and** recorded, the lecture recording **must** be paused during the playing of any copyright protected material including both audio and video channels. Copyright protects both video and audio of any copyright protected material being shown.

The following strategy is recommended in using material:

1. Use the material in reliance upon an express licence in the *first* instance.
 - a. This means the source of the material comes with a licence expressly permitting you to use the material as intended without having to contact the copyright owner directly. (eg, Creative commons licence, Terms of Use of a website)
For example: A YouTube video is usually used under the 'standard YouTube licence' where embedding or linking codes are provided by YouTube to then insert into the relevant area of the teaching material.
 - i. YouTube content needs to be an authorised or legitimate video (i.e. placed online by the copyright owner or has permission to be hosted on YouTube by the copyright owner).
 - ii. Appropriate advice in selecting authorised YouTube content can be provided by the University Copyright Advisor.
 - iii. Using unauthorised YouTube content or any suspicious online content (i.e. infringing material) by linking to or embedding that material will be considered encouraging an infringement.
 - iv. Please note that any material being stated as 'freely downloadable' or 'open access' does not necessarily mean that it can be freely used as intended. It is still protected by Copyright and any terms of use or licence at the source of the material must be complied with.
 - b. If you are unsure what the source of the material you intend to use allows, please contact the University Copyright Advisor.
2. If an express licence is not available, you may want to consider using the Educational Statutory licence under the Copyright Act.

If the audience of this material is restricted to ONLY LTU staff and students, then the Statutory Licence could be relied upon for the intended use ONLY if:

- a. The amount copied and communicated does not exceed the allowable limits, AND
- b. The remunerable requirements are complied with.

These copying limits and remuneration requirements are described in scenarios available here: intranet.latrobe.edu.au/learning-and-teaching/teaching-practices/understanding-copyright
If you discover that a specific scenario is not listed to cover your intended use or material type contact the University Copyright Advisor.

NOTE: Complying with the statutory licence can be quite onerous and for this reason it is always recommended that you explore an express licence before considering this option.

Other considerations, including attribution

If the entire work is required OR an amount beyond the copying limits of the statutory licences is used AND/OR the potential audience of the material is open access, then copyright permission must be obtained to use the material or as allowed under the Copyright Act 1968.

NOTE: Generally, you are not permitted to extract, copy and communicate any parts of a commercially produced video or substantial amounts of print and graphic material for any purpose. You must have permission from the copyright owner, copyright has expired, or you are relying on a specific exception in the Copyright Act 1968.

However, if the use is not covered by one of the above reasons or by any other specific exception in the Copyright Act 1968, then you may be able to rely on a special case exception to copy and communicate material in certain circumstances. Contact the University Copyright Advisor for more information.

If the source of the material cannot be identified or is from a site that is not legitimate, then do NOT use the material and seek an alternative source OR alternative material.

Once you have complied with any licence conditions or have acquired permission to use the material, appropriate referencing must then be considered. Sometimes referencing conditions are described in the licence being relied upon or in a 'terms of use'.

Try to include all the elements of the following formula in the attribution if available.

T.A.S.L

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

If the licence terms state that no attribution is required, you should still include attribution. This will provide the end user with what, who, where and how answers to questions about the material.

Contact

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

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Available to chat via Zoom or Microsoft teams