Copyright in the Digital World

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The Digital Classroom

- Educators and students are online and mobile.
- They want to access and share content on the go at all times of the day in interesting and convenient ways.
- Mobile devices commonly in schools and TAFE include:
  - Laptops and Netbook computers
  - Digital readers such as the iPad and Kindle
  - iPods and MP3 players
  - Mobile phones

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Digital Content Repositories

- Many educational institutions are creating ***content repositories*** to feed content to online mobile users.
- A content repository is a digital space where content can be stored, accessed and shared amongst a group of people. This includes learning management systems such as Moodle, BlackBoard and ClickView, intranets, portals, wikis, blogs and media libraries.
- In most cases, access to these repositories is password protected.

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The Digital Classroom

The Australian Copyright Act contains:

A. Statutory Licences; and

B. Free Use Exceptions

which allow educational institutions to copy and communicate (email, make available online) material without having to seek the permission of the copyright owner.

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Snapshot Summary

Copied and Communicated Under

Type of Material	Part VB • Copying limits: 10% or 1 chapter of book, 10% of words on a website or CDRom. • Attach notice when communicate.	Part VA • No copying limits. • Can format shift. • Attach notice when communicate.	s.200AB • Limited format shifting rights. • You cannot buy it. • Only copy what you need.
Images or Print (digital and hardcopy format)	✔		
Off Air Television and Radio Broadcasts		✔	
Podcasts of free-to-air broadcasts (available on the broadcaster's website)		✔	
YouTube Videos			✔
DVDs and Videos Note: Most commercial DVDs are protected by ATPMs and cannot be copied because it illegal to circumvent an ATPM.			✔
Cassette Tapes and CDs			✔

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Copying from websites

- Anecdotal evidence suggests that educators are increasingly copying from the internet.
- Some educators mistakenly believe that material available on the internet is free of copyright. This is not true. Internet material is protected by copyright!
- Some websites are ‘free for education’ – this means that material on the website can be copied for educational purposes.
- Website terms and conditions will determine whether a website is ‘free for education’.

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Website Terms and Conditions

Terms and Conditions	*Not Free*	*Free*
Personal Use **Personal, non commercial** **Personal and non commercial**	✔	
Non-commercial use **Personal or non commercial**		✔
Use in your organisation		✔
Free copying		✔
Free for education		✔
© name and/or year and no terms of use	✔	
No copyright © name and/ or year or no terms and conditions	✔	
Copying not permitted	✔	
All Rights Reserved	✔	

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Current Copyright Obstacles

Current copyright framework:

- Imposes complex copying limits.
- Creates heavy cost and administrative burden on the education sector. Copying fees are growing exponentially and are likely to become unsustainable.
- Can be confusing and difficult to apply in a digital environment as it does not accommodate for new technologies.

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Complex and not well adapted to digital environment…

- There are copying and communication limits under the Part VB Licence:
  - 10% or one chapter of a book/ebook,10% of words on a website (?) or CD Rom
  - One article from a journal, more than one if on the same subject matter
  - Only 10% or one chapter of a book can be made available online at one time (simultaneous storage rule)
- Material copied and communicated under the Statutory Licences must contain the mandatory statutory notice.

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Smartcopying tips for the digital environment

Link to material whenever possible.

- Providing a link to material is not a copyright activity. This is because you are not actually copying the content, but rather providing a pathway to its location on another site.

Embed material whenever possible.

- Embedding is another type of linking. It involves copying the HTML code of the film, which is often displayed in a box near the film, and pasting it onto your website. The result of this is, rather than displaying the link, it will show a small screen of the film on your website.

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Smartcopying tips...

Access to material is limited to relevant educators and students only

- Once material is communicated to an entire school or jurisdiction, the risk of copyright infringement increases dramatically.
- Further, limiting access to material is an important cost management practice. Collecting societies administering the statutory licences believe that the value of content increases with the number of people who can access and view it.

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Smartcopying tips...

Material is flushed from the system regularly

- Material copied and communicated under the Statutory Licences is paid for again every 12 months. This is because another ‘communication’ of the material is deemed to have occurred.
- Flushing material from a repository that is no longer required for educational purposes is one practical way of managing the copyright costs.

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Smartcopying tips…

All material must be attributed.

- It is important that all material created and used by the school for educational purposes is properly attributed.
- This includes material that is photocopied and material that is copied digitally.
- Attribution information needs to include details of the copyright owner and author (if different), where the material was sourced from and when.
- Attributing material is important to ensure that original material created by a student, teacher or institution/jurisdiction or that has been licensed is removed from survey data and therefore is not paid for.

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Smartcopying tips...

Use Open Education, Free for Education and Creative Commons material possible.

- The copyright owner of this material has already given permission for the material to be used for educational purposes.
- As a result, this material is available for free!
- Depending on the terms of the licence, this material can also be modified and shared by teachers and students.

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What is OER?

- OER are teaching and learning materials that are freely available online for everyone to use, whether you are a teacher, student or self learner.
- OER includes worksheets, curriculum materials, lectures, homework assignments, quizzes, class activities, pedagogical materials, games and many more resources from around the world.
- OER is about creating repositories of material which are **free** to **access, use, modify** and **share.**
- The Smartcopying website lists OER at: www.smartcopying.edu.au/scw/go/pid/936

See also: www.oercommons.org

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OER Sites

Some good OER sites include:

1. Curriki: http://www.curriki.org/xwiki/bin/view/Main/WebHome
2. OER Commons: www.oercommons.org/
3. Encyclopaedia of Life: www.eol.org/
4. Comprehensive Knowledge Archive Network: www.ckan.net/
5. Connexions: www.cnx.org/
6. Teaching Ideas: www.teachingideas.co.uk/

The Smartcopying website lists Open Education Resources:

http://www.smartcopying.edu.au/scw/go/pid/936

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OER and FFE

- ‘Free for education’ (FFE) material is similar to OER material in that the copyright owner has given permission for the material to be used for educational purposes.
- However, FFE material **may not** permit a teacher to communicate, modify or share the material. This will depend on the terms and conditions of use of the material.
- Many websites are FFE because their terms and conditions allow copying for educational purposes.
- The Smartcopying website contains a list of FFE material at: www.smartcopying.edu.au/scw/go/pid/936

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Other Free for Education Initiatives

- A number of organisations have agreed to make their online material free for education:
  - Australian Screen http://australianscreen.com.au
  - Enhance TV Website http://www.enhancetv.com.au
  - Museum Victoria http://museumvictoria.com.au
  - Cancer Council http://www.cancer.org.au/Home.htm
  - World Vision http://www.worldvision.com.au
- Material available on these websites can be copied for ‘educational purposes’.

The Smartcopying website lists free for education websites:

http://www.smartcopying.edu.au/scw/go/pid/936

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OER and Creative Commons

- Most OER resources use Creative Commons (CC) licences.
- This is because CC are well known, free and easy to use.
- CC licences allow the copyright owner to retain copyright ownership in their work while inviting certain uses of their work by the public.
- CC licences are about choice and options for the copyright owner.
- The copyright owner can decide how they want the public to use their work.

Six Standard CC Licences

Attribution

Attribution – share alike

Attribution - non-commercial

Attribution – non-commercial – share alike

Attribution - no derivatives

Attribution – non-commercial – no derivatives

OER sites and Creative Commons...

OER SITE	CC LICENCE
OER Commons http://www.oercommons.org	
Curriki http://www.curriki.org	
Openlearn http://www.open.ac.uk/openlearn/home.php	
Teaching Ideas http://www.teachingideas.co.uk	

OER, FFE and CC makes copyright easy..

- Using OER, FFE and CC material enables the education sector to overcome copyright barriers.
- This material is freely available for teachers and students to copy, modify and reuse.
- This is important in the digital era where content can be created, accessed and shared in a multitude of ways globally.
- The National Copyright Unit and CC Australia has developed an information pack for teachers and students on finding, using and attributing CC material. This is included in your information pack and can also be found on the Smartcopying website at: **http://www.smartcopying.edu.au/scw/go/pid/956**

Smartcopying tips...

- In summary, it is best practice to:
  - **Link** to material whenever possible
  - Use **OER and CC** material where possible
  - **Limit** what is copied to what is needed for educational purposes
  - **Label** all material

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Smartcopying resources

Information sheets/guides

- Using Digital Content Repositories:
  - Copyright Compliance Manual for Schools: www.smartcopying.edu.au/scw/go/pid/1020
  - Copyright Compliance Manual for TAFE: www.smartcopying.edu.au/scw/go/pid/1050
- Understanding Website Terms and Conditions: www.smartcopying.edu.au/scw/go/pid/999
- Creative Commons information pack: www.smartcopying.edu.au/scw/go/pid/953
- Using Wikis and Blogs: www.smartcopying.edu.au/scw/go/pid/944
- Using YouTube: www.smartcopying.edu.au/scw/go/pid/855
- Using iTunes: www.smartcopying.edu.au/scw/go/pid/1049

Mandatory statutory notice for:

- Part VA: www.smartcopying.edu.au/scw/go/pid/704
- Part VB: www.smartcopying.edu.au/scw/go/pid/705

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