

# Use of wikis and blogs by teachers and students

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# What is a wiki or blog?

Blogs and wikis are some of the new and exciting web 2.0 technologies used in Australian classrooms. 'Web 2.0' is a term used to describe online tools which facilitate information sharing, creativity and collaboration over the internet. Other examples of popular web 2.0 technologies include video sharing sites such as YouTube and social networking spaces like MySpace or Facebook.

Blogs and wikis are websites capable of hosting an array of material from text to videos and music. Unlike most websites however, they are 'interactive' forums where visitors can easily contribute material and work together to produce new content.

A blog is often used like a 'journal' where an individual make entries of commentary describing events and uploading new material such as images and video. Visitors to a blog are able to comment on these entries and contribute material, but cannot modify the entries. Teachers may use a blog to display student works, provide commentary on class activities and upload material for students to access during class or at home for homework tasks.

Wikis are more collaborative because they enable visitors to modify content posted by others and contribute new content. The most popular and well known wiki is Wikipedia. Wikis are a good tool for students to use when working in groups as they are able to access and edit each other's work at home and during class.

As material is easily uploaded and shared on blogs and wikis, various copyright issues arise. For further information on blogs and wikis, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/922>

The scenarios in this advice explore some of the common uses of blogs and wikis in the classroom and the copyright implications which arise. Largely, they involve students and teachers uploading text, images, broadcasts, videos and music onto a blog or wiki. Uploading such material onto a blog or wiki involves two copyright activities; *copying* and *communicating* material. 'Communication' of copyright material occurs where content is made available online.

There are special statutory licences and education exceptions in the Copyright Act which enable teachers to copy and communicate material on a wiki or blog. Students rely on different provisions known as 'fair dealing exceptions' when copying and communicating material for class and homework tasks.

# What can a teacher do on a wiki or blog?

These scenarios involve teachers uploading text, images, broadcasts, videos and music onto a blog or wiki. Uploading such material onto a blog or wiki involves two copyright activities; copying and communicating material. 'Communication' of copyright material occurs where content is made available online.

There are special statutory licences and education exceptions in the Copyright Act which enable teachers to copy and communicate material on a wiki or blog. Students rely on different provisions known as 'fair dealing exceptions' when copying and communicating material for class and homework tasks.

## **Scenario 1: Uploading Student Works**

John, a primary school teacher, posts samples of student work on the class blog each week. This includes:

- scanned drawings
- stop frame animation videos (created by the students)
- writing assignments copied from the students own blogs.

John publishes the blog to the public internet so that parents of the students, as well as the community generally, can see the work that the students have been doing through the term.

## **Scenario 2: Making a Podcast**

Tracey, a year nine math teacher, creates a podcast for her math students using scanned images from a year nine math textbook.

Tracey creates a class blog and uploads the podcast to the blog for her students to access at home when completing their homework.

## **Scenario 3: Recording a Broadcast**

Brian, a year 11 English teacher, records a documentary from The National Geographic channel for his students.

He later stumbles across the National Geographic website and copies several paragraphs from the website. Brian uploads the documentary and text onto the class wiki.

Brian instructs his students to watch the documentary and read the paragraphs for homework.

#### **Scenario 4: Making an Audio Book**

Henry, a year one teacher, thought it would be a great idea to provide an audio version of the book "Creatures in the Night" for his students to listen to at home when practicing reading.

Henry has created a class blog and thought he would upload the audio book onto the class blog. Henry has tried to find the audio book of 'Creatures in the Night'. It is not commercially available for purchase anywhere.

Henry decides to create an audio book by recording himself narrate the book and upload the recording onto class blog.

### Scenario 1: Uploading student works

John a primary school teacher posts samples of student work on the class blog each week. This includes:

- scanned drawings
- stop frame animation videos (created by the students)
- writing assignments copied from the students own blogs.

John publishes the blog to the public internet so that parents of the students, as well as the community generally, can see the work that the students have been doing through the term.

The copyright implications will depend on whether the student works:

- Are original works
- Contain third party material

### Original student works

Students own copyright in the original work they produce. Therefore, there are no copyright implications arising from John uploading original student works.

### Who can access the blog if it only contains original student works?

Access to the blog does not need to be restricted. The blog can be 'open' to the public on the internet unless one or more of the students decide not to allow public access to their wiki.

### Student works containing third party material

Students rely on fair dealing to copy and communicate third party material (other people's work). For fair dealing to apply, the use must be 'fair' and for the purpose of:

- research or study for class (eg copying an image off the internet to include in a homework exercise or using music from a CD in a podcast or vodcast for a school assignment)
- criticism or review (eg reviewing a book, CD or film for homework)
- reporting the news (eg writing an article for the school newsletter on a current news item)
- parody or satire (eg writing a humorous or satirical imitation of a serious newspaper article or advertisement for a class exercise)

### **'Fair' use**

For the use to be 'fair', the student should only use what is necessary for the research or study, criticism and review, reporting the news or parody and satire activity.

Students cannot copy an entire work under fair dealing unless it is not available for purchase within a reasonable time at an ordinary commercial price.

### **Material covered by fair dealing**

Students can use any material protected by copyright under fair dealing. Copyright material is divided into 'works' and 'other subject matter'. See **TAB A 'Copyright Works and Other Subject Matter'** for examples of 'works' and 'other subject matter'.

### **Attribution requirements**

Students copying and communicating material under 'fair dealing' need to attribute the source material, the copyright owner and author of the work (if different).

For information on how to attribute material, see information sheet "Labelling School Material" on the Smartcopying website at:  
<http://www.smartcopying.edu.au/scw/go/pid/530>

### **Can John rely on fair dealing when uploading student works on the blog?**

John can rely on fair dealing when uploading student works containing third party material onto the class blog.

### **Who can access the blog if the students use material under 'fair dealing'?**

The blog must be password protected with access restricted to teachers, students and parents.

<b>Free for educational material</b>
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In relying on fair dealing to copy and communicate copyright material, students are limited in how much they can copy and what they can do with the material. For example:

- Students are unable to copy an entire work or a large portion of a work except in limited circumstances.
- It is safest if access to the material is limited to students, teachers and parents.
- Students cannot rely on fair dealing when making works for competitions, such as ArtExpress or Tropfest Junior.
- Students cannot use material that is protected by an access control technological protection measure.

One way of overcoming these barriers is by using 'free for education' material. Free for education material is material that is available for students to use without having to rely on fair dealing. Some of the advantages of using 'free for education' material include:

- No copying limits. Students can copy an entire work without limitation.
- No restrictions on access. The material can be made available to the public.
- Free for education material is unlikely to be protected by an access control technological protection measure.

There is a lot of material which is available 'free for education'.

### **Creative Commons**

One popular source of free for education material is creative commons. Creative commons are a set of licences which creators attach to their work. All creative commons licences allow the material to be used for educational purposes. As a result, material available under a creative commons licence is 'free for education'. Depending on the type of creative commons licence used, students may also modify and share these materials.

For further information on creative commons, including websites which host creative commons material, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/904> for audio visual and text resources on creative commons.

### **Free for education websites**

There are also many websites which allow copying for 'educational purposes'. See **TAB B 'Website Terms and Conditions'** for further information.

### **Labelling Requirements**

All free for education material should be labelled in accordance with the terms of the licence under which it is made available. The copyright owner and author (if different) should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the blog if the students only use 'free for education' material?**

Access to the blog does not need to be restricted. The blog can be 'open' to the public on the internet.

## **Scenario 2: Making a podcast**

Tracey, a year nine math teacher, creates a podcast for her math students using scanned images from a year nine math textbook.

Tracey creates a class blog and uploads the podcast to the blog for her students to access at home when completing their homework.

## **Scanning the images**

Tracey is able to scan the images from the math textbook to include in the podcast under the Statutory Text and Artistic Licence. Tracey can only copy 10% of the textbook, or more if the textbook is not commercially available.

Tracey is also able to communicate (upload online) the images by uploading the podcast onto the class blog under the Statutory Text and Artistic Licence.

For further information on the Statutory Text and Artistic Licence, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/700>

### **Notice Requirements**

A notice must be attached to the scanned images. See the Smartcopying website at <http://www.smartcopying.edu.au/scw/go/pid/705> for this notice.

### **Labelling Requirements**

All material copied and communicated under the Statutory Text and Artistic Licence should be labelled "Copied under Part VB". The copyright owner and author (if different) of the material should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Access**

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.



### Scenario 3: Recording a broadcast

Brian, a year 11 English teacher, records a documentary from The National Geographic channel for his students.

He later stumbles across the National Geographic website and copies several paragraphs from the website. Brian uploads the documentary and text onto the class wiki.

Brian instructs his students to watch the documentary and read the paragraphs for homework.

### Copying off-air programs

Brian is able to make an off-air copy of the documentary from the National Geographic channel under the Statutory Broadcast Licence.

Brian is also able to communicate (upload online) the documentary on the class wiki under the Statutory Broadcast Licence.

For further information on the Statutory Broadcast Licence, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/699>

#### Notice Requirements

A notice must be attached to the documentary. See the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/704> for this notice.

#### Labelling Requirements

The documentary should also be labelled with the following information:

Made for *[insert name of institution]*  
under Part VA of the *Copyright Act 1968*  
Date of broadcast: *[insert date]*  
Date this copy made: *[insert date]*

The copyright owner and author (if different) should also be credited for their work. For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

#### Access

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

### **Linking to online versions of radio and television programs**

The National Geographic website may host the documentary that Brian has copied off-air from the National Geographic channel. In this instance, Brian can provide a link to the documentary on the National Geographic website rather than copying it off-air and uploading it onto the class wiki.

Listening or viewing a program online is not a copyright activity and therefore does not attract a licence fee under the Statutory Broadcast Licence.

### **Copying text from the website**

Brian is able to copy text from the National Geographic website under the Statutory Text and Artistic Licence. Brian can only copy 10% of the words on the website.

Brian is also able to communicate (upload online) the paragraphs onto the class wiki under the Statutory Text and Artistic Licence.

For further information on the Statutory Text and Artistic Licence, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/700>

### **Notice Requirements**

A notice must be attached to the paragraphs. See the Smartcopying website at <http://www.smartcopying.edu.au/scw/go/pid/705> for this notice.

### **Labelling Requirements**

All material copied and communicated under the Statutory Text and Artistic Licence should be labelled "Copied under Part VB". The copyright owner and author (if different) of the material should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Access**

The wiki must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

#### **Scenario 4: Making an audio book**

Henry, a year one teacher, thought it would be a great idea to provide an audio version of the book "Creatures in the Night" for his students to listen to at home when practicing reading.

Henry has created a class blog and thought he would upload the audio book onto the class blog. Henry has tried to find the audio book of "Creatures in the Night". It is not commercially available for purchase anywhere.

Henry decides to create an audio book by recording himself narrate the book and upload the recording onto class blog.

#### **Recording a narration of the book**

Making a recording of a book ('audio book') is making a 'copy' of the book. As a result, this activity is covered by the Statutory Text and Artistic Licence.

The copying limits of the Statutory Text and Artistic Licence permit Henry to copy 10% of a book. However, as an audio book of "Creatures in the Night" is not commercially available, Henry can narrate and record the whole book.

Henry is also able to communicate (upload online) the audio book available on the class blog under the Statutory Text and Artistic Licence.

For further information on the Statutory Text and Artistic Licence, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/700>

#### **Notice Requirements**

A notice must be attached to the audio book. See the Smartcopying website at <http://www.smartcopying.edu.au/scw/go/pid/705> for this notice.

#### **Labelling Requirements**

All material copied and communicated under the Statutory Text and Artistic Licence should be labelled "Copied under Part VB". The copyright owner and author (if different) of the material should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

#### **Access**

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

# What can students do on a wiki or blog?

These scenarios involve students uploading text, images, videos and music onto a blog or wiki. Uploading such material onto a blog or wiki involves two copyright activities; copying and communicating material. 'Communication' of copyright material occurs where content is made available online.

There are special education exceptions known as 'fair dealing' in the Copyright Act which enable students to copy and communicate material for class and homework tasks.

## **Scenario 1: Working Collaboratively**

The students of a year 10 science class are asked to work on a group report. The students divide the work equally among the group and create a wiki, adding the group members to work on the wiki collaboratively. The students then log into the wiki and start working on their sections of the report at the same time, with some students working from home.

They review each other's work at the same time and exchange their opinions.

## **Scenario 2: Using Links on a Wiki**

George, a Year 9 student studying French as a second language, builds his own website using TLA wiki application.

He has added links to all the essays, assignments, other course work, and useful links he has found on the web to his wiki home page and users visiting his wiki page can access his work.

### **Scenario 1: Students working collaboratively**

The students of a year 10 science class are asked to work on a group report.

The students divide the work equally among the group and create a wiki, adding the group members to work on the wiki collaboratively. The students then log into the wiki and start working on their sections of the report at the same time, with some students working from home.

They review each other's work at the same time and exchange their opinions.

The copyright implications will depend on whether the student works:

- Are original works
- Contain third party material

### **Original student works**

Students own copyright in the original work they produce. Therefore, there are no copyright implications arising from a student uploading their original work onto the wiki.

### **Who can access the wiki if it only contains original student works?**

Access to the wiki does not need to be restricted. The wiki can be 'open' to the public on the internet unless one or more of the students decide not to allow public access to their wiki.

### **Student works containing third party material**

#### **Fair dealing**

Students rely on fair dealing when copying and communicating third party material (other people's work). Fair dealing is a 'free use exception' in copyright law, which means that no payment is made to copyright owners. For fair dealing to apply, the use must be 'fair' and for the purpose of:

- research or study for class (eg copying an image off the internet to include in a homework exercise or using music from a CD in a podcast or vodcast for a school assignment)
- criticism or review (eg reviewing a book, CD or film for homework)
- reporting the news (eg writing an article for the school newsletter on a current news item)
- parody or satire (eg writing a humorous or satirical imitation of a serious newspaper article or advertisement for a class exercise)

The students in this scenario are uploading their work onto a wiki for a science project. Their use will be covered by fair dealing as it is for the purposes of research and study.

### **'Fair' use**

For the use to be 'fair', the students should only use what is necessary for the research or study activity.

Students cannot copy an entire work under fair dealing unless it is not available for purchase within a reasonable time at an ordinary commercial price.

### **Material covered by fair dealing**

Students can use any material protected by copyright under fair dealing. Copyright material is divided into 'works' and 'other subject matter'. See **TAB A 'Copyright Works and Other Subject Matter'** for examples of 'works' and 'other subject matter'.

### **Labelling requirements**

Students copying and communicating material under 'fair dealing' need to credit the source material, the copyright owner and author of the work (if different).

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the wiki if the students use material under 'fair dealing'?**

In order to ensure that fair dealing is available to the students, it is best if the wiki is password protected with access restricted to teachers, students and parents.

<b>Free for educational material</b>
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In relying on fair dealing to copy and communicate material, students are limited in how much they can copy and what they can do with the material. For example:

- Students are unable to copy an entire work or large portions of a work except in limited circumstances.
- It is safest if access to the material is limited to students, teachers and parents.
- Students can't rely on fair dealing when producing works for competitions, such as ArtExpress or Tropfest Junior.
- Students cannot use material that is protected by an access control technological protection measure.

One way of overcoming these barriers is by using 'free for education' material. Free for education material is material that is available for students to use without having

to rely on fair dealing. Some of the advantages of using 'free for education' material include:

- No copying limits. Students can copy an entire work without limitation.
- No restrictions on access. The material can be made available to the public.
- Free for education material is unlikely to be protected by an access control technological protection measure.

There is a lot of material which is available 'free for education'.

### **Creative Commons**

One popular source of free for education material is creative commons. Creative commons are a set of licences which creators attach to their work. All creative commons licences allow the material to be used for educational purposes. As a result, material available under a creative commons licence is 'free for education'. Depending on the type of creative commons licence used, students may also modify and share these materials.

For further information on creative commons, including websites which host creative commons material, see the Smartcopying website at:  
<http://www.smartcopying.edu.au/scw/go/pid/904> for audio visual and text resources on creative commons.

### **Free for education websites**

There are also many websites which allow copying for 'educational purposes'. See **TAB B 'Website Terms and Conditions'** for further information.

### **Labelling requirements**

All free for education material should be labelled in accordance with the terms of the licence under which it is made available. The copyright owner and author (if different) should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the wiki if the students only use 'free for education' material?**

Access to the wiki does not need to be restricted. The wiki can be 'open' to the public.

## Scenario 2: Using links on a wiki

George, a Year 9 student studying French as a second language, builds his own website using TLA wiki application.

He has added links to all the essays, assignments, other course work, and useful links he has found on the web to his wiki home page and users visiting his wiki page can access his work.

### Links on the wiki

In providing links on his wiki page, George is not copying or communicating any copyright material. As a result, no copyright issues arise.

### Who can access the wiki if it only contains links?

Access to the wiki does not need to be restricted. The wiki can be 'open' to the public on the internet.

### Uploading Content onto the Wiki

If George starts to upload content onto his wiki page, copyright issues will arise. These will depend on whether the content:

- is George's original work
- contains third party material

### George's original work

George is the copyright owner of his original work. Therefore, there are no copyright implications arising from George uploading his original work onto the wiki.

### Who can access the wiki if it only contains George's original works?

Access to the wiki does not need to be restricted. The wiki can be 'open' to the public on the internet.

### Student works containing third party material

George is able to copy and communicate third party material (other people's work) under fair dealing. For fair dealing to apply, the use must be 'fair' and for the purpose of:

- research or study for class (eg copying an image off the internet to include in a homework exercise or using music from a CD in a podcast or vodcast for a school assignment)
- criticism or review (eg reviewing a book, CD or film for homework)



- reporting the news (eg writing an article for the school newsletter on a current news item)
- parody or satire (eg writing a humorous or satirical imitation of a serious newspaper article or advertisement for a class exercise)

### **'Fair' use**

For the use to be 'fair', George should only use what is necessary for the research or study, criticism and review, reporting the news or parody and satire activity.

Students cannot copy an entire work under fair dealing unless it is not available for purchase within a reasonable time at an ordinary commercial price.

### **What type of material can George use under fair dealing?**

George can use any material protected by copyright under fair dealing. Copyright material is divided into 'works' and 'other subject matter'. See **TAB A 'Copyright Works and Other Subject Matter'** for examples of 'works' and 'other subject matter'.

### **Labelling requirements**

George must label all material copied and communicated under fair dealing. George must credit the source material, copyright owner and author of the work (if different).

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the wiki if George uses material under 'fair dealing'?**

The wiki must be password protected with access restricted to teachers, students and parents.

<b>Free for educational material</b>
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In relying on fair dealing to copy and communicate material, George is limited in how much he can copy and what he is able to do with the material. For example:

- George is unable to copy an entire work or large portions of a work except in limited circumstances.
- It is safest if access to the material is limited to students, teachers and parents.
- George cannot rely on fair dealing where making works for competitions, such as Artexpress or Tropfest Junior.
- George cannot use material that is protected by an access control technological protection measure.

By using 'free for education' material, George can overcome these barriers. Free for education material is material that is available for students to use without having to rely on fair dealing. Some of the advantages of using 'free for educational' material include:

- No copying limits. Students can copy an entire work without limitation.
- No restrictions on access. The material can be made available to the public.
- Free for education material is unlikely to be protected by an access control technological protection measure.

### **Creative Commons**

One popular source of free for education material is creative commons. Creative commons are a set of licences which creators attach to their work. All creative commons licences allow the material to be used for educational purposes. As a result, material available under a creative commons licence is 'free for education'. Depending on the type of creative commons licence used, students may also modify and share these materials.

For further information on creative commons, including websites which host creative commons material, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/904> for audio visual and text resources on creative commons.

### **Free for education websites**

There are also many websites which allow copying for 'educational purposes'. See **TAB B 'Website Terms and Conditions'** for further information.

### **Labelling Requirements**

All free for education material should be labelled in accordance with the terms of the licence under which it is made available. The copyright owner and author (if different) should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the wiki if the students use 'free for education' material?**

Access to the wiki does not need to be restricted. The wiki can be 'open' to the public.

## **Teachers and students using a wiki or blog**

This scenario involves teachers and students uploading material onto a wiki or blog. Uploading material onto a blog or wiki involves two copyright activities; copying and communicating material. 'Communication' of copyright material occurs where content is made available online.

There are special statutory licences and education exceptions in the Copyright Act which enable teachers to copy and communicate material on a wiki or blog. Students rely on different provisions known as 'fair dealing exceptions' when copying and communicating material for class and homework tasks.

### Scenario 1: Creating a discussion forum

Linda, a HSC English teacher creates a blog entry on yesterday's classroom topic. Linda then instructs the class to view her blog and write a critique of the text. Students access Linda's blog finding the relevant blog post and write their critique by entering comments.

Linda then reads the comments to see who's written their critiques and adds her opinions/evaluation as a new comment on the thread.

### Linda's Entry

Linda's blog entry may contain third party material. For example, text scanned from a book or an image sourced from the internet. It may also include audio-visual content such as a video copied from YouTube or Teachers Tube.

Teachers may rely on various educational licences and free use exceptions to copy and communicate third party material. Different rules apply depending on the type of material.

### Text and Images

Teachers rely on the Statutory Text and Artistic Licence when copying and communicating literary, dramatic, musical and artistic works for educational purposes. See **TAB A 'Copyright Works and Other Subject Matter'** for examples of literary, dramatic, musical and artistic works.

### Common activities under the Statutory Text and Artistic Licence

Teachers can upload content onto a blog under the Statutory Text and Artistic Licence by:

- Scanning from a hard copy text such as a book, journal, magazine or newspaper
- Copying text and images from the Internet
- Copying text and images from electronic resources such as CD Roms and E-books

For further information on the Statutory Text and Artistic Licence, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/700>

### Copying Limits

There are certain copying limits which apply under the Statutory Text and Artistic Licence.

In general, a teacher can:

- scan 10% of the words in a text including a book, journal, magazine or newspaper.
- copy 10% of the words on a website, CD Rom or E-book.

A teacher can copy an entire image. For text material, a teacher can copy an entire work where:

- it has not been separately published; or
- is not commercially available within a reasonable time at an ordinary commercial price.

### **Notice Requirements**

A notice must be attached to all text and images placed online. See the Smartcopying website at <http://www.smartcopying.edu.au/scw/go/pid/705> for this notice.

### **Labelling Requirements**

All text and images copied and communicated under the Statutory Text and Artistic Licence should be labelled "Copied under Part VB". The copyright owner and author (if different) should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the blog if it contains material copied and communicated under the Statutory Text and Artistic Licence?**

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

### **Payment**

Licence fees are paid by schools via the Department of Education to the Copyright Agency Limited.

## **Radio and Television Programs**

Teachers rely on the Statutory Broadcast licence to copy and communicate off-air radio and television programs:

- From free-to-air, satellite and subscription (pay) channels
- Previously broadcast on a free-to-air channel and available as podcasts or webcasts on the broadcaster's website.

### **Common activities under the Statutory Broadcast Licence**

Teachers can upload a television or radio program copied under the Statutory Broadcast Licence onto a blog for educational purposes.

Under the Statutory Broadcast Licence, a teacher is able to:

- Format shift a video/DVD recording of a television or radio broadcast into MP4 format.
- Make direct digital recordings of television and radio broadcasts.

For further information on the Statutory Broadcast Licence, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/699>

### **Copying Limits**

There are no copying limits under the Statutory Broadcast Licence. A teacher can copy an entire television or radio program onto a blog.

### **Notice Requirements**

A notice must be attached to copies of broadcasts placed online. See the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/704> for this notice.

### **Labelling Requirements**

All material copied and communicated under the Statutory Broadcast Licence should be labelled with the following information:

Made for [*insert name of institution*]  
under Part VA of the *Copyright Act 1968*  
Date of broadcast: [*insert date*]  
Date this copy made: [*insert date*]

The copyright owner and author (if different) should also be credited for their work. For information on crediting the copyright owner, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the blog if it contains material copied and communicated under the Statutory Broadcast Licence?**

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

### **Payment**

Licence fees are paid by schools via the Department of Education to Screenrights.

### **Linking to online versions of the radio and television programs**

Many Australian free-to-air broadcasters provide online versions of their radio and television programs that can be viewed from their website.

Instead of downloading a copy of online programs onto a blog, teachers can provide a link to the online program on the broadcaster's website.

Listening or viewing online programs is not a copyright activity and therefore does not attract a licence fee under the Statutory Broadcast Licence.

### **Films in video or DVD format (not radio and television broadcasts)**

A teacher may want to upload a segment of a video or DVD onto a blog for educational purposes. This will involve format shifting the video or DVD into MP4 format. Format shifting is permitted under flexible dealing provided certain conditions are met.

For further information on format shifting under flexible dealing, see information sheet "Format Shifting and the Copyright Amendment Act 2006: What am I allowed to do?" on the Smartcopying website at:

<http://www.smartcopying.edu.au/scw/go/pid/529>

If the DVD is protected by an access control technological protection measure, such as a content scrambling system, a teacher will not be able to format shift the DVD into MP4 format. Most commercial DVDs are protected by a CSS and therefore cannot be format shifted.

For further information on Technological Protection Measures, see information sheet "Technological Protection Measures and the Copyright Amendment Act" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/522>

### **What about YouTube videos?**

Teachers may want to upload a YouTube video onto the blog for educational purposes. While this may be permitted under flexible dealing, the terms of use on the YouTube website state that the videos cannot be downloaded (ie copied). The law is not clear on whether contractual terms may override the copyright exceptions. Therefore, a teacher may be prohibited by contract from downloading videos from YouTube to upload onto the class blog. This is a risk management issue for each jurisdiction to determine.

For further information on flexible dealing, see information sheet "The New Flexible Dealings Exception: What am I allowed to do?" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/542>

Where possible, teachers should avoid copying YouTube videos. This can be achieved by providing a link to the YouTube video on the blog. The YouTube website provides information on how to embed links to YouTube videos.

For further information, see information sheet 'Using YouTube' on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/855>

## Labelling Requirements

All material copied and communicated under flexible dealing should be labelled "Copied under section 200AB of the *Copyright Act 1968*".

The copyright owner and author (if different) should also be credited for their work. For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

## Access

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

## Music

A teacher may want to upload music onto the class blog. The music may be from a CD or purchased as an MP3 file online.

If the music is from a CD, the teacher will have to format shift the song into MP3 format to upload it onto the blog. This may be permitted under flexible dealing provided certain conditions are met.

For further information on format shifting under flexible dealing, see information sheet "Format Shifting and the Copyright Amendment Act 2006: What am I allowed to do?" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/529>

### Music purchased online in MP3 format

When purchasing music online, a teacher must check the store's terms and conditions to see whether they can use the music for educational purposes. The terms and conditions of most online music stores provide that you can purchase the MP3 file for 'personal, non-commercial use'. This does not include 'educational use' by a school. A teacher is able to use music for educational purposes where the terms and conditions permit the music to be used for:

- Non-commercial use
- Use in your organisation
- Personal or non-commercial use

Where the terms and conditions do not allow the music to be used for educational purposes, it is arguable that a teacher can rely on flexible dealing to use the music. However, the law is not clear on whether contractual terms override copyright exceptions and a teacher may still be prohibited by contract from using the music for educational purposes.

For further information on flexible dealing, see information sheet "The New Flexible Dealings Exception: What am I allowed to do?" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/542>



Overall, this is a risk management issue for each jurisdiction to determine. If in doubt, we recommend that the teacher format shift music in CD format into MP3 format. Alternatively, if a teacher has originally purchased music from an online for 'personal, non-commercial use', they may later use that music for educational purposes.

### **Labelling Requirements**

All material copied and communicated under flexible dealing should be labelled "Copied under section 200AB of the *Copyright Act 1968*".

The copyright owner and author (if different) should also be credited for their work. For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Access**

The blog must be password protected with access restricted to teachers and students. Parents may be given access to this material provided it is for 'educational purposes' such as assisting students with their work.

### **Free for education material**

Relying on the Statutory Licence schemes and flexible dealing to copy and communicate material can be burdensome on teachers and education departments alike. This is because:

- Teachers are restricted by copying limits
- Teachers cannot modify, remix and share the material except in limited circumstances.
- Access to the material is limited to students and teachers. Parents can have access to the material when it is for "educational purposes" such as assisting their child with their school work.
- Teachers cannot use material that is protected by an access control technological protection measure. For further information on Technological Protection Measures, see information sheet "Technological Protection Measures and the Copyright Amendment Act" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/522>
- Licence fees are paid for the use of copyright material under the Statutory Licence schemes.

Using free for education material is a great alternative as:

- Teachers are not restricted by copying limits.
- A lot of free for education material allow teachers to modify, remix and share the material.
- There are no restrictions on who can access the material.

- Free for education materials are unlikely to be protected by access control technological protection measures.
- No licence fees are payable.

One popular source of free for education material is creative commons. Creative commons are a set of licences which creators attach to their work. All creative commons licences allow the material to be used for educational purposes. As a result, material available under a creative commons licence is 'free for education'. Depending on the type of creative commons licence used, students may also modify and share these materials.

For further information on creative commons, including websites which host creative commons material, see the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/904> for audio visual and text resources on creative commons.

### **Free for education websites**

There are also many websites which allow copying for 'educational purposes'. See **TAB B 'Website Terms and Conditions'** for further information.

### **Labelling Requirements**

All free for education material should be labelled in accordance with the terms of the licence under which it is made available. The copyright owner and author (if different) of the material should also be credited for their work.

For information on labelling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Access**

Access to the blog does not need to be restricted. The blog can be 'open' to the public on the internet.

## Students' Critiques

As with Scenario 1, the copyright implications which arise will depend on whether the student works are original works or whether they contain third party material.

### Student critiques as original works

Students own copyright in the original works they produce. Therefore, there are no copyright implications arising from a student uploading their original work onto a blog.

### Who can access the blog if it contains original student works?

Access to the blog does not need to be restricted. The blog can be 'open' to the public on the internet.

### Student critiques containing third party material

Students rely on fair dealing to copy and communicate third party material (other people's work). For fair dealing to apply, the use must be 'fair' and for the purpose of:

- research or study for class (eg copying an image off the internet to include in a homework exercise or using music from a CD in a podcast or vodcast for a school assignment)
- criticism or review (eg reviewing a book, CD or film for homework)
- reporting the news (eg writing an article for the school newsletter on a current news item)
- parody or satire (eg writing a humorous or satirical imitation of a serious newspaper article or advertisement for a class exercise)

### What is a 'fair' use?

For the use to be 'fair', the student should only use what is necessary for the research or study, criticism and review, reporting the news or parody and satire activity.

Students cannot copy an entire work under fair dealing unless it is not available for purchase within a reasonable time at an ordinary commercial price.

### What type of material can the students use under fair dealing?

Students can use any material protected by copyright under fair dealing. Copyright material is divided into 'works' and 'other subject matter'. See **TAB A 'Copyright Works and Other Subject Matter'** for examples of 'works' and 'other subject matter'.

### **Who can access the blog if the students have used material under 'fair dealing' in their critiques?**

In order to ensure that fair dealing is available to the students, it is best if the blog is password protected with access restricted to teachers, students and parents.

### **Student critiques contain free for education material**

In relying on fair dealing to copy and communicate copyright material, students are limited in how much they can copy and what they can do with the material. For example:

- Students are unable to copy an entire work except in limited circumstances.
- Access to the material is limited to students, teachers and parents. As a result, students cannot make uses of their work which involve the general community. For example, students cannot showcase or exhibit their work in a public space, including the internet. This will often mean that students cannot enter their work into public competitions.
- Students cannot use material that is protected by an access control technological protection measure.

One way of overcoming these barriers is by using 'free for education' material. Free for education material is material that is available for students to use without having to rely on fair dealing. Some of the advantages of using 'free for educational' material include:

- No copying limits. Students can copy an entire work without limitation.
- No restrictions on access. The material can be made available to the public.
- Free for education material is unlikely to be protected by an access control technological protection measure.

There is a lot of material which is available 'free for education'.

### **Creative Commons**

One popular source of free for education material is creative commons. Creative commons are a set of licences which creators attach to their work. All creative commons licences allow the material to be used for educational purposes. As a result, material available under a creative commons licence is 'free for education'. Depending on the type of creative commons licence used, students may also modify and share these materials.

For further information on creative commons, including websites which host creative commons material, see the Smartcopying website at:  
<http://www.smartcopying.edu.au/scw/go/pid/904> for audio visual and text resources on creative commons.

### **Free for education websites**

There are also many websites which allow copying for 'educational purposes'. See **TAB B 'Website Terms and Conditions'** for further information.

### **Labelling Requirements**

All free for education material should be labelled in accordance with the terms of the licence under which it is made available. The copyright owner and author (if different) of the material should also be credited for their work.

For information on labeling, see information sheet "Labelling School Material" on the Smartcopying website at: <http://www.smartcopying.edu.au/scw/go/pid/530>

### **Who can access the blog if the students only use 'free for education' material?**

Access to the blog does not need to be restricted. The blog can be 'open' to the public on the internet.

## Tips for teachers on using wikis and blogs

- Provide links for students on the class wiki or blog rather than copy material onto the wiki or blog from the internet.
- Use free for education material, such as creative commons material, wherever possible.

See the Smartcopying website for:

An information pack on Creative Commons at:  
<http://www.smartcopying.edu.au/scw/go/pid/525>

A list of free for education resources at:

- Always credit the copyright owner and author (if different) of the work.

See information sheet, "Labelling School Material" on the Smartcopying website at:  
<http://www.smartcopying.edu.au/scw/go/pid/530>

## TAB A: Copyright Works and Other Subject Matter

### 'Works'

Artistic Works	Literary Works	Musical Works	Dramatic Works
paintings sculptures graphics cartoons etchings lithographs photography drawings plans maps diagrams charts buildings models of buildings moulds and casts for sculptures clipart graphic image files	novels text books newspaper articles magazine articles journals poems song lyrics timetables technical manuals instruction manuals computer software computer games anthologies directories databases text on blogs text on wikis text on websites	melodies song music pop songs advertising jingles film score	plays screenplays mime choreography

### 'Other Subject Matter'

Films	Sound Recordings	Broadcasts	Published editions
cinematographic films video recordings DVDs television programs advertisements music videos interactive games and interactive films online films and videos	vinyl music or voice recorded on vinyl CD DVD audio cassette tapes MP3 files	radio television podcasts/ vodcasts of free to air television or radio programs	typesetting (the layout and look of a publication)

## TAB B: Website Terms and Conditions

There are many websites which allow copying for 'educational use'. Just because material is publicly available on the internet does not mean it is 'free'.

Teachers need to read the terms and conditions of a website when wanting to copy material from it. If the terms and conditions allow copying for 'educational use', a teacher will not have to rely on the Statutory Text and Artistic Licence.

### When do the terms and conditions include 'educational use'?

'Educational use' is included if the terms and conditions of the website permit copying for any of the following uses:

- Educational use
- Non-commercial use
- Use in your organisation
- Personal *or* non-commercial use
- Free copying

Educational use is not included if the terms and conditions of a website state that copying is permitted for:

- Personal use
- Personal *and* non-commercial use
- Personal, non-commercial
- Copying not permitted

### Example: Australian Media and Communications Authority

The Australian Media and Communications Authority website's terms and conditions allow for copying for educational purposes even though the term 'educational purposes' is not included. The terms and conditions state:

*This material is copyright © Commonwealth of Australia, except where otherwise indicated. You may download, store in cache, display, print and reproduce the material in unaltered form only (retaining this notice, or links to it where they appear) **for your personal, non-commercial use or use within your organisation.***

### Examples of 'free for education' websites

#### 1. Australian Screen

<http://australianscreen.com.au>

Australian Screen terms and conditions state:

*You may save, copy, print, distribute or download for your own **personal use or for non-commercial educational purposes only.** Commercial exploitation of materials on this website is prohibited.*



## 2. Australian Culture and Recreation Portal

[www.culture.gov.au](http://www.culture.gov.au)

Australian Culture and Recreation Portal terms and conditions state:

*However, you may use any of the Commonwealth material on this site for **your personal, non-commercial use or use within your organisation for non-commercial purposes**, provided that an appropriate acknowledgement is made (retaining this notice), and the material is not altered or subjected to derogatory treatment.*

## 3. Museum Victoria

<http://museumvictoria.com.au>

Museum Victoria terms and conditions state:

*The information, text, images, sounds and audio-visual material in this website are **for personal or educational non-commercial use only** and may not otherwise be copied, re-sold, re-distributed or framed, or otherwise used whether for compensation of any kind or not, without prior written permission.*

### Websites containing resources that are 'free for education'

Some websites have multiple terms and conditions. The generic copyright notice may state that copying is only permitted for "personal, non-commercial" purposes; however parts of the website provide specific educational resources that may be used educational purposes.

#### Example: BBC Website

Generic terms and conditions state:

*"4. All copyright, trade marks, design rights, patents and other intellectual property rights (registered and unregistered) in and on [bbc.co.uk](http://bbc.co.uk) and all content (including all applications) located on the site shall remain vested in the BBC or its licensors (which includes other users). You may not copy, reproduce, republish, disassemble, decompile, reverse engineer, download, post, broadcast, transmit, make available to the public, or otherwise use [bbc.co.uk](http://bbc.co.uk) content in any way except for your own personal, non-commercial use. You also agree not to adapt, alter or create a derivative work from any [bbc.co.uk](http://bbc.co.uk) content except for your own personal, non-commercial use. Any other use of [bbc.co.uk](http://bbc.co.uk) content requires the prior written permission of the BBC".*

However, part of the website contains educational resources which can be used for educational purposes. The terms state:

#### Download or Printing Copies:

*Teachers, pupils and parents may make a copy, including a print-out or photocopy, of any part of the School's Website for their own personal, non-commercial use, including for private study or research.*

*Any other use, unless specified in these Guidelines, requires the prior written permission of the BBC.*

*Here are some examples of what this means in practice:*

- *Parents may print copies for use by their children at home;*
- *Teachers may make copies for lesson preparation;*
- *Teachers can ask pupils for access to work or any part of the Schools Website in the classroom or at home;*
- *Pupils can download, and print out and keep pages from the Website, in the classroom or at home.*