



# Copyright

©

## Attributions within course material

A guide for WA TAFE colleges



# Copyright



## Attributions within course material

The correct identification of ownership within course material published by WA TAFE colleges is important. This will include course books/packs and handouts as well as photographs, diagrams or charts that are incorporated into other resources and into online repositories.

The National Copyright Unit recommends TAFEs label or attribute any third-party material copied into TAFE resources in order to limit the potential liability of the TAFE should a student or staff member infringe copyright.

### Why do we need to label our own material?

The proper identification of material created by TAFE colleges is important, as it is a valuable asset. In addition, labelling assists with the distribution of copyright royalties to their rightful owners under the statutory licence scheme, and ensures the Department of Training and Workforce Development (the Department) and Western Australian TAFE colleges do not pay to copy material that they own or have permission to use.

### How do we know if we own the material?

TAFE colleges own copyright in all material created by their employees as part of their duties. TAFE colleges also own copyright in material created by someone else, where that person or organisation has agreed in writing to assign copyright in the material they create to that TAFE. For example, a company engaged to write a module on refrigeration might have been required to assign copyright in the module to the TAFE college as part of its contract of engagement

### Why can't we just include the name of the author?

The author is often different from the copyright owner, and, even if the name of the author is included, it is important to include all other copyright information as described in this document. This will ensure that the Copyright Agency knows that the copyright is owned or licensed by the TAFE college and should not be counted in any copyright surveys. As a result, the Department will not be required to make a payment to the Copyright Agency for that material.

### Labelling course material owned by a TAFE

Course material owned by a TAFE college should be labelled in the footer of each page with the copyright symbol, name of the institution and year of publication.

For example: © West Metropolitan TAFE, 2019.

Or to license content under a Creative Commons (CC) licence:

© West Metropolitan TAFE, 2019. Except as otherwise noted, this [insert title] is licensed under a Creative Commons Attribution 4.0 licence. View this licence here: <http://creativecommons.org/licenses/by/4.0/>.

### Third-party content in course material and handouts

Third-party content is content that is not created by employees and includes works by students, independent contractors, commercial publishers and government bodies. Third-party content in publications for students can only be included with permission from the owner or under s 113P of the Copyright Act (the text and artistic licence). Third-party content cannot be incorporated into promotional, commercial or fee-for-service materials without permission from the copyright owner.

For CC-licensed TAFE content, see 'Labelling Third-Party Content in Creative Commons Licensed Material' at [smartcopying.edu.au](http://smartcopying.edu.au) for more information.

### Labelling of third-party content

If third-party content is included in materials, it needs to be separately labelled either in the main body of the text or in the footer. When third-party artistic works – such as illustrations, photographs or charts are incorporated – the copyright information should be included next to, or as near as possible to, the actual work. See 'Labelling TAFE Material' at [smartcopying.edu.au](http://smartcopying.edu.au) for more information.

For CC-licensed TAFE content, see 'Labelling Third-Party Content in Creative Commons Licensed Material' at [smartcopying.edu.au](http://smartcopying.edu.au) for more information.

### Reproducing material with permission – attributions

When seeking permission to reproduce materials, the TAFE college must ensure this permission allows reproduction of the material, subsequent copying of the material and (if appropriate) communication (eg emailing, placing in a learning management system or share drive) of the material for educational purposes.

In addition, copyright owners should be asked how they would like their attribution to be worded. It should be clearly indicated next to the work or in the footer of each page that the TAFE college has permission to reproduce the material, for example, 'Reproduced by [insert name of TAFE] with the permission of XYZ Education Australia.'

This is to ensure the Department does not pay copyright royalties to the Copyright Agency for the copying of works that TAFE colleges have already directly licensed from the copyright owners.

## Reproducing material using the text and artistic works licence

It is important that enough information is included in the attribution to allow the Copyright Agency to identify the copyright owner and enable remuneration to the rightful owner.

This information should include the name of the author, date of publication, title, edition, publisher and the ISBN and/or ISSN. The words 'Copied under s 113P' should be included. Here is a print attribution example:

'Copied under s 113P of the Copyright Act. Migan F 2007 Urban Landscapes, Planet Publishing Pty Ltd, Sydney, NSW, ISBN 0897362739, p 65'

When reproducing material from websites, include the full URL address, eg 'Copied under s 113P of the Copyright Act. F Migan, [www.animalfarm.com.au/photos/2007/htm](http://www.animalfarm.com.au/photos/2007/htm). Accessed 10 May 2019.

## Third-party content in commercial material

Under the text and artistic licence, third-party content cannot be used for materials intended to be produced commercially. Permission must be gained in writing from the copyright owner and should be kept on file. This also applies to materials used in advertising or promotion in the public arena.

## Publication of material by a third party

Third parties should request permission in writing to incorporate any copyright material into their publications.

Requests should include the following details:

- title or name of the work;
- illustrations or sections within the work;
- purpose and aim of the new work or production, including the format;
- intended target audience and market for the new work;
- intended selling price; and
- if possible, a photocopy or electronic extract of the work.

If the TAFE college grants permission for the content to be used, then they should request that an attribution to the TAFE college be displayed next to the work.

## Unauthorised use of third-party content

It is an offence to 'pass off' other people's work as one's own. Therefore, where TAFE colleges use their own branding on course packs/publications or other materials that include third-party works that are not identified, they run the risk of litigation.

Unauthorised use of either real or fictional characters' names and images, eg *The Simpsons*, is not permitted and can be an actionable infringement.

## Creative Commons

Creative Commons (CC) is an internationally active non-profit organisation that provides free licences for creators to use when making their work available to the public. CC resources cover a range of products – such as music, film clips, text, clip art and pictures.

Wherever possible, CC or 'open educational resources' (OER) should be used as third-party content. See the Department PDF, Creative Commons' and 'Creative Commons' at [smartcopying.edu.au](http://smartcopying.edu.au).

The great thing is that all CC licences allow works to be used for educational purposes. As a result, teachers and students can freely copy, share and sometimes modify or remix a CC work without having to seek the permission of the creator.

## Using Creative Commons material

When using any CC material, follow these guidelines.

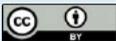
- Always attribute the creator of the work.
- Include the title of the work.
- Indicate the type of CC licence that applies.
- Include a link to the original work if a URL is available.
- Keep intact any copyright notices attached to the work.
- Get permission from the creator to do anything that goes beyond the terms of the licence, for example, creating a derivative work where the licence does not permit this.
- Where changes are made (with permission), acknowledge the original work and indicate that changes have been made, for example, 'This is a French translation of the original text, [insert title].'

For further information on attributing CC see 'How to attribute Creative Commons licensed materials' at [smartcopying.edu.au](http://smartcopying.edu.au).

## Examples of Creative Commons attribution

'Eid Mubarak' by Hamed Saber available at [flickr.com/photos/44124425616@N01/1552383685](https://www.flickr.com/photos/44124425616@N01/1552383685) under a Creative Commons Attribution 2.0 Generic Licence [creativecommons.org/licenses/by/2.0/](http://creativecommons.org/licenses/by/2.0/)

or

'Eid Mubarak' by Hamed Saber  [flickr.com/photos/44124425616@N01/1552383685](https://www.flickr.com/photos/44124425616@N01/1552383685)

“It is important that enough information is included in the attribution to allow the Copyright Agency to identify the copyright owner and enable remuneration to the rightful owner.”

# Examples of labelling

Copied under s113P (from a print publication)



Copied under s 113P of the Copyright Act. Migan, F 2007, Urban Landscapes, Planet Publishing Pty Ltd, Sydney, NSW, ISBN 0897362739, p 65.

Copied under s113P (from the internet)



Copied under s 113P of the Copyright Act. animalfarm.com.au/html, viewed 20 June 2019.

Licence obtained from copyright owner



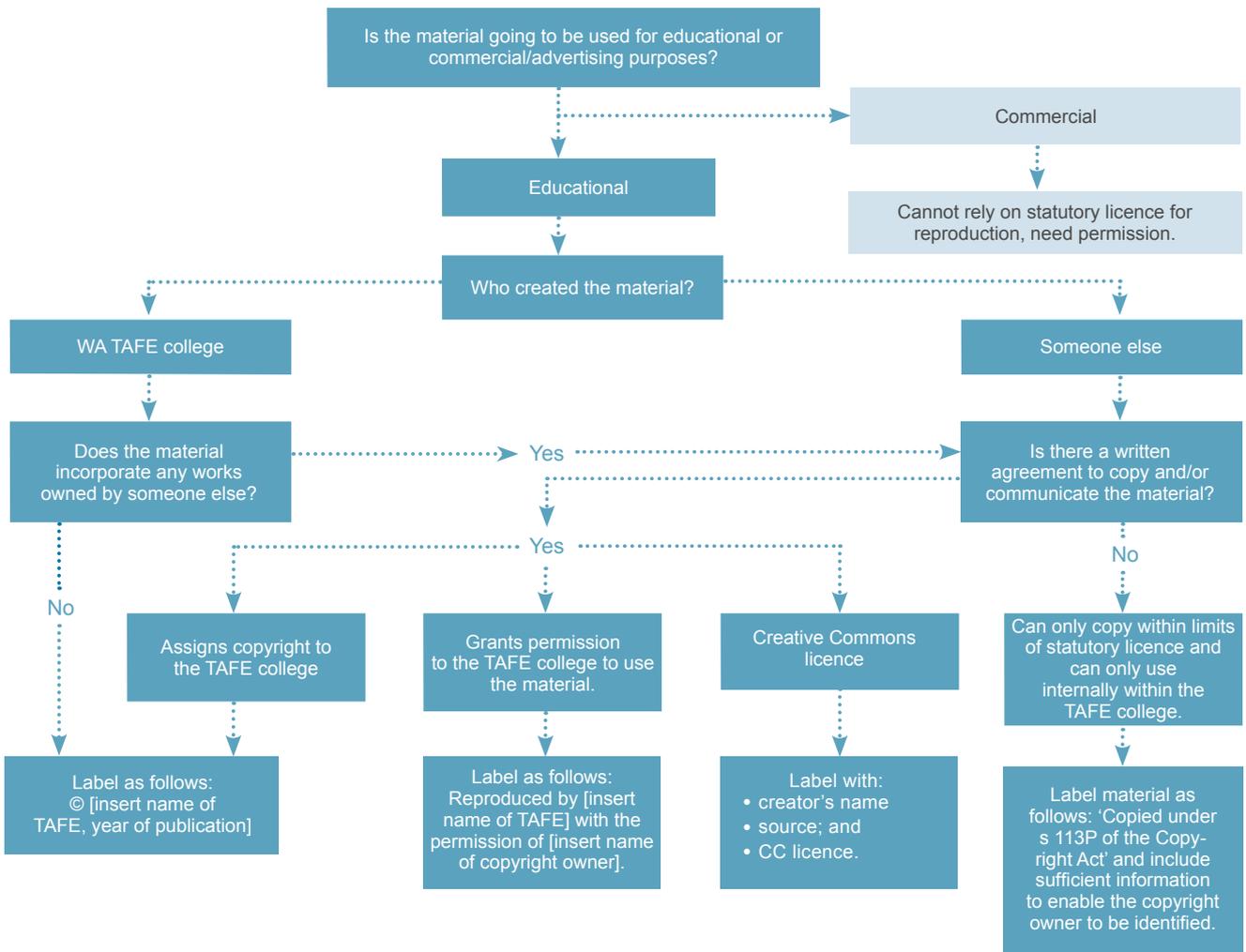
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Work owned by TAFE college



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## Identifying ownership within course materials flowchart



For more information see the National Copyright Guidelines, available at [smartcopying.edu.au](http://smartcopying.edu.au) or contact [sectorcapability.ip@dtwd.wa.gov.au](mailto:sectorcapability.ip@dtwd.wa.gov.au)

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