



# Copyright

©

## Attributions within course material

IP management practice



# Copyright



## Attributions within course material

The correct identification of ownership within course material published by WA State Training Providers (STPs) 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.

Under the *Copyright Act 1968*, STPs have a legal responsibility to acknowledge the owner of third-party works used. This is a requirement whether the works have been used with permission or under the statutory text and artistic works licence (Part VB).

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

The proper identification of material created by STPs 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 that the Department of Training and Workforce Development and STPs in WA do not pay to copy material that they own or have permission to use.

### How do we know if the material is owned by an STP?

STPs own copyright in all material created by their employees as part of their duties. STPs 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 the STP. For example, a company engaged to write a module on refrigeration might have been required to assign copyright in the module to the STP 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 below. This will ensure that the Copyright Agency knows that the copyright is owned or licensed by the STP 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 an STP

Course material owned by STPs must be labelled in the footer of each page with the copyright symbol, name of STP and year of publication.

For example: © Polytechnic West, 2015.

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

Third-party content is content that is not created by STP 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 Part VB of the Copyright Act (the text and artistic works licence). Third-party content cannot be incorporated into promotional, commercial or fee-for-service materials without permission from the copyright owner.

### Labelling of third-party content

If third-party content is included in materials in an STP's publication, 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.

### Reproducing material with permission – attributions

When seeking permission to reproduce material from the copyright owner, an STP should ensure that this permission allows the STP to reproduce the material, subsequently copy the material and (if appropriate) communicate the material for educational purposes.

In addition, copyright owners should always 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 STP has permission to reproduce the material, for example, 'Reproduced and made available for copying and communication by [insert name of STP] for its educational purposes with the permission of Pearson Education Australia.' This is to ensure that the Department does not pay copyright royalties to the Copyright Agency for the copying of works that STPs 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 Part VB' should be included. For example:

'Copied Under Part VB, Edgar, S 2002, *A Handbook for Health and Safety in Childcare Centres*, Bristol Press, Castle Hill, NSW, ISBN 0456315634, pp 62–71.'

When reproducing material from websites, include the full URL address, eg 'Copied Under Part VB, abc.net.au/science/news/stories/2007/1892736.htm viewed 15 May 2015.'

## Third-party content in commercial material

Under the text and artistic works licence, third-party content cannot be used for materials intended to be produced commercially by an STP. 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 promoting the STP in the public arena.

## Publication of STP material by a third party

Third parties should request permission in writing to incorporate any STP 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 STP grants permission for the content to be used then the STP should request that an attribution to the STP 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 STPs use their own branding on course packs/publications or other materials that include third-party works that are not identified, the STPs 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

Wherever possible, Creative Commons (CC) or 'open educational resources' (OERs) should be used as third-party content (see separate brochure, 'Creative Commons').

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

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].'

## Examples of Creative Commons attribution

'Eid Mubarak' by Hamed Saber available at flickr.com/photos/44124425616@N01/1552383685 under a Creative Commons Attribution 2.0 Generic Licence creativecommons.org/licenses/by/2.0/

or

'Eid Mubarak' by Hamed Saber  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 Part VB (from a print publication)



Copied under Part VB, Migan, F 2007, *Urban Landscapes*, Planet Publishing Pty Ltd, Sydney, NSW, ISBN 0897362739, p 65.

Copied under Part VB (from the internet)



Copied under Part VB, [animalfarm.com.au/htm](http://animalfarm.com.au/htm) viewed 20 June 2007.

Licence obtained from copyright owner



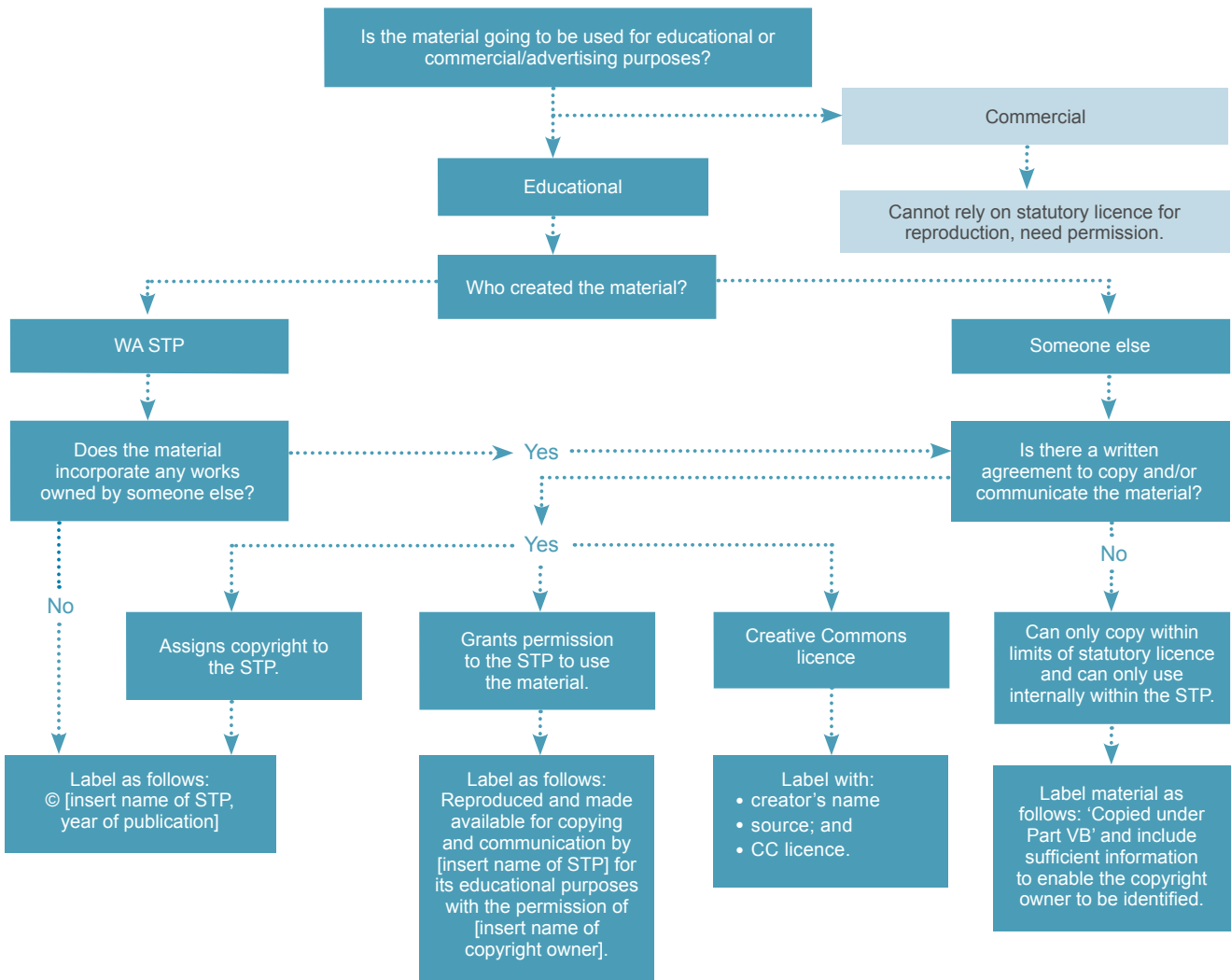
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## Identifying ownership within course materials flowchart



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

