



Copyright



Using YouTube for educational instruction

A guide for WA TAFE colleges



Copyright



Using YouTube for educational instruction

Use of YouTube videos

Extracts from YouTube videos can provide valuable input to professional development presentations and student learning when used as stimulus material and for explanation or illustration. However, reliance on a direct connection to the YouTube website can be problematic; it may be affected by internet availability and download speed. Consequently, TAFE college teaching staff sometimes download YouTube clips and store them on a computer or central management system ready for educational use. Downloading and copying videos from YouTube, however, raises some tricky issues around copyright.

(YouTube is a registered trademark of Google Inc.)

Copying YouTube videos

While TAFE college teaching staff are able to show film clips and films in class for educational purposes, the terms and conditions of use on the YouTube website state that the videos are not to be downloaded (unless a download link is offered) or copied, or be used for any purpose other than 'personal use'. This is a copyright management strategy by YouTube. It is not clear whether the terms and conditions of YouTube override the provisions of the *Copyright Act 1968*. Therefore, it is best to take a risk-assessment approach on a case-by-case basis. Teaching staff may copy YouTube videos in limited circumstances under a special exception in the Copyright Act known as flexible dealing (section 200AB), where all conditions of the exception must be met. (A flowchart for copying YouTube videos under section 200AB is provided on the back page.)

Alternatives to YouTube

Teaching staff should try to source content from TeacherTube (teachertube.com) in the first instance. This is a video storage site and online community in which educators freely share their instructional videos for use by teaching staff, educational institutions and students.

It is best to avoid websites that allow users to download YouTube videos in a variety of formats. These websites are not officially affiliated with the YouTube site. Using these websites to download YouTube videos may raise additional copyright and contractual issues.

Smartcopying information

The general practice of downloading videos from YouTube for educational use should only be undertaken if it is consistent with the copyright advice available on the Smartcopying website. The Smartcopying information sheet 'Using YouTube' (smartcopying.edu.au) discusses the risks associated with downloading YouTube videos and provides some helpful tips on managing copyright issues when using YouTube. The following information has been extracted from this information sheet.

(Reproduced and adapted from 'Using YouTube' at smartcopying.edu.au under a [CC BY 4.0 licence](https://creativecommons.org/licenses/by/4.0/).)

Risk-management tips for teaching staff using YouTube

- Link to or embed the YouTube video clip whenever possible.
- Do not use content that is likely to be an infringing copy.
- Only use YouTube videos for teaching purposes, not for commercial or promotional activities.
- Only use what you need.
- Check that you cannot purchase or readily license the content you need from another source.
- Do not expose the content to further copying or communication by, for example, giving students access to an electronic file that they could copy.

Online connection to YouTube

YouTube videos may be streamed for educational purposes from the YouTube site to a class under section 28 of the Copyright Act. The video use must be part of educational instruction, be not-for-profit and the audience must be either giving or receiving instruction or connected with the organisation delivering the instruction. See information sheet 'Performance and Communication of works and audio visual material in TAFE classes' at smartcopying.edu.au.

YouTube videos may be embedded into another non-commercial educational site where an embed code is provided by YouTube. Embedding a YouTube video is like providing a link to the YouTube video. Linking is not a copyright activity, as you are not actually making a copy of the material; therefore embedding YouTube videos is a practical copyright-management strategy.

Downloading YouTube videos under section 200AB

Where a YouTube video has been downloaded under section 200AB, the Copyright Act allows conversion into a different file format provided that all the conditions of s 200AB are met. For more information see Department information sheet 'Format shifting and section 200AB' or 'Flexible Dealing' at smartcopying.edu.au.

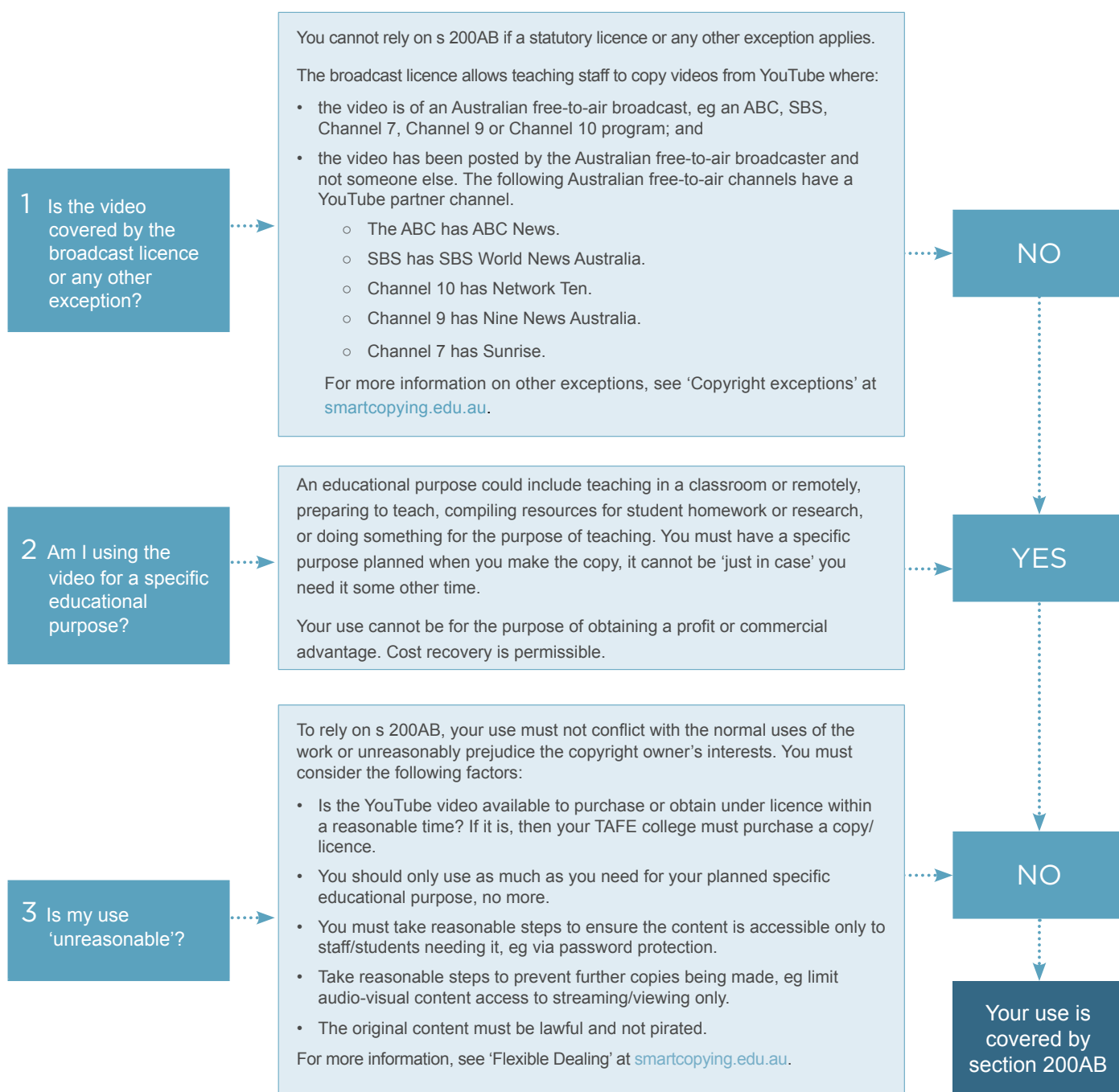
The following flowchart provides guidance on when teaching staff can rely on s 200AB to download YouTube videos.

For more information on using YouTube, visit the following pages at smartcopying.edu.au.

- 'Using YouTube'
- 'Films and Videos'
- 'Flexible Dealing'

(Some content in the following flowchart is adapted from 'Flexible Dealing' at smartcopying.edu.au, under a [CC BY 4.0 licence](https://creativecommons.org/licenses/by/4.0/)).

Flowchart for downloading or copying YouTube using section 200AB



For more information see the National Copyright Guidelines, available at smartcopying.edu.au or contact sectorcapability.ip@dtwd.wa.gov.au

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