

Labelling Third Party Content in Creative Commons Licensed Material

This information sheet is for teachers who create or compile teaching resources and for e-learning and curriculum units who develop resources.

It is important to properly label all material that is distributed by or for schools. The purpose of labelling is:

- to assist with the distribution of copyright royalties under the statutory licence scheme,
- to ensure that schools do not pay to copy material that they own or have permission to use;
- to easily identify who owns copyright material and what schools are allowed to do with copyright material.

Open Educational Resources and Creative Commons

Open Educational Resources (OER) are teaching and learning materials that are freely available for anybody to use, re-use and re-distribute for teaching, learning and research. There are many types of resources made available as OER, including worksheets, curriculum materials, lectures, homework assignments, quizzes, class activities, pedagogical materials, games and other resources.

The most common source of open education material is material licensed under the Creative Commons licensing system. Creative Commons is a “some rights reserved” model, as opposed to the “all rights reserved” model of copyright law. Under a Creative Commons licence, the copyright owner retains ownership in their work while inviting certain uses of their work by others.

These licences are designed to let others know how they may use a work without infringing copyright.

Therefore, if you are distributing information under a Creative Commons Licence, and it includes content that isn't covered by the Creative Commons Licence, this material needs to be clearly identified.

Third Party Content

One category of content that you are unable to license under a Creative Commons licence is third party content.

This is content that is created by someone else, a third party, and as such you do not have the rights to license the content. You may not have the rights for any number of reasons, eg, the content is protected by trademark, owned by someone else, or licensed under another licence (even if it is the same Creative Commons licence that you applied).

For all third party content, you must prominently mark or indicate in a notice that this content is excluded from the Creative Commons licence.

How to Label Third Party Content

There is no single correct way to label third party content, and different situations may require more or less complicated notices and marking.

There are two often used mechanisms – you can do either or both of these, as appropriate for the medium:

1. ***Giving a notice next to third party content***

This involves marking or notating all third party content. To do this you should indicate directly underneath the content.

In addition to citing the source of copyright material, it is best practice to include the following information as well: the owner of the copyright, the terms of use for the content, and how you are allowed to reproduce the content (whether that be through direct permission from the copyright owner, through a Creative Commons licence or through a statutory licence).

Example: direct permission from the copyright owner to use content



'Smith, J 2014, How to label third party content © National Copyright Unit, NSW, all rights reserved, used with permission.'

Example: material licensed under Creative Commons

'Smith, J 2014, How to label third party content, © NSW Department of Education & Communities, used under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.'

Example: material copied pursuant to Part VB Statutory Licence

Edgar, S 2002, Mathematics Unplugged © Bristol Press, Copied under Part VB.'

2. Giving a general notice listing all third party content

This involves giving a general notice that identifies all third party content. This notice would usually be included in your terms of use or copyright statement for a website or in the verso page or bibliography for a work.

This notice should specifically identify all third party content. This can be done by listing all the third party content specifically or, where possible, listing material based on content type.

Example: listing all the third party content

'All material on this website, except as identified below, is licensed under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.'

Material that is not licenced under a Creative Commons licence is:

- Commonwealth Coat of Arms
- Material protected by a trade mark
- Logo
- Photographs on pages 4, 5 and 6
- Poem on page 2
- [Etc]

All content not licensed under a Creative Commons licence is all rights reserved, and you must request permission from the copyright owner to use this material.

Example: identifying third party content by content type

'All text on this website is licensed under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.'

All images are all rights reserved, and you must request permission from the copyright owner to use this material.'

3. Giving a general notice and a notice next to third party content



This involves giving a general notice that indicates any third party content will be identified, and then identifying the third party content within the website/work.

This general notice would usually be included in your terms of use or copyright statement for a website or in the verso page or bibliography for a work.

Example: general notice for a website

'Copyright material available on this website is licensed under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.'

Example: general notice for a document

'Except as otherwise noted, this [insert name of content] is licenced under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.'

Then next to all third party content you can include a notice regarding the relevant copyright owner and the material's terms of use and, where possible, the licence or permission you've received from the copyright owner.

Example: direct permission from the copyright owner to use content

'Smith, J 2014, How to label third party content © National Copyright Unit, NSW, all rights reserved, used with permission.'

Example: material licensed under Creative Commons

'Smith, J 2014, How to label third party content, © NSW Department of Education & Communities, used under the Creative Commons Attribution 4.0 International Licence. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.'

Example: material copied pursuant to Part VB Statutory Licence

'Edgar, S 2002, Mathematics Unplugged © Bristol Press, Copied under Part VB.'

With whatever method you choose, the most important thing is that you clearly and effectively identify third party material.