**Artistic Works and Images**

Teachers regularly [copy](https://smartcopying.edu.au/glossary/copy/) [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images for educational or other purposes. The [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images might be in a [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) or digital format. [Artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images include digital images (including from sources like Pinterest, Getty Images, Google or Instagram), paintings, photos, drawings, cartoons, book covers and other pictures in books, maps and charts.

Generally, when teachers [copy](https://smartcopying.edu.au/glossary/copy/) [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) or images they rely on the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/) or one of the copyright exceptions.

**What uses of**[**artistic works**](https://smartcopying.edu.au/glossary/artistic-works/)**does the**[**Statutory Text and Artistic Works Licence**](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/)**allow?**

Schools and TAFE institutes can [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/).

Any [copies](https://smartcopying.edu.au/glossary/copy/) and [communications](https://smartcopying.edu.au/glossary/communicate/) must be made for [educational purposes](https://smartcopying.edu.au/glossary/educational-purpose/). This includes:

* teaching purposes (eg photocopying in order to hand to students in class)
* using as part of a course of study (eg uploading material to a [digital teaching environment](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) (DTE) for access by a particular class)
* making and retaining copies for library use (eg as a teaching resource).

**What is a**[**copy**](https://smartcopying.edu.au/glossary/copy/)**?**

All forms of [copying](https://smartcopying.edu.au/glossary/copy/) (of both hard copy and digital/electronic [works](https://smartcopying.edu.au/glossary/works/)) can be covered by the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/). Making a [copy](https://smartcopying.edu.au/glossary/copy/) includes photocopying, scanning, printing, recording as part of a video or film, taking a photograph,

downloading [works](https://smartcopying.edu.au/glossary/works/) from a webpage or cloud storage drive, or saving a copy to a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/), personal computer, USB drive or personal cloud storage service.

**What is a**[**communication**](https://smartcopying.edu.au/glossary/communicate/)**?**

A [communication](https://smartcopying.edu.au/glossary/communicate/) under the [Statutory Text and Artistic Licence](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/) involves making copyright material available online or electronically transmitting copyright material.

‘Making material available online’ can include uploading material to a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) for student access and use via password protected access such as:

* a shared drive/intranet (eg Microsoft 365)
* content or learning management systems (eg Moodle, Blackboard or Equella)
* to a closed class area on an education platform (eg Edmodo, Verso, Google Classroom or iTunes U).

A [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) is an online environment with features that enable students and teachers to store and engage with course content, manage course work, and explore material. Examples used in schools and TAFE include:

* learning management systems (eg Moodle, Blackboard, SIMON, Schoology, Schoolbox, SEQTA or Infrastructure Canvas)
* learning content management systems (eg Equella)
* closed class areas on an education platform (eg Edmodo, Verso, Google Classroom or iTunesU)
* password protected wikis
* portals
* interactive whiteboard galleries and media libraries
* password protected share drives.

‘Electronically transmitting’ includes emailing, [streaming](https://smartcopying.edu.au/glossary/streaming/) or using an electronic reticulation system to share material (eg libraries might have an electronic delivery system to transmit material centrally).

A [communication](https://smartcopying.edu.au/glossary/communicate/) does not include:

* displaying a website live in class for students to read
* bookmarking and sharing links to online articles or resources
* emailing links to online articles and resources, rather than emailing a PDF or word version of the resource.

These activities are not copyright activities and do not require a licence or permission.

**How much of an**[**artistic work**](https://smartcopying.edu.au/glossary/artistic-works/)**or image can I copy and communicate under the**[**Statutory Text and Artistic Works Licence**](https://smartcopying.edu.au/glossary/statutory-text-and-artistic-works-licence/)**?**

The statutory licence allows you to copy the whole of an [artistic work](https://smartcopying.edu.au/glossary/artistic-works/) (eg photocopy a picture of an artwork from a textbook, print an image or graph from a website, or copy and paste an image from a website into a file to be displayed on an interactive white board).

**Can I upload artistic works and images to our school’s DTE?**

Teachers may upload [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images to a [DTE](https://smartcopying.edu.au/glossary/digital-teaching-environment-dte/) as long as, wherever possible, access to the content is restricted to staff and students.

We recommend that you:

* always label/attribute any [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) or images you [copy](https://smartcopying.edu.au/glossary/copy/) or [communicate](https://smartcopying.edu.au/glossary/communicate/) under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/)
* remove any [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) or images that are no longer required by deleting and archiving.

**Stock images**

Sometimes, teachers or curriculum and e-learning developers use images from the Internet under the mistaken belief that they are automatically free for schools to use because they were either purchased as a “royalty free” image (eg from Getty, Shutterstock, iStock etc) or downloaded from a freely available internet site (eg a social media site such as Facebook or Pinterest, a company website, and even online store catalogues).

In many cases, however, schools pay under the [Statutory Text and Artistic Licence](https://smartcopying.edu.au/guidelines/the-statutory-text-and-artistic-works-licence/) when this content is used in teaching materials. The costs are significant, and Australian schools are currently paying millions of dollars a year to use freely available internet content.

We recommend that teachers consider using some of the millions of images that have been licensed under [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) instead. For more information see [Where to find CC licensed images](https://smartcopying.edu.au/where-to-find-cc-licensed-material/).

**Copyright exceptions**

Teachers may also be able to rely on one of the copyright exceptions when copying [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) or images for specific purposes.

**Fair dealing**

Teachers and students may be able to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) artworks and images under the [fair dealing for research and study exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/). Teachers will only be able to rely on the [fair dealing exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) in limited circumstances, including because they can only rely on it for their own research and study and not the research and study of their students.  However, students using artworks or images as part of their study will generally be able to rely on the [fair dealing exception of research and study](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/).

For more information see [Copyright Exceptions.](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/)

**Disability exceptions**

If you are [copying](https://smartcopying.edu.au/glossary/copy/) or [communicating](https://smartcopying.edu.au/glossary/communicate/) [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) or images in order to make them accessible to a student with a disability, you may be able to do this under the [disability exceptions](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/).

For more information see [Disability Exceptions](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/) for schools or [Disability Exceptions for TAFE](https://smartcopying.edu.au/guidelines/library-exam-and-disability-copying/disability-access-exceptions/).

**Exam copying**

Teachers are allowed to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images for use in online and [hardcopy](https://smartcopying.edu.au/glossary/hardcopy/) exams. This exception does not extend to practice papers.  You can only rely on this exception to [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/) text for actual exams and assessments.

For more information see [Copying for Exams](https://smartcopying.edu.au/copying-for-exams-what-am-i-allowed-to-do/).

**Other useful exceptions**

Teachers and students can make a painting, drawing or take a photograph of a permanently displayed outdoor sculpture or building that is situated in a public place.

They can also use an artwork in the background of a [film](https://smartcopying.edu.au/glossary/film/), provided the use is incidental and does not form part of the main action being presented in the [film](https://smartcopying.edu.au/glossary/film/).

**Attribution**

Teachers should always attribute the [work](https://smartcopying.edu.au/glossary/works/) they [copy](https://smartcopying.edu.au/glossary/copy/) and [communicate](https://smartcopying.edu.au/glossary/communicate/), whether it is owned by their school, TAFE or educational body or someone else. For information on how to attribute [artistic works](https://smartcopying.edu.au/glossary/artistic-works/) and images see [Labelling and Attributing](https://smartcopying.edu.au/labelling-and-attributing/).