**Creating learning resources that include third party films and video**

[**Use this flowchart if you wish to upload teaching resources that include third party films and video (ie material where the copyright is not owned by your TAFE) for educational instruction to a password protected digital teaching environment (DTE).**](https://smartcopying.edu.au/glossary/educational-instruction/)

# YES

[**Can you link to the film or use an embedded link or do you have permission to use the film in teaching resources?**](https://smartcopying.edu.au/creative-commons/)

**NO**

**Link/Embed**

If you can link or embed (eg YouTube), do so instead of copying the film into

the resource.

# Permission

If you have permission to use for educational purposes (eg training videos that allow for educational use), use in accordance with the permission.

[You may be able to rely on the **flexible dealing exception** to copy the film, if:](https://smartcopying.edu.au/flexible-dealing/)

**Do you wish to copy a small extract or an entire film?**

**Extract Entire film**

**Can you obtain permission for your**

**proposed use on reasonable terms?**

Can upload to a password protected DTE (can also upload to a public website).

Can use as per the terms of the permission.

1. [You need the film for **educational instruction** AND](https://smartcopying.edu.au/flexible-dealing/)
2. [Your use does not conflict with the normal exploitation of the film AND](https://smartcopying.edu.au/flexible-dealing/)
3. [You **don’t make a profit from your use** of the film](https://smartcopying.edu.au/flexible-dealing/)

[(cost recovery is okay).](https://smartcopying.edu.au/flexible-dealing/)

[Must be assessed on a case-by-case basis.](https://smartcopying.edu.au/flexible-dealing/)

[**Contact the NCU**.](https://smartcopying.edu.au/flexible-dealing/)

[Resource can only be uploaded to a](https://smartcopying.edu.au/flexible-dealing/)

IF NO, you may still

be able to rely to copy the film under the flexible dealing exception.

As an alternative, can

consider creating your

IF YES, you should do

so. You can then use the film as per the terms

of the permission.

You can upload the resource

to a password protected DTE

[Remember to **attribute**.](https://smartcopying.edu.au/labelling-and-attribution/)

National Copyright Unit, Copyright Advisory Groups (Schools and TAFEs) smartcopying@det.nsw.edu.au

[password protected **DTE**.](https://smartcopying.edu.au/flexible-dealing/)

own content.

(can also upload to a public

website if the permission

allows you to).

**Instructions for TAFEs**

***Have 3 separate ‘hover bubbles’ on the page where the flowchart appears (ie bold title to appear on screen, subtext to appear when individuals hover over the bold title). Icons are optional.***

# What is a film?

Films include videos, feature, short and documentary films, animations or cartoons, on demand TV programs offered by subscription services, corporate or training videos, and vodcasts (eg purchased DVDs, streamed subscription films, commercial films, YouTube clips).

TV broadcasts are not considered films.

# TAFE owned content

If you are not using any third party material (ie your resource only includes TAFE owned content), you can use the resource however you like. However, we recommend you license your resource under a Creative Commons (CC) licence.

# Playing films in class

TAFEs can **play** films and TV broadcasts in class for educational purposes under section 28 of the Copyright Act. Making material available online to play in class is fine, provided the film is removed at the end of the class. See **Performance and Communication of Copyright Material in TAFE Classes**.