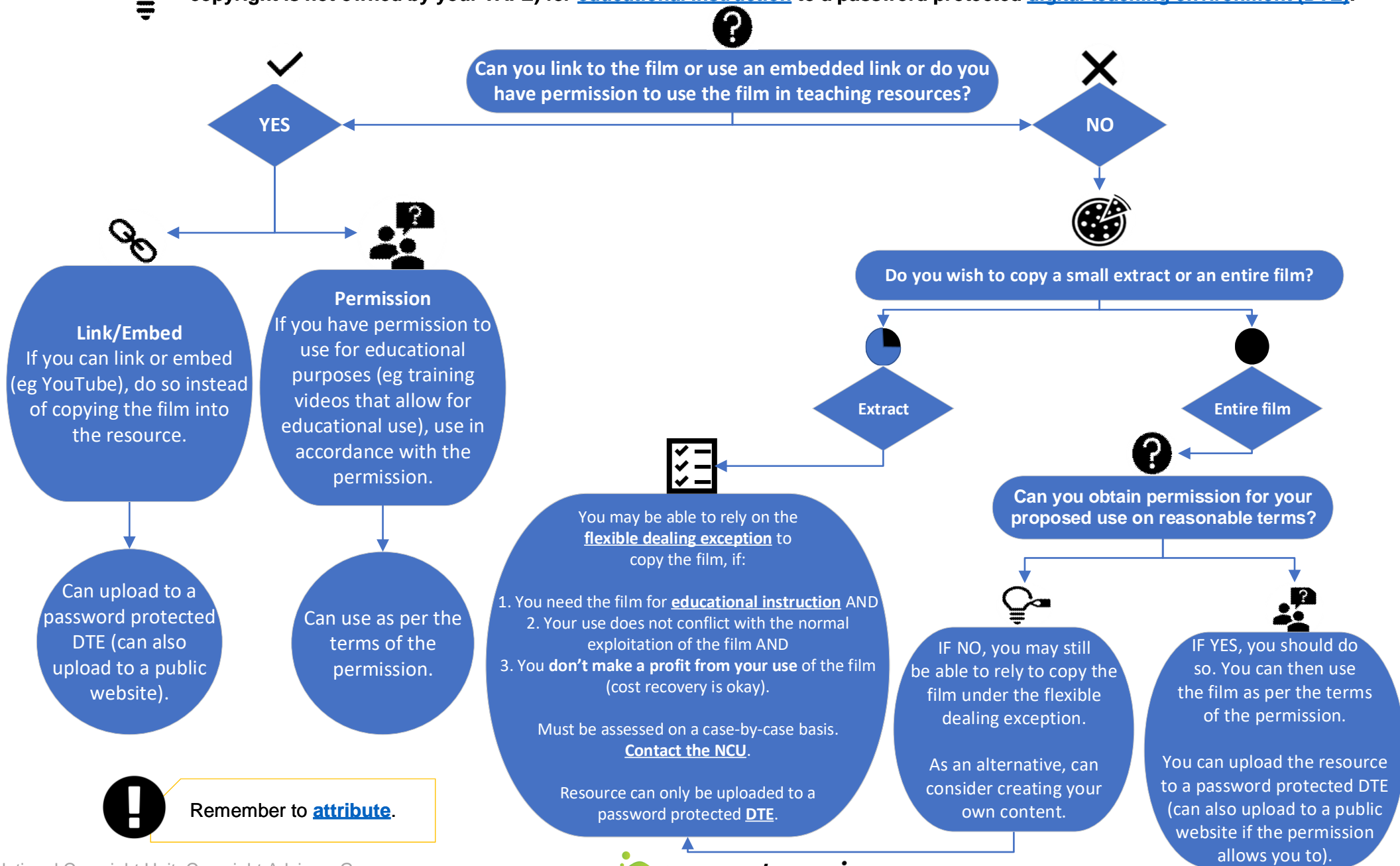# Creating learning resources that include third party films and video

Use this flowchart if you wish to upload teaching resources that include <u>third party films and video</u> (ie material where the copyright is not owned by your TAFE) for <u>educational instruction</u> to a password protected <u>digital teaching environment (DTE)</u>.

Can you link to the film or use an embedded link or do you have permission to use the film in teaching resources?

YES

NO

Link/Embed
If you can link or embed (eg YouTube), do so instead of copying the film into the resource.

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

Remember to <u>attribute</u>.

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

Can use as per the terms of the permission.

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

Extract

Entire film

You may be able to rely on the <u>flexible dealing exception</u> to copy the film, if:

1. You need the film for <u>educational instruction</u> AND
2. Your use does not conflict with the normal exploitation of the film AND
3. You **don't make a profit from your use** of the film (cost recovery is okay).

Must be assessed on a case-by-case basis. **<u>Contact the NCU</u>**.

Resource can only be uploaded to a password protected <u>DTE</u>.

Can you obtain permission for your proposed use on reasonable terms?

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 own content.

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 (can also upload to a public website if the permission allows you to).

sc smartcopying
The Official Guide to Copyright Issues for Australian Schools and TAFE

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**.