**June 2023 – Issue 16 - THE LATEST NEWS IN COPYRIGHT FOR AUSTRALIAN SCHOOLS AND TAFE**

**Artificial intelligence – information sheets for schools and TAFEs**

Hi everyone, we hope you are all getting into the swing of Term 2.

We know schools and TAFEs are increasingly using Artificial Intelligence (AI) and we are starting to receive many queries about copyright and AI, particularly about the use of ‘generative’ AI platforms like ChatGPT, DALL-E and Midjourney.

Generative AI platforms use a large amount of online data to conduct ‘machine learning’ and generate new content (for example, text, images or animated content).

This newsletter gives a summary of our new AI information sheets for schools and TAFEs, which provide practical advice on the copyright issues arising from using AI.

Our new information sheets can be found at:

* [Using Generative AI Platforms in Schools](https://smartcopying.edu.au/using-generative-ai-platforms-in-schools/)
* [Using Generative AI Platforms in TAFEs](https://smartcopying.edu.au/using-generative-ai-platforms-in-tafes/)

**How are teachers and students using generative AI platforms in schools and TAFEs?**

Teachers and students are using these platforms to create new works and modify existing works. Some of the ways teachers and students are utilising AI platforms to enhance their classroom and homework experiences are listed below.

**Creating new works**

AI platforms are being used:

* by a student to analyse their speech writing skills for a class presentation
* by a teacher to create a step-by-step process for solving a biology question suitable for a particular course or year level
* by a student to create an image of a horse in the style of Andy Warhol as part of a Visual Arts class or course.

**Modifying existing works**

AI platforms are being used:

* by a teacher to refresh examples in an older accounting or maths course
* by a teacher to re-write a text in ‘easy English’ to assist a student with reading difficulties.

**Does copyright exist in outputs generated by AI platforms?**

Under Australian law, it is unclear whether copyright will subsist in materials or ‘output’ generated by AI platforms. It will depend on the type of platform, what human ‘prompts’ are given to the platform, and the form of the final output.

**Who owns copyright in outputs generated by AI platforms?**

If copyright subsists in the output generated using AI, the next question is: who owns that copyright? There are a number of factors that will impact this question, including the relevant platform's terms of use.

**Practical steps for schools and TAFES to consider when using generative AI platforms to create new content or modify existing content**

1. Be aware of the terms and conditions of the different generative AI platforms. See our summary table for [schools](https://smartcopying.edu.au/using-generative-ai-platforms-in-schools/) and [TAFEs](https://smartcopying.edu.au/using-generative-ai-platforms-in-tafes/) on the most commonly used platforms.
2. Make sure users of these platforms are employees of the department or administering body.
3. [Label content](https://smartcopying.edu.au/using-generative-ai-platforms-in-schools/) generated or modified using generative AI platforms
4. When modifying existing works using generative AI platforms, comply with the statutory licences or education exceptions.

[Contact the NCU](https://smartcopying.edu.au/contact-us/) or refer to the information sheets on Smartcopying if you have any questions or concerns on using generative AI platforms.

**Additional information**

The purpose of this update is to provide a summary and general overview. It is not intended to be comprehensive, nor does it constitute legal advice. If you need to know how the law applies in a particular situation, please seek specific advice from the [NCU](https://smartcopying.edu.au/contact-us/). For information about our [National Copyright Webinar Series](https://smartcopying.edu.au/national-copyright-seminar-series/) and [Copyright for Educators (C4E)](https://smartcopying.edu.au/copyright-4-educators-course/) course, please visit the [Smartcopying website](https://www.smartcopying.edu.au/).