**February 2024 – Issue 19 - THE LATEST NEWS IN COPYRIGHT FOR AUSTRALIAN SCHOOLS AND TAFE (Updated 7 May 2024)**

# **Copyright infringement notices**

Welcome back to Term 1 in 2024! We hope you enjoyed a safe holiday break and are looking forward to an exciting year ahead.

In our [first newsletter last year](https://mailchi.mp/69bc4db739e5/item-15-the-latest-news-in-copyright-for-australian-schools-and-tafe-issue-1-15762188?e=%5bUNIQID%5d), the National Copyright Unit (NCU) updated you about schools receiving emails from companies demanding they pay a fine for using a copyrighted image in an infringing way. In 2023, the NCU continued to see schools and TAFEs receive a number of these claims. Some examples of the companies making these claims are Pixsy, PicRights, CopyTrack, Originality Always and Image Rights International.

These claims most frequently concerned images or photos used in online materials (such as in a newsletter, or on websites, blogs or social media pages). Sometimes, these claims concerned webpages that were archived or no longer needed to be online.

The NCU noted that companies based outside of Australia making these claims were sometimes unaware that some uses of images were actually permitted under the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/). Some schools have also received copyright infringement notices when they have not attributed [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) images.

In this newsletter, we suggest some easy steps to take to minimise the risk of receiving one of these notices and remind you about what to do if you receive a copyright infringement notice.

### **How can I minimise the risk of receiving a copyright infringement notice?**

* **Review public-facing websites and remove material**

In some cases, the NCU sees claims being made in respect of copyright works used on legacy pages of a website that are no longer used. It is best practice to regularly review your public-facing webpages and take down or remove pages and content that no longer need to be online (including content that is archived or cached and still available on the website’s backend). Archiving the relevant content or page from view or removing links to the relevant page from the public website is no longer sufficient. If you are making less content publicly available, there is a lower risk that you might receive a copyright infringement notice. This is a good step to take at the start of each year.

* **Use and attribute Creative Commons images**

We recommend using [Creative Commons](https://smartcopying.edu.au/glossary/creative-commons-cc/) images for public-facing websites and in newsletters. See [Creative Commons: A Quick Overview](https://smartcopying.edu.au/creative-commons-a-quick-overview/) for more information and useful sources of Creative Commons images. It is important to attribute all Creative Commons images, so it is clear the material is being used with permission. It is also a requirement under Creative Commons licences that the material be attributed. You simply need to follow **TASL**: Title, Author Source and Licence. See [How to attribute Creative Commons licensed materials](https://smartcopying.edu.au/how-to-attribute-creative-commons-licensed-materials/).

* **Have a system for reviewing public-facing content before it goes live**

It is a good idea to have a system in place for reviewing content for copyright issues before making it public. This review could include ensuring that appropriate attribution has been given for Creative Commons images and checking where an image came from if the source is not identified (and removing it if you don’t have permission to use the image or it is not Creative Commons licensed). If you are unsure, you can always contact the NCU for assistance.

## **What can I do if I receive a letter or email alleging infringement?**

1. Remove the material

Take the material down immediately while the issue is being resolved (for example, remove the image or photo from the website or take down the newsletter that contains the image). Record the date and time at which the material was taken down. Consider where else the material has been used by the school and take steps to immediately cease those uses.

2. Contact the National Copyright Unit

3. Don’t respond to the email and contact us immediately with:

* a copy of the letter or email
* details about the image/photo/material that is the subject of the infringement claim
* the date and time at which the material was taken down (from the website etc.)
* any other relevant information. If you know the basis on which the material was used, you can include that (for example, that the image was used with permission from the copyright owner, under a licence like Creative Commons, or under an [education exception](https://smartcopying.edu.au/guidelines/copyright-basics/copyright-exceptions/) or the [Statutory Text and Artistic Works Licence](https://smartcopying.edu.au/guidelines/education-licences/the-statutory-text-and-artistic-works-licence/)).

4. The NCU will assess all the relevant facts and information and advise on next steps.

**Important**

Schools, TAFEs, departments and administering bodies should not panic if they receive an email or letter alleging copyright infringement. The NCU will provide advice and guidance about how to respond.

**National Copyright Unit’s free webinar series**

The NCU is offering a series of free and practical webinars to help teachers navigate copyright while teaching. These webinars are aimed at Australian school and TAFE staff (excluding Victorian TAFEs) and are targeted to educators, librarians and administrators. For information about the webinar series, please visit our [Smartcopying website](https://smartcopying.edu.au/national-copyright-seminar-series/).

**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/).