**copyright release guidelines**

how to release our content   
under a copyright licence

Acknowledgements

Parts of this document have been adapted from the [*Intellectual Property Guidelines for the Victorian Public Sector*](https://www.dtf.vic.gov.au/funds-programs-and-policies/intellectual-property-policy), Part 5, Version 1, State of Victoria (Department of Treasury and Finance), which is licensed under a [Creative Commons Attribution 4.0 International licence](https://creativecommons.org/licenses/by/4.0/)

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Copyright queries may be directed to [copyright@edumail.vic.gov.au](mailto:copyright@edumail.vic.gov.au)

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INTRODUCTION

purpose

The *Copyright Release Guidelines* are to be used for:

1. applying a copyright licence to new material before release to the public, for example, when using a Communications template
2. releasing existing works in response to a copyright permission request.

scope

The *Copyright Release Guidelines* apply to all documents produced by the Department of Education and Training (the Department) for release to the public on the Department’s websites or in print, including reports, policy documents, information sheets and teaching resources.

Audience

* Staff preparing material for release to the public in any format, including on the Department’s public websites
* Business units and schools assessing copyright permission requests
* Delegates listed in the intellectual property delegation ([available on DET Intranet](https://edugate.eduweb.vic.gov.au/edrms/keyprocess/delegation/Lists/Delegation/DispForm.aspx?ID=713))

Governance and principles

The State of Victoria owns copyright in materials produced by Victorian Government departments and public bodies, including educational resources created by teachers and content developed by corporate business areas.

The *Copyright Release Guidelines* are intended to support the Department’s [*Intellectual Property and Copyright Policy*](https://edugate.eduweb.vic.gov.au/edrms/collaboration/ISP/Intranet_linked_docs/Intellectual%20Property%20and%20Copyright%20Policy.docx), which sets out the framework and foundational principles that guide our management and use of intellectual property (IP).

The *Copyright Release Guidelines* address practical issues to ensure:

* the Department grants rights to its copyright IP, as a public asset, in a manner that maximises its impact, value, accessibility and benefit consistent with the public interest
* the Department acquires or uses third party copyright IP in a transparent and efficient way, while upholding the law and managing risk appropriately.

Approving authority

The *Copyright Release Guidelines* were been approved by the Digital Channels Management Committee in December 2018.

Accountable officer

Jonathan Kaplan, Executive Director, Integrity, Assurance and Executive Services Division

Contacts

Kylie Auld, A/Director, Knowledge, Records and Privacy Branch

Anna Gifford, Manager, Knowledge Management

DEFINITIONS

**Attribution**

Attribution is the acknowledgment of the original creator of a work when it is copied. Attribution is usually displayed close to the work, for example, in the caption to a photograph. Attribution should include the work’s title, the name of the creator/owner, the source, and note the terms under which it was copied (for example “used with permission” or “licensed under CC BY”). Creators often specify how to attribute their work and these instructions should be followed.

**Copyright**

Copyright is the legal term used to describe specific rights that creators or copyright holders have in their work. Copyright protects owner’s rights to the economic benefits of their works and allows them to control how their works are used. Permission must be obtained before using works protected by copyright. Some exceptions to copyright are available in the Fair Dealing provisions in the Copyright Act. Fair dealing includes specific limited copying for research and study, and other activities including professional legal advice and news reporting.

**Creative Commons**

Creative Commons offers a simple, standardised way for copyright holders to share their work so that others can re-use it without seeking permission. There are six different Creative Commons licences. All six Creative Commons licences require that appropriate credit (acknowledgment or attribution) is given to the copyright holder, but vary in the additional permissions they grant, such as changing and building on the work, or commercial uses.

**Intellectual property**

Intellectual property (IP) is the legal framework within which copyright sits. Other forms of IP include trademarks and patents.

**Licence**

A licence is an authorisation or permission to use protected works in ways reserved for the rights holder. A licence may be granted by one party to another as part of an agreement between those parties.

**Moral rights**

Moral rights are separate from the economic rights protected by copyright. Moral rights require that credit (attribution) is given to individual creators and that their work is treated with respect. Moral rights do not apply to organisations.

**Open Educational Resources**

Open Educational Resources (OER) are freely accessible materials for teaching, learning, assessment and research. OER are often licensed under Creative Commons.

**Permission requests**

Copyright permission, release or clearance requests are requests to use material in ways reserved for the rights holder.

**Publication**

In these guidelines, publication means any document made available to the public.

**Rights holder**

Rights holder refers to a legal entity or person with exclusive rights to works protected by copyright, trademark, patent or other intellectual property rights.

**Third-party content**

In these guidelines, third-party content, material or works, refers to material not owned or managed by the Department

APPLYING A LICENCE

The recommended licence

The recommended licence is the Creative Commons Attribution 4.0 International (CC BY). The CC BY licence permits broad-ranging re-use of the licensed materials, providing that attribution is made to the Department and the State.

The CC BY licence is suitable for most material published or released by the Department to the public. It is the default licence for the Department’s publications and websites. Only in limited circumstances should another licence be applied.

Issues to consider before applying a licence

Intended use of material

Be aware that applying the CC BY licence to departmental material will allow users to copy, distribute, republish and commercialisethe material. If the material is not appropriate for these uses, the CC BY licence should not be applied and further advice should be sought. Contact the Knowledge Management team for advice (see[Further Guidance and Resources](#Further_guidance_and_resources)).

Capacity to license

*Does the content include copyright material belonging to others?*

Material produced by the Department may contain third-party content. Before applying a licence to new documents or releasing material in response to a permission request, ownership of all elements should be checked to establish the capacity to licence.

Content that belongs to third parties must not be released under a copyright licence without the owner’s permission. Most third-party items have pre-existing permitted uses or licences and these terms of use will determine whether the Department has the capacity to licence the material.

*Photographs*

Photographsavailable through many image libraries, including the Department’s image management system, will usually have been acquired under terms that do not permit applying an additional licence. For this reason, the Department’s CC BY licence *excludes* photographs and images (see Figure 1).

However, some photographs or images (including tables, figures and illustrations) used in departmental documents have been:

1. created by the Department, or
2. acquired by permission or under a licence (for example a Creative Commons licence)

that permits their public re-use. It is important to correctly caption photographs and other images with their title, creator, source, and licence terms so that users know what they can and can’t copy and re-use (for information on attribution, see [Further Guidance and Resources](#Further_guidance_and_resources)).

Note: when using photographs of students, privacy issues must be addressed (see [Further Guidance and Resources](#Further_guidance_and_resources)).

*Tables, figures and illustrations*

Tables, figures, illustrations and other images may also belong to third parties and should be treated in the same way as photographs (above).

*Material produced by schools*

Teachers are encouraged to release work under the Department’s CC BY licence providing any non-original content has been checked for capacity to license (above) and any remaining third-party material has been correctly attributed with title, creator, source, and licence terms, so that users know what they can and can’t copy and re-use (see Further Guidance and Resources).

Resources created by schools often include third-party content copied under licences or exceptions that apply only to educational institutions for specific internal uses. *No further licence may be applied to such material*. While it is not always necessary to indicate that work has been copied under an education licence, it is always important that the creators of works are credited for their work. When copying and re-using material, school staff should always acknowledge their sources and follow best practice attribution when it is reasonable to do so.

The Smartcopying website includes information for teachers on:

* uses allowed under the schools’ education licences
* how to attribute others’ work
* how to find and use Creative Commons material.

See [Further Guidance and Resources](#Further_guidance_and_resources)

*Student work*

School students hold copyright in their own work and student work must not be licensed without permission (usually from a parent or guardian). Consent forms are available (see [Further Guidance and Resources](#Further_guidance_and_resources)).

*Other third-party issues*

Departmental material that has named authors or was produced under shared-funding agreements may have specific, limited terms for re-use.

*Always check the origin of individual items and the terms that apply to their use before applying a licence or releasing material in response to a permission request.*

Additional legal issues

*Privacy*

If the materials contain personal information or photographs of people, including students, privacy issues should be addressed prior to licensing (see [Further Guidance and Resources](#Further_guidance_and_resources)).

*Moral rights*

Moral rights are separate from but related to copyright. Moral rights require that the individual creator of a work (for example an artist, author, film producer, director or screenplay writer) is correctly credited and that the work is not treated in ways that may be derogatory. Moral rights apply only to individuals (not to organisations). See [Further Guidance and Resources](#Further_guidance_and_resources)

*Logos and trademarks*

Logos are usually protected by trademark as well as copyright. The Department’s CC BY licence *excludes* trademarks or branding, including those belonging to the Department and the Victorian Government (see Figure 1).

Applying a licence to NEW material

Before applying a licence to new material, check:

1. [Issues to consider before applying a licence](#Issues_to_consider_before_applying_a_lic)
2. Provided that you are satisfied that all issues have been addressed, apply a licence by using the CC BY licence in the Department communications templates (see Figure 1).

Be sure that:

1. the correct year and title of the document are included
2. the licence is displayed in a visible area of the document, for example, see page 2 of this document.

Figure 1 – Copyright notice in the Department’s communications templates

Applying a licence to existing material

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[Macintosh HD:Users:apple:Desktop:88x31.png](https://creativecommons.org/licenses/by/4.0/)

*[Insert name of document]* is provided under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria (Department of Education and Training), indicate if changes were made and comply with the other licence terms, see: [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/)

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Copyright queries may be directed to [copyright@edumail.vic.gov.au](mailto:copyright@edumail.vic.gov.au)

To apply a licence to existing material in response to a copyright permission request, first check [Issues to consider before applying a licence](#Issues_to_consider_before_applying_a_lic).

Providing that you are satisfied all issues have been addressed, permission may be granted under the terms of a CC BY licence. The following written response may be appropriate to achieve this:

Figure 2 – Written response to approved request to use existing materials

On behalf of the State of Victoria, the Department of Education and Training grants you a licence to re‑use [insert name of copyright work, or description if part of work] under the Creative Commons Attribution 4.0 International Licence (CC BY 4.0). You are free to re‑use the work under that licence, on the condition that you credit the State of Victoria (Department of Education and Training), indicate if changes were made and comply with the other licence terms, see: [Creative Commons Attribution 4.0 International](https://creativecommons.org/licenses/by/4.0/)

The licence does not apply to:

* any images, photographs, trademarks or branding, including the Victorian Government logo and the DET logo; and
* content supplied by third parties.

If specific images or photographs are permitted to be re-used under the terms of the CC BY licence, the first dot point may be adjusted to identify and include them in the licence. Contact the Knowledge Management team for advice (see [Further Guidance and Resources](#Further_guidance_and_resources)).

Delegations

Authority to apply licences to copyright material has been delegated to officers listed the [Intellectual Property Policy Delegation](https://edugate.eduweb.vic.gov.au/edrms/keyprocess/delegation/Lists/Delegation/DispForm.aspx?ID=713). This means that executive level officers, principals and deputy principals are responsible for overseeing that copyright material is released to the public consistent with these guidelines.

Further guidance and resources

**Help from the Department**

Integrity, Assurance and Executive Services Division is responsible for the Department’s *Intellectual Property and Copyright Policy*, these guidelines, and providing advice on copying in schools.

Contact the Knowledge Management team: phone 1800 359 140 or email [copyright@edumail.vic.gov.au](mailto:copyright@edumail.vic.gov.au)

See the Department’s [*Intellectual Property and Copyright Policy*](https://edugate.eduweb.vic.gov.au/edrms/collaboration/ISP/Intranet_linked_docs/Intellectual%20Property%20and%20Copyright%20Policy.docx)

**Smartcopying website for educators**

[Smartcopying](http://www.smartcopying.edu.au/home) provides detailed information for schools and TAFEs on:

* [the education licences](http://www.smartcopying.edu.au/information-sheets/tafe/education-licences)
* [Open Education Resources](http://www.smartcopying.edu.au/open-education/open-education-resources)
* [Creative Commons](http://www.smartcopying.edu.au/open-education/creative-commons)

**How to correctly attribute creators**

Best practice attribution includes the title of the work, author, source (and link), and licence name (and link). The Creative Commons website also includes advice on attributing works you have adapted and attributing works from multiple sources. See [Best practices for attribution](https://wiki.creativecommons.org/wiki/Best%20practices%20for%20attribution)

**About Creative Commons**

The Creative Commons international website provides information on the CC BY licence used by the Department and the other types of Creative Commons licences:

* [Share your work](https://creativecommons.org/share-your-work/)
* [Licensing types](https://creativecommons.org/share-your-work/licensing-types-examples/)

The [Creative Commons Australia](https://creativecommons.org.au/) website provides information specific to government, see: [Government and public sector information](http://creativecommons.org.au/learn/government)

**Privacy issues including use of photographs of students**

A consent form has been developed to use when seeking permission to publish, reproduce or communicate a student’s work or image, and this is available at: [Consent, Acceptable Use Agreements and Online Services](http://www.education.vic.gov.au/about/programs/bullystoppers/Pages/lolconsent.aspx)

Contact the Legal Division: phone 9637 3146 or email [legal.services@edumail.vic.gov.au](mailto:legal.services@edumail.vic.gov.au)

The Department’s *Information Privacy Policy* is available at: [Information Privacy Policy](http://www.education.vic.gov.au/Pages/privacypolicy.aspx)

**Moral rights**

Moral rights are addressed in detail in the Government’s [*Intellectual Property Guidelines for the Victorian Public Sector.*](http://www.dtf.vic.gov.au/sites/default/files/2018-02/Intellectual-Property-Guidelines-for-the-Victorian-Public-Sector-Version-1-Jan-2017.docx)

**Obtaining permission to use works belonging to others**

The Copyright Council publishes an information sheet on how to obtain permission from copyright holders, see: [Permission: How to get it](http://www.copyright.org.au/ACC_Prod/ACC/Information_Sheets/Permission__How_to_Get_It.aspx)

**Victorian Government IP Policy and the government licences**

The Department of Treasury and Finance is responsible for the State’s intellectual property policy and the licences that allow copying for government purposes.

See [Intellectual Property Policy](https://www.dtf.vic.gov.au/funds-programs-and-policies/intellectual-property-policy) or contact [IPpolicy@dtf.vic.gov.au](mailto:IPpolicy@dtf.vic.gov.au)

**Copyright basics**

Information sheets on a huge range of copyright topics is provided by the Copyright Council. See the [A-Z list](https://www.copyright.org.au/ACC/Find_an_Answer/ACC/Public_Content/Find_an_Answer.aspx?hkey=b0de2cd4-daa3-47da-95a5-1e7ecdc8dddc).