

COPYRIGHT QUICK GUIDE

Blogging

IMPORTANT NOTE: Public blogging on external sites such as blogger.com, word press, typepad and alike offer greater public exposure, plus also a higher risk in relation to using copyright works.

Using text, short quotes

Short text quotes are fine, a quote of a few sentences to a paragraph from a given source is ok to include when blogging. A quote larger than a paragraph to 1% of the total number of words in a work would probably be considered too much – a substantial amount of a work. Reproducing a substantial amount requires permission.

Using Images

Think about using creative commons images, or images that allow reuse. Google images sources copyright images and also creative commons images. [Try searching](#) for creative commons images rather than just a general Google searching. Try searching using the one of the creative commons search engines below.

- [Everystockphoto](#)
- [Compfight](#)
- [Fotopedia](#)
- [Pixabay](#)
- [More image sites...](#)

[View the images guide](#) for more information on photographing people, scanning, downloading or using images.

Film, TV, YouTube

Embed is key when using film, TV or YouTube on public blogs. Recording, copying, clipping, taking snippets, downloading and uploading are high risk activities – which could be considered infringing activities. When using YouTube, or Vimeo source materials that have been placed online by the copyright holder. Establish that the video you wish to embed is not an illegal copy of a work. It must be a video that has been placed online by the copyright holder or an individual who is authorized to do so. To find the copyright holder of the video you need to click on details for the uploader of the materials.

THINK ABOUT– using open resources or creative commons film/video for snippets.

SEARCH:

- [ABC Open Archives](#)
- [Creative commons film](#)
- [Internet Archive – Moving Image](#)
- [Use the creative commons search engine for searching YouTube](#)
- [Search wikimedia commons film & animation](#)
- [iTunes U](#)

[View the film, TV & YouTube guide](#) for more information on using films, TV programs and YouTube.

Posting, linking, embedding

Embedding and linking are key when blogging. Most content sites such as news media, YouTube, Vimeo, TV & radio media, all contain a 'share' or 'embed' function. This function allows you to either embed, or link to the work. The share/embed function is an explicit licence from the owner of the content for you to share it on your blog, via Facebook or twitter. . Look for and use the share or embed function for content you wish to repost.

Posting content raises copyright issues such the need to establish if permission is required, or if the work can be used under licence. Generally you should not post copyright material unless you have the permission of the copyright owner to do so, or where the licence specifically allows you to do so such as creative commons.

Linking to material is fine, unless the website explicitly states linking is not permitted [which is rare]. Take care to not link to material that would reasonably be regarded as being pornographic, racial vilification, cruel or violent, content which is defamatory, abusive, or harassing in nature, invades or interferes the privacy of any person or material that infringes the intellectual property rights of any person.

Fair dealing & Fair use

The fair dealing provisions do not apply to public sites such as blogger.com, Facebook, YouTube or alike. Fair dealing allows the use of copyright works by students for research and study purposes only. Fair use is an American provision and terminology for using copyright works and does not apply in Australia.

The fair dealing provisions are closed provisions and only applicable whilst undertaking a course of study, or research. Copyright works [that are not creative commons or free licensed works], incorporated into online environments within RMIT such as blogs, and e-Portfolios can only remain online whilst enrolled if you are no longer enrolled in the course the works must be removed.

The fair dealing provisions allow for a reasonable portion of a work to be used - a '*reasonable portion*' of a literary, dramatic or musical work for research and study purposes. For artistic works, videos, film and sound recordings there is no simple defined rule as to how much you can copy for research and study purposes. Reasonable is the key factor reasonable in terms of the amount of works used, and reasonable in terms of the nature of the use.

The fair dealing provisions require you undertake a genuine act of fair dealing - the use of the work for either research and study purposes, or criticism and review purposes.

- *Research or study*: undertaking a course of instruction or personal private research. This provision allows students and researchers to rely on using a reasonable portion of copyright works as part of their research or study. Demonstrating or showing works to others as part of public events, exhibitions or competitions will require the permission of the copyright holder.
- *Criticism or review*: undertaking a legitimate task that involves criticising or reviewing a copyright work. For example a magazine review for a new release on DVD's that includes an image of the DVD cover could be considered a legitimate reliance on the fair dealing provision of criticism or review. As the act of review or criticism is a genuine act, an act of forming an opinion on the work – the DVD.
- [Parody and satire](#) is a new purpose within the fair dealing provisions. Copyright holders don't usually licence criticism of their works such as an adaption/mashup that casts them and the brand in a bad light. When undertaking a dealing of a copyright work for the purpose of parody and satire the dealing must be **legitimate**, a genuine act of parody and satire, the use must be transformative the new work must transform the original work into a work that is either satirical or humorous.

The amount used, and the market place for the existing work are important considerations with fair dealing - was a substantial amount of the existing work used, and was there an interference with the existing or potential market for the work. If not was the part used an important part of the work and in using that part was the use competing in the market place with the original work. If it is found that a substantial amount of the original work has been used, and the part used is an important part of the original work, and the use could have been licensed within the existing market, then the use would most probably be considered unfair and a breach of fair dealing/copyright law.

Getting advice

The [Copyright Management Service](#) can assist with further advice feel free to [contact us](#) with any query you may have.