



Copyright procedure

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Audience

Department-wide

Purpose

This procedure outlines how the Department of Education (department) creates, manages and uses copyright materials.

Overview

The procedure details the requirements for using copyright material in accordance with the [Copyright Act 1968 \(Cth\)](#) and the Queensland Government's [Information access and use policy \(IS33\)](#). Copyright is a form of intellectual property that exists in many different types of material including images, artistic works, written material, music, computer programs, sound and audio-visual recordings, radio and television broadcasts, and published editions.

This procedure applies to all employees when:

- creating copyright material owned by the department
- using copyright material owned by others (third-party copyright material)
- choosing a copyright statement for departmental resources
- responding to external requests to use copyright material published by the department.

Copyright protects creative expression rather than ideas, concepts, styles or techniques. If material is original, written down or recorded in some way, and the result of a human creator's skill and effort then it is protected by copyright. Copyright protection is broad and will cover many materials produced by a large number of employees (that is, documents, reports, presentations, briefs, teaching resources and aids). If an employee writes a sentence, creates an image, visualises data or records a meeting they may have created copyright material. Caution must be exercised when using generative artificial intelligence (genAI) as content generated may not be unique and may not be protected by copyright. For more information view the department's [copyright information](#) (DoE employees only) OnePortal page.

Copyright protection is automatic, and creators or owners do not need to register their copyright or display a copyright symbol for their work to be protected. Creators also have moral rights which are in addition to

copyrights and include the right to attribution, the right against false attribution and the right to have the integrity of their work respected. For more information on moral rights, view the department's [Moral rights factsheet](#) (DoE employees only).

The State of Queensland owns the copyright of all materials created by employees as part of their official duties unless otherwise agreed between the employer and employee. It does not matter if the employee creates any part of the copyright material outside normal work hours or without using the department's facilities or equipment.

[Indigenous Cultural and Intellectual Property \(ICIP\) rights](#) refers to rights of Indigenous people to protect and maintain their cultural heritage. These rights relate to the control of ICIP rights to authorise or refuse use, and to be recognised as the owners of ICIP so that people and organisations continue to consult with Aboriginal peoples and Torres Strait Islander peoples for consent. While these rights are currently not protected by specific legislation, consideration must be given to ICIP rights when dealing with existing departmental content or developing new content that includes contributions from Aboriginal communities and Torres Strait Islander communities.

Responsibilities

All employees

- Consider copyright ownership, attribution and licensing when using third-party materials and when re-using materials previously published by the department.
- Apply an appropriate copyright statement to all departmental resources and prioritise the use of Creative Commons licensing. If a Creative Commons licence is not appropriate obtain written permission from principals, directors or above to depart from Creative Commons licensing.
- Consider ICIP rights and obtain consent to use ICIP when dealing with existing departmental content, developing new content or using third-party materials.
- Ensure copyright ownership is addressed when obtaining copyright material through a procurement process.
- Maintain appropriate records of copyright materials created, used or procured.

School employees

- Follow the requirements of relevant copyright exceptions and educational licences when using third-party copyright materials for the educational purposes.
- Participate in copyright sampling surveys as required under the statutory and voluntary educational licence agreements.

Principals, directors and above

- Approve any departure from the Queensland Government's [Information access and use policy \(IS33\)](#) to apply Creative Commons licences to State of Queensland copyright materials that are made available to the public.
- Approve, in consultation with the [Copyright team](#), requests from external parties for permission to use the department's copyright materials.
- Record significant copyright material in the department's [Intellectual property log](#) (DoE employees only).

- Act as custodians for copyright material created by their school or business unit.

Copyright team, Information and Technologies Branch

- Provide advice and information to employees using or creating copyright material and coordinate responses to external requests for permission to use copyright materials published by the department.
- Provide assistance to principals, directors and above who receive a request to deviate from the Creative Commons licensing of departmental copyright materials.

Process

The process for working with copyright materials varies depending on factors such as the purpose of use and who owns the materials. This procedure covers:

- using copyright materials in schools
- creating copyright material for the department
- using third-party copyright material in departmental resources
- choosing a copyright statement for departmental resources
- managing external requests to use copyright material published by the department.

Using copyright material in schools

School employees may want to use third-party copyright materials for educational purposes. This includes using materials for teaching purposes, as part of a study course or to hold in the library as a teaching resource.

There are a number of copyright exceptions and educational licences which allow school employees limited use of third-party materials for educational purposes without receiving permission from the copyright owner.

Copyright exceptions

Copyright exceptions include the ability to:

- copy and communicate limited amounts of third-party material for their own research or study, criticism or review, reporting the news, or parody or satire
- copy audio-visual materials for educational purposes, such as downloading an online video (subject to the online terms of use) or compiling extracts of audio-visual material for use in class
- perform literary, dramatic works, musical works, play sound recordings or audio-visual recordings in class for educational purposes (note this does not cover performances to parents or fundraising activities)
- use new technologies to communicate and display copyright materials, sound and audio-visual recordings to classrooms (for example, show a film to school students who are off campus through virtual classroom software or display material to a class on an electronic whiteboard). Copyright material can only be uploaded to digital teaching environments if it is to be shown in class and it is recommended it be removed no longer than 14 days after classroom use
- copy artistic, dramatic, musical and literary works by hand for instructional purposes or use in the classroom

- copy materials for use in exams including those conducted online, but not including practice exams.

More information on copyright exceptions can be found on the [Smartcopying](#) site.

Education licences

Under educational licences school employees can:

- make multiple copies of literary, dramatic, musical and artistic works and communicate them in hard copy or digital form (for example, through a secured shared drive or directly emailed to students). As a general guide teachers can copy and communicate a text work if the amount used does not unreasonably prejudice the interests of the copyright owner. Refer to the [Statutory Text and Artistic Works Licence](#) for more information
- make digital copies of or stream free to air radio (AM, FM, digital) and television programs (ABC, SBS, channels 7,9,10, etc). The licence does not cover copying programs from websites, streaming services, subscription television services, audio-visual recordings or games. Refer to the [Statutory Broadcast Licence](#) for more information
- copy and share musical works and sound recordings for educational purposes, to promote students' work and for school events such as formals, sports days and school concerts. Refer to the [Schools Music Licence](#) for more information.

Using copyright exceptions and educational licences

- If school employees are unsure whether an education licence or copyright exception covers the use of third-party copyright materials, they can contact the National Copyright Unit at smartcopying@det.nsw.edu.au.
- School employees must attribute all third-party copyright materials used for educational purposes, even where permission to use the materials is not needed.
- If a school employee wants to use third-party copyright material for a purpose that is not covered by an educational licence or a copyright exemption, they must follow the requesting copyright permission process in the *Using third-party copyright material in departmental resources* section below.
- Schools may be selected to participate in copyright sampling surveys and are required to participate in the sampling surveys under the educational licence agreements. During the survey participating schools must record all uses of copyright materials for educational purposes.
- If school employees are using third-party copyright material to create materials for the department, and not for educational purposes, they must follow the processes in the *Using third-party copyright material in departmental resources* section below.

Creating copyright material for the department

Employees creating copyright material for the department or for use across the department, such as government reports and teaching resources, must consider the source, use and management of these materials.

- Principals, directors or above should register significant copyright materials in the department's [Intellectual property log](#) (DoE employees only). This will help identify and record the department's copyright materials which have public, strategic, innovative or potential financial value.

- For material that is subject to ICIP Rights, employees must ensure that consent has been obtained for use of material in any new context or resource. For more information contact [Corporate and Aboriginal and Torres Strait Islander Services Division](#).
- If employees undertake a procurement process which will result in the creation of new copyright material, they should ensure the correct terms and conditions are stipulated before requesting a quote. This includes material created by external contractors under supply arrangements and standing offer arrangements. Where the department agrees to a consultant/contractor retaining ownership of some or all of the intellectual property rights created by the consultant, the department must ensure the Queensland Government retains appropriate access, use and maintenance of outputs that it has paid for.
- Employees must follow the intellectual property rights outlined in clause 14 of the [Queensland Government General Contract Conditions](#) and use the purchasing process as per the [Purchasing and procurement procedure](#). Contact the [Procurement team](#) for assistance as appropriate.
- Employees must keep appropriate records of all new copyright material created as part of a procurement process in accordance with the department's [Information asset and recordkeeping procedure](#).

Using third-party copyright material in departmental resources

This section applies when employees are creating copyright material for the department and wish to use all or a 'substantial part' of third-party content.

- When possible, employees must use third-party copyright material released under Creative Commons or other 'open' licences and follow the conditions of the licence. Where this is not possible, employees must obtain permission to use third-party copyright materials.
- Employees request permission in the way indicated on the copyright material, such as filling out an online permission request form (often used by publishers), purchasing a subscription of a licence (often used to access stock images) or emailing a permission request to the copyright owner.
- If permission is not granted by the copyright owner the material cannot be used, and a suitable replacement must be found.
- Once employees have the appropriate licences or permissions, they must follow the conditions of the permission or licence. They must also attribute (acknowledge the source) the third-party copyright materials wherever it is used – even if the licence waives the right to attribution. This keeps the materials from being mistaken for department-owned materials and allows others to seek correct permissions.
- School employees must follow the [ICIP Protocol for the teaching of Aboriginal languages and Torres Strait Islander languages](#) when creating a language program for a Queensland state school.

For help seeking permission for third-party copyright material or [writing an attribution](#) (DoE employees only) when one is not detailed in a copyright licence, employees can contact the Copyright team by email at copyright.itb@qed.qld.gov.au.

Choosing a copyright statement for departmental resources

The Queensland Government's [Information access and use policy \(IS33\)](#) requires that the department apply [Creative Commons licenses](#) to government information made available to the public where copyright is owned by the state.

The State of Queensland owns the copyright of all materials created by employees as part of their official duties, unless otherwise agreed between the employer and employee. The department applies Creative Commons licenses to government information made available to the public where copyright is owned by the state.

- Employees must use the least restrictive [Creative Commons Attribution 4.0 licence](#) such as, CC BY on materials developed whenever possible.
- One of the other five more restrictive Creative Commons licences may be used when, for example, the employee has been advised by their manager that the department does not want the copyright material to be modified or commercialised.
- The Creative Commons licences must not be used for software or for the department's copyright material when it is not permitted under contractual terms, service agreements, obligations to third parties, statutes, regulations or standards.
- A copyright statement includes both ownership (that is, State of Queensland) and permissions or conditions (licence). If the material is able to be provided under a Creative Commons licence, employees must use one of the following copyright statements:
 - Under the Creative Commons Attribution 4.0 licence, use: © State of Queensland (Department of Education) [year] unless indicated otherwise. Excluding the Queensland Coat of Arms, trademarks, branding, logos and personal information, State copyright in this resource is licensed under CC BY 4.0 creativecommons.org/licenses/by/4.0.
 - Under one of the other five Creative Commons licences employees use: © State of Queensland (Department of Education) [year] unless indicated otherwise. Excluding the Queensland Coat of Arms, trademarks, branding, logos and personal information, State copyright in this resource is licensed under [enter the name and URL of the chosen Creative Commons licence].
- If the resource cannot be licensed under one of the Creative Commons licences, employees must obtain approval from a principal, director or above to depart from Creative Commons licensing.
- Principals, directors and above must:
 - review requests to vary from Creative Commons licensing with reference to information that may apply to the copyright material, such as contractual terms, service agreements or obligations to third parties
 - inform the requestor in writing whether approval is granted
 - if approval is granted, advise the employee to apply the copyright statement: © State of Queensland (Department of Education) [year] unless indicated otherwise. All rights reserved.

For supporting information to this process see the [Choosing a copyright statement for department resources](#) flowchart (DoE employees only) and [Choosing a copyright statement for department resources video](#) (DoE employees only).

Managing external requests to use copyright material published by the department

Principals, directors or above are the copyright custodians of any copyright material created by their school or business unit. Copyright custodians are responsible for the ongoing management of this material, including managing requests from external parties to use their copyright material.

- Employees must forward external requests for permission to use the department's copyright materials to the relevant principal, director or above. If they do not know who the custodian is they can send the request to the Copyright team by email at copyright.itb@qed.qld.gov.au.
- The principal, director or above reviews the request and, using relevant departmental records created during the design and development of material, confirms if the material contains:
 - third-party copyright that would prevent the department from granting permission, (assistance is available from the Copyright team by email at copyright.itb@qed.qld.gov.au)
 - personal information that would prevent the department from granting permission (assistance is available from the Privacy team by email at privacy@qed.qld.gov.au)
 - ICIP that would prevent the department from granting permission (assistance is available from Student Wellbeing, Student Support Branch by email at cald.inclusion@qed.qld.gov.au)
 - copyright material included within the [Intellectual property log](#) (DoE employees only).
- If the material does not contain any of the above material and is available under a Creative Commons licence the principal, director or above can give the requestor permission to use the copyright material.
- If the material includes any of the above material, is not available under a Creative Commons licence, or the principal, director or above is seeking advice, they must contact the Copyright team at copyright.itb@qed.qld.gov.au and provide details of their assessment to date.
- The Copyright team will assist the principal, director or above in their assessment and communicates the decision in writing to the external party.

Definitions

Term	Definition
Attribution	An attribution acknowledges the copyright or moral rights owner of a material. An attribution is a legal requirement and is different to a reference or citation. Licences often stipulate how an attribution should be written but, generally speaking, an attribution will usually include a title, author, source and licence information. For more detail see the Attribute and adhere fact sheet (DoE employees only).
Copyright custodian	Principals, directors or above of any copyright material created by their school or business unit and responsible for its ongoing management.
Copyright materials	In this procedure the term 'materials' has been used to describe any copyrightable material such as literary works (books, articles, manuals, etc.), artistic works (paintings, images, sculptures, etc.), musical works (songs, scores, melodies, etc.), dramatic works (theatre and dance), and 'other subject matter' such as sound an audio-visual recordings and broadcasts. For more detail see the Smartcopying site.
Copyright ownership rights	Copyright owners have certain exclusive rights to control the use of their copyright material and these rights differ according to the type of work protected. A copyright owner can prevent others from making certain uses of their creative work without their permission including copying (for example, printing or downloading),

Term	Definition
	communicating (for example, by emailing or uploading), publishing, performing, adapting, broadcasting, etc.
Creative Commons licences	Creative Commons (CC) licences are a free, easy-to-use and internationally recognised system that allows copyright owners to permit the use of their work without payment, and subject to the conditions of a selected licence. There are six CC licences which each contain a different combination of four licence conditions (Attribution, Share Alike, Non-commercial and No Derivatives).
Educational purposes	Allows school employees to use copyright materials for teaching purposes, to use as part of a course of study or to retain in the library for use as a teaching resource. There are several copyright exceptions which allow schools to use third-party materials for educational purposes without needing permission from the copyright owner. See the Smartcopy website for details.
Employee	Any permanent, temporary, seconded, casual or contracted staff member, contractors and consultants or other person who provides services on a paid basis to the department that are required to comply with the department's policies and procedures. Within schools this includes principals, deputy principals, heads of department, head of curriculums, guidance officers, teachers and other school staff. Volunteers depending on the engagement may not be considered employees but should have regard for this procedure.
Indigenous Cultural and Intellectual Property (ICIP)	Indigenous Cultural and Intellectual Property means the rights of Indigenous people to their language, cultural knowledge, sacred sites, objects and ancestral remains, literary, performing and artistic works and documentation of Indigenous heritage. ICIP is regarded as collectively belonging to a particular community or group and associated with their lands and seas. Many generations contribute to the development of ICIP.
Moral rights	Moral rights are separate and additional to the rights of the copyright owner. Moral rights are personal to the creator of copyright material and are automatically protected by the Copyright Act 1968 (Cth) . Only individuals have moral rights. Moral rights include the right of attribution of authorship, the right against false attribution and the right of integrity of a work. Moral rights are infringed when, in the absence of permission, the moral rights owner is not attributed, the work of the moral rights owner is falsely attributed or the work of a moral rights owner is treated in a manner that is harmful to the moral rights owner's honour or reputation.
Open licences	Open licences are copyright licences that enable a copyright owner to retain ownership of their work while allowing others to use it in certain ways without requesting permission. Creative Commons licences are examples of open licences.

Term	Definition
Statutory and voluntary educational licences	<p>Educational licences allow schools to use copyright materials for educational purposes without needing permission from the copyright owner.</p> <p>Two licences are covered under the Copyright Act 1968 (Cth) and the State of Queensland has entered into various voluntary licences with collecting societies on behalf of state schools, including the Schools Music Licence and the Co-Curricular Licence.</p>
Substantial part	<p>The concept of 'substantial part' is considered in deciding whether permission is required to use third-party copyright material. 'Substantial part' varies in different situations, but is generally interpreted as being an important, recognisable, or essential part of material protected by copyright. It is subjective and any amount of copying could be included.</p>
Third-party copyright materials	<p>Materials in which copyright is not owned by the State of Queensland, but rather is owned by another party (a third party).</p>

Legislation

- [Copyright Act 1968 \(Cth\)](#)

Delegations/Authorisations

- Nil

Policies and procedures in this group

- [Information management, privacy and security policy](#)
- [Information privacy breach and privacy complaints procedure](#)
- [Administrative access to information procedure](#)
- [Information asset and recordkeeping procedure](#)

Supporting information for this procedure

- Nil

Other resources

Department of Education

- [Attribute and adhere fact sheet](#) (DoE employees only)
- [Choosing a copyright statement for department resources fact sheet](#) (DoE employees only)

- [Choosing a copyright statement for department resources video](#) (DoE employees only)
- [Copyright information including generative AI](#) (DoE employees only)
- [Copyright register template](#) (DoE employees only)
- [Creative Commons licensing of state copyright](#) (DoE employees only)
- [Indigenous Cultural and Intellectual Property Protocol for the teaching of Aboriginal languages and Torres Strait Islander languages](#)
- [Protocols for using First Nations cultural and intellectual property in the arts](#)
- [Intellectual property log](#) (DoE employees only)
- [Moral rights fact sheet](#) (DoE employees only)
- [Obtaining and managing student and individual consent procedure](#)
- [Purchasing and procurement procedure](#)

Queensland Government

- [Information access and use policy \(IS33\)](#)
- [Queensland Government Public Sector Intellectual property principles](#)
- Queensland Government's [Digital service standard](#)

External resources

- [Creative Commons Australia](#)
- [Smartcopying: The Official Guide to Copyright issues for Australian schools](#)

Contact

For further information on Copyright, please contact:
 Copyright team, Information and Technologies Branch
 Email: copyright.itb@qed.qld.gov.au

For further information on ICT policies and procedures, please contact:
 Governance Risk and Compliance, information and Technologies Branch
 Email: ictpolicy@qed.qld.gov.au

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Superseded versions

Previous seven years shown. Minor version updates not included.

5.0 Copyright and other intellectual property procedure

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Refer to the [Creative Commons Australia](https://creativecommons.org/licenses/by/4.0/) site for further information