



Digitising Audiovisual Materials for Teaching

Staff who want to make audiovisual content available online to staff and students for learning and teaching purposes can do so by four methods, listed in order of convenience:

1. Find existing licensed material

Curtin Library has a number of [licensed databases](#) that provide video content. Finding material from one of these databases is the most convenient method to source online video content, as the material is already licensed and can be added to a [Reading List](#) for the unit.

2. Find content provided under the Screenrights Statutory Licence agreement

Universities in Australia collectively negotiate with Screenrights for permission to copy and communicate radio and television broadcast programs. Material can be found on [TV News](#) and [EduTV](#). This is the second most convenient method, as the material is also already licensed and can be added to a [Reading List](#) for the unit.

3. Request content from the Library

This can be done by recommending the Library acquire the material through the [Recommend an item](#) form. In the 'Comments' field, requesters should specify 'digital format' to ensure the Library obtain the required format. The Library will attempt to source a licensed copy if available. If the material cannot be licensed, Library staff will attempt to find a Screenrights copy through another library.

4. Copy and communicate content in reliance on s200AB (Flexible Dealing)

If copies cannot be used under the Screenrights Statutory Licence agreement or sourced via the Library there may be circumstances where staff can make a copy in reliance on s200AB (Flexible Dealing). This method is the most complex and should only be used as a last resort.

Under s200AB of the Act, Universities are permitted to format shift materials if certain conditions are met.

The Copyright team is able to assist when staff in determining when they can copy material under s200AB. In order to keep track of such digitisation activity undertaken across Curtin, the Library will ask staff to notify them of:

- who is copying content under this exception;
- what content is being copied;
- where it is being kept;
- and for how long it will be kept.

Conditions

In order for a s200AB copy to be made, all of the following conditions **must** be met:

1. Your purpose must be educational instruction and non-commercial. You **cannot** copy under s200AB for other purposes. You **cannot** provide the material to any other institution, organisation or person for commercial benefit (although cost-recovery is permitted).
2. The use is a 'special case', meaning no other exception in the Act applies. This means that the material **cannot** be available through the [Screenrights agreement](#) (the material is not on [TV News](#) and [EduTV](#)).

3. Copying the material should not cause any market harm to the copyright holder. If the material can be licensed in the required format at a reasonable commercial cost in a reasonable timeframe, you **cannot** copy the material.
4. The material will only be provided for a specified time period and for specified units. This means the material **cannot** be stored 'just in case' or for an indefinite period of time.
5. The amount of material copied must not be 'unreasonable' (i.e. you must not copy more than you need).

If all of these conditions are met, individual Schools and Areas may digitise and provide the specific content to Curtin students as long as they communicate this activity to the Library Copyright team as outlined below.

Process

To ensure Flexible Dealing applies to your situation, staff should complete the following steps:

1. [Recommend the item](#) for the Library collection in the normal way, making sure you specify you need a digital copy.
2. If the material cannot be found through the Library, please complete [this form](#) and email to library-copyright@curtin.edu.au

Technical requirements

Staff seeking to make a s200AB copy should be aware that the teaching area making the copy will be responsible for:

- Obtaining a legal copy of the content to digitise from
- Transferring the content into the desired electronic format *
- Storing the electronic content for the defined period
- Providing access to the content to Curtin staff/students (usually through Echo360), and ensuring it is only available to authorised users for the defined period (usually a unit cohort)

* Please note that Curtin Staff making Flexible Dealing copies **are** permitted to circumvent Technological Protection Measures (TPMs), such as digital rights management, software locks, encoded encryption or other similar measures intended to prevent copying. However, the Copyright Act prohibits you from accessing services (including any paid services) to circumvent these blocks. Given this, Curtin Staff should ensure they have copies they wish to digitise have no TPMs, or that they have the capability to circumvent the measures – any Curtin staff member may help in this process, but the Library is unable to provide any assistance.

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