

Using YouTube

Risk Management Tips for Teachers Using YouTube

- Don't use content that is likely to be an infringing copy.
- Only use YouTube videos for the purpose of teaching. There should be no commercial benefit.
- Only use what you need.
- Check that you can't purchase or readily license the content that you need from another source.
- Don't expose the content to further copying or communication, such as giving students access to an electronic file that they could copy.

What is YouTube?

YouTube is a video sharing website that allows anyone to watch videos for free. Registered users can also upload videos for free.

To date over 79 million users have watched over 3 billion videos on YouTube.

Many Australian Schools are blocked from accessing YouTube, making it hard for teachers to use this resource as part of their teaching practice. In addition, YouTube has extremely broad categories of videos which make it time consuming to review videos in order to find videos that are appropriate for teaching purposes.

Those restrictions aside, many educators are using Web 2.0 technology as part of their teaching practice and are accessing YouTube from home or other non-school access points.

If I have access to YouTube in the classroom, can I stream YouTube to my class?

You may be able to stream YouTube videos to a class under section 28 of the Copyright Act. This streaming may be directly from the YouTube website, or through a link to a YouTube video embedded on another website.

Section 28 allows teachers and students to play YouTube videos in class where it is:

- in the course of education and not for profit; and
- the people in the audience or class are giving or receiving instruction, or are directly connected with the place where instruction is given.

Smartcopying

The Official Guide to Copyright Issues for Australian Schools and TAFE

See information sheet 'Performance and communication of works and audio visual material in class – What am I allowed to do?' for further information on when section 28 will apply.

Can I embed a YouTube video on another website then stream it to my class?

Generally you may embed a link to a YouTube video on another website. In some cases this will not be possible as the uploader of the YouTube video will have disabled this functionality. In this case, you should not pursue embedding the link.

The YouTube website provides information on how to embed links to YouTube videos (<http://www.google.com/support/youtube/bin/answer.py?answer=57788>).

You may be able to stream a YouTube video that you have embedded in another website, to a class under section 28 of the Copyright Act. Section 28 allows teachers and students to play YouTube videos in class in the circumstances described above.

Can I download YouTube videos and use them as part of my teaching practice?

A. Downloading YouTube videos

Downloading a YouTube video involves making a copy of it.

The Copyright Act may permit a copy to be made, however the terms of use on the YouTube website state that the videos are not to be downloaded (ie copied).

Each jurisdiction will have to decide whether they will rely on what is permitted by the Copyright Act in light of YouTube's terms of use. We recommend that you contact your local copyright manager for further advice.

(i) Downloading YouTube videos of copy Australian free-to-air broadcaster's television program:

This will depend on your jurisdiction's view as to whether they will rely on what is permitted by the Copyright Act in light of YouTube's terms and conditions.

Please note that there were no examples of YouTube copyright Australian free-to-air broadcasts programs at the time of writing this information sheet, but this could change very quickly.

In very limited circumstances, copies and communications may be made under the broadcast statutory licence contained in Part VA of the Copyright Act. These circumstances are where:

- The copy is made solely for an educational purpose;
- the particular YouTube video is of an Australian free-to-air broadcast, that is an ABC, SBS, Channel 7, Channel 9 or Channel 10 program; and

Smartcopying

The Official Guide to Copyright Issues for Australian Schools and TAFE

- the particular YouTube video has been posted by the Australian free-to-air broadcaster – not somebody else. It is more likely that the broadcaster themselves has posted the video where the video is contained on a partner broadcaster's YouTube Channel. At this time the ABC has a YouTube Channel (<http://www.youtube.com/user/EntertainmentOnABC>) .

There is no requirement to mark digital copies made under the statutory licence, though some schools choose to mark all copies, irrespective of format. The marking would be:

**Made for [insert name of institution]
under Part VA of the *Copyright Act 1968*
Date of broadcast: [insert date]
Date this copy made:[insert date]**

If the copy is to be communicated (eg on an intranet or Content Management System) it must be accompanied by a **warning notice**. However if the communication is made within the school's premises and no copies are able to be made, no warning notice is required.