

COPYRIGHT QUICK GUIDE

LINKING TO WEBSITES

The nature of the Internet provides an implied license to include links to external sites. Hyper linking to a homepage ("surface" hyper linking) is permissible due to an implied license from the web site owner, but that license will not exist if hyper linking is specifically prohibited by the web site owner, check the terms and conditions on the site.

The implied license does not extend to "framing." ("Framing" divides a Web site into separate frames/windows), where each site is displayed within a separate portion of the Web browser's screen. In cases where links are being added to the Learning Hub it is easy to add an extension to the URL to open the link in a new browser window.

Care should also be taken to avoid making the University responsible for defamatory or objectionable material contained in a linked site.

LINKING GUIDELINES PROVIDED BY THE UNIVERSITY LEGAL OFFICE

There is no settled law in Australia as to whether the express permission of a website owner is required in order for a link to be created to its site. Existing internet practice suggests that a court would regard a website owner as granting an implied licence to create links to its homepage. However, it is unclear as to whether such a licence would extend to creating links directly to sub-pages ("deep linking").

Compliance with these guidelines may minimise risks associated with linking:

- Consider obtaining consent of the website owner to the creation of a deep link. Consent will avoid all problems. Do not deep link if the website terms and conditions prohibit it.
- Beware of deep linking to a site which bypasses advertising or promotional material on the homepage which then website owner would reasonably expect a person to read.
- Ensure that there is no confusion as to the source of the material. Acknowledge the source.
- Do not frame, as framing can cause confusion as to the source. Do not create in-lining links, as these cause confusion as to the source.
- Do not use another person's trade marks or logos as hyperlinks.
- Do not use spider technology (or similar technology) to trawl sites in order to post information on your site.
- Include a disclaimer of responsibility for content linked to your site.

GETTING ADVICE

The Copyright Management Service is a University Wide advice and permissions service for RMIT Staff. The Service provides copyright advice and permission seeking services to all RMIT Staff. copyright@rmit.edu.au