

COPYRIGHT QUICK GUIDE

PODCASTS

Podcasts are an emerging new and exciting medium allowing individuals to communicate with the world. Podcasts are the new discourse within the information superhighway. Podcasts are emerging as a new means to engage with students within the education sector.

Podcasts like any new medium face copyright issues. Below is a guide to Podcasting for education that takes into account copyright issues that may arise.

WHAT CAN I PODCAST?

Podcasting your own created material such as lectures and stories is ok. Podcasting materials created by an external party such as a publishing company will be subject to copyright law and require permission. Podcasting any materials that an RMIT staff member **has not created** will require permission.

Quoting very short extracts as part of a podcast is okay and will not require permission however, the reading of a whole text as part of a podcast will require permission. The key to quoting as part of a podcast is - what would be fair in the eyes of the copyright holder. Quoting a short extract would be considered fair, quoting or the reading of a whole chapter or selected pages would not be considered fair.

Background music - be wary of using commercial music as part of the lecture before you undertake to include music in your recorded lecture, please read the Music Licence information sheet. Music Licensing is required **before** music can be included into a podcast.

Therefore, the short answer to the question, what can I Podcast, is simple, anything you own or create yourself, or anything to which you have obtained permission to podcast.

PODCASTING MUSIC/RADIO

The Podcasting of radio programs or music requires a licence to be undertaken with the music societies well **before** the podcast is made. The reproduction and placing online of music requires several permissions and licences. A short table below has been included of the music societies that you will require a licence for Podcasting music.

Code	Rights	Musical Work	Sound Recordings
A	Performing Rights Public Performance Communication [Stream]	APRA http://www.apra.com.au	PPCA http://www.pcca.com.au
B	Mechanical Rights [Reproductions] CD-ROM Synchronise General Reproduction	AMCOS http://www.apra.com.au	ARIA http://www.aria.com.au

PODCASTING RIGHTS

ACTION	Licence Required
Podcast music to <u>stream</u> online	Rights Required A and B A – [Stream Music] B – Reproduce music into Podcast]
Podcast music as <u>download</u>	Rights Required A and B A – [Stream Music] B – Reproduce music into Podcast]

SAMPLING

Sampling to create new works generally requires permission of the author/creator or musical societies before the sampling takes place.

The art of sampling is not new. However, the law surrounding the art of sampling is a relatively undefined area of law. There have been several US court cases centring on the issue of sampling the outcomes of these cases still renders the art of sampling a relatively undefined area of law, as there has been positive outcomes for both sampling artists and also music societies. At this stage, case law precedents are beginning to determine how the law is evolving in relation to the art of sampling. There are no defined limits such as percentages in relation to the art of sampling each sampling case consisted of varying limits in relation to the amount and substantiality of the amount used. The majority of these cases arise within the US, and the area of law used to defend the art of sampling is Fair Use. Australian Law in relation to Fair Dealing is substantially different from the US Fair Use Scheme. A list of interesting sampling cases can be found at the end of this guide.

Music Societies and some artists feel that sampling is a breach of copyright in the original piece of music no matter how small the piece sampled.

The free culture movement is well represented by Creative Commons that provides avenues including links to and information on a wide variety of tracks, sounds, and samples for use by artists under specific Creative Commons Licences.

Visit: <http://www.creativecommons.com>

When relying on using tracks, sounds, or samples to create a new work under a Creative Commons Licence, ensure you clearly understand the nature of the contracted terms of the Creative Commons Licence. Each licence is slightly different and requires a commitment to the terms of the licence.

DOWNLOADING PODCASTS FOR TEACHING PURPOSES

Podcasts offered as free downloads are generally offered under a personal use implied licence, such as the ABC podcasts. This means the site offering the podcast only expects you to download the podcast for your own personal use. Permission is required for downloaded podcasts to be distributed to multiple recipients for educational purposes, the only time permission is not required is when the website specifically states the material can be used for educational purposes.

Our Screenrights License allows educational institutions to download and communicate podcasts of free-to –air broadcasts that have been made available on the internet. More information can be sourced from the [Podcasts from the Internet Guide](#)

GUIDES:

Creative Commons' US Podcast Guide: - **PODCASTING LEGAL GUIDE: RULES FOR THE REVOLUTION:** http://wiki.creativecommons.org/Podcasting_Legal_Guide

Colette Vogele, Esq.

Vogele & Associates

<http://www.vogelelaw.com/index.html>

Stanford Center for Internet And Society

<http://cyberlaw.stanford.edu/>

Mia Garlick

Creative Commons

<http://creativecommons.org/>

Stanford Center for Internet And Society

<http://cyberlaw.stanford.edu/>

The Berkman Center

Clinical Program in Cyberlaw

<http://cyber.harvard.edu/>

Podcasting a Legal Guide Video: <http://www.ourmedia.org/node/249132>

GETTING ADVICE

The [Copyright Management Service](http://www.rmit.edu.au/copyright) [http://www.rmit.edu.au/copyright] 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

The [Copyright Management Service](http://www.rmit.edu.au/copyright) can assist with the permission seeking and can also help you decipher licence conditions.