



A guide to navigating the digital copyright maze

Can you copy a photograph from someone else's website and paste it into a PowerPoint presentation? Is it okay to link to a YouTube video and show it to an audience of delegates? When designing programmes, trainers need to be careful not to infringe copyright. In fact it is something that IT departments have already grappled with, to the extent that most organisations now know that they need to have adequate licences for the software packages they use. It's also a very important issue in training.

Knowing your source

Learning and development is unusual in that we're quite used to taking ideas and concepts that have been developed by others and using them in our training. Usually this is fine, so long as the original source is properly referenced and the trainer is not trying to pass off the idea as something they've come up with themselves.

However when it comes to using resources produced by third parties, many trainers are unsure of what they can and cannot do. The march of technology and the internet have blurred the lines of what constitutes available resources. It's now very easy to access digital resources online and downloading, copying and file sharing are everyday activities.

The film industry has tried to stem the tide of illegal downloading and is currently engaged in a battle for the public's hearts and minds regarding copyright. For trainers, the internet has created some 'areas of uncertainty' when it comes to learning content.

Some stock photography companies are trying to combat copyright infringement by taking a high-tech approach to tracing their images. For example, Getty Images employs a professional team who surf the net looking for instances where their content is being used without permission. They sue those who use their content illegally.

Some videos on YouTube and other file sharing sites (filmed commercially) are subject to copyright but others (including those filmed by individuals for their entertainment and shared) are not. If you look at YouTube's terms they state that they only allow users to view videos for their 'personal, non-commercial use'. They also specify that you're not allowed to use the videos in connection with a commercial enterprise. But even those detailed conditions could be open to interpretation. For example, YouTube could reasonably argue that an external trainer would have a commercial interest in showing video clips in a training session. But does the same apply to an in-house trainer in the education sector?



Copyright guidelines

Here are some guiding principles that can help you create a 'code of good practice' and ensure that you're using your learning content legally:

- Check that you can use it: use stock photography, illustrations, animations, Flash files, video footage, music or other content in your training, only if you are certain you are not breaching copyright.
- Check that you can use it in the format you want: ensure you have the right licence to use any external resources for your specified purpose, and in the format you require (e.g. to insert in PowerPoint, for printed materials, to circulate in email etc). If in doubt, check with the copyright holder first.
- If the copyright doesn't allow you to use the content for free consider other options. For example, maybe the copyright holder will let you use a smaller piece of content for a smaller fee: at Video Arts we license video clips for £10 a time.

And here's a few things to be wary of which could put you on the wrong side of the law. Make sure you're aware of how copyright affects you and your organisation before you:

- Download, copy, distribute or use material from the internet without the owners' permission. That includes photographs and videos. It's a moral issue but illegal downloading and copying is theft.
- Sell, rent out, give away or sub-licence your training programmes or resources. The licence is usually specific to the organisation that bought it, so you must check to see if you have permission to resell the resource. Don't just put it up on eBay!
- Copy any part of a training resource that's in a DVD, CDROM or video format. Even if it's just to put in a presentation, you might be breaking the terms of your licence.
- Edit or modify a resource or incorporate it with other material, unless you have a licence to do so.
- Use a resource to train separate or other groups of people if you have bought it purely to train one specific group. Ask for a licence extension.
- Use a resource for an open, ticketed event or advertise its use outside of your organisation.
- Upload, exhibit or disseminate a resource via the Internet or by any other means.
- Upload or disseminate resources via your intranet, unless you have a licence to do so.
- If in doubt, ask an expert! A lawyer or the owner of the copyright will usually be able to advise you.



Why is copyright important?

Copyright is designed to protect artistic and commercial creations - such as films, music, novels, lyrics, photographs, software and other original works - from illegal reproduction or adaptation.

Without the intellectual property protection offered by copyright, there would be no professionally-produced learning content because there would be no incentive for a commercial organisation to create it. That's why content providers, like Getty Images, often take such a hard-line stance on violations. At Video Arts, we offer a £5000 reward to anyone who helps us identify and prosecute illegal use of our content. This protects our business but also helps protect the livelihoods of the writers and performers that make our content so memorable.

Staying on the right side of the law

A simple way around copyright is to create and use your own photographs, videos and other resources (you are then the copyright holder).

Many content providers are introducing new options in order to make it easier for you to access and use their resources legitimately. For example, at Video Arts we have created a range of licence options which enable our content to be used flexibly, both online and offline. These include digital video and elearning licences. We've also created licences for independent consultants and training companies who want to use our programmes to train third parties.

So if you want to use any external training resources, even on one-off occasions, talk to the content provider and ask if they have a licence that allows you the flexibility to achieve your aims.

Using learning content legally not only absolves you from the risk of litigation but it also supports the industry and those who helped to create the resources. With the prices of legal content falling all the time, trainers are starting to realise that whatever they want to use - and whichever way they want to use it - legitimate, high quality learning content is not only accessible, it's also affordable.

Martin Addison is Managing Director of Video Arts and a recognised expert on learning and development.