



Learning management systems

A guide for WA TAFE Colleges

What is a learning management system?

A learning management system (LMS) is software designed to manage and deliver learning content to support classroom, online, blended and distance learning. The information contained in this document also applies to a content management system (CMS). An LMS and CMS can include the following general functions:

- copying and storing material from sources external to a TAFE college, such as radio and television broadcasts or content from the internet;
- uploading and storing content from sources both external and internal to a TAFE college, such as scanned extracts from newspapers, journals or books; photographs or TAFE-produced content, such as lesson plans or course notes; and
- downloading of content stored on the LMS/CMS by teaching staff and students.

Smart copying principles when using an LMS

When implementing procedures for the use of an LMS, TAFEs may wish to examine some of the following smart copying ideas.

- Consider storing only TAFE-owned, licensed or Creative Commons material on the LMS.
- Consider providing students with links to web-based resources, rather than downloading material from the internet and storing it on an LMS.
- Investigate whether students may be able to access resources themselves under fair dealing provisions or under the terms of a website licence (eg sites with licences for use in private study), rather than storing content on an LMS.
- Regularly review whether content still needs to be stored on the LMS or whether it can be taken down.
- Obtain copyright permissions for storage on an LMS for any statutory licence material that the TAFE college wishes to store on an LMS long-term or where more than one part of a work is needed by different TAFE campuses or teaching staff at any one time.
- Always consider the cost implications before placing something copied under a statutory licence on an LMS and have processes in place for removing material when it is no longer required.
- Attribute or label all resources and apply copyright notices as required.

For more information, see 'Creating Learning and Teaching Resources: A copyright guide for TAFE resource developers' at smartcopying.edu.au.

Copyright issues raised by storing and uploading content on an LMS

WA TAFE colleges are permitted to place TAFE-owned content and statutory licence content (broadcasts and literary, dramatic, musical and artistic works) in an LMS. For more information, see 'The Statutory Text and Artistic Works Licence' and 'Statutory Broadcast Licence' at smartcopying.edu.au.

Where you cannot rely on a statutory licence or exception to store material on an LMS (eg for sound recordings, podcasts and DVDs), you may be able to upload material to an LMS if:

- it has been made available under a Creative Commons licence; or
- the TAFE has permission from the copyright owner that allows further copying or communication of the material, or where terms and conditions state that educational copying is permitted (eg a copyright notice on a web page or accompanying a podcast that says 'free for education').

Unless one of these two circumstances applies, it is likely to be a breach of the *Copyright Act 1968* (Copyright Act) for a TAFE college to store this type of content on an LMS.

Type of content	Copies permitted
Apps	Only use in ways permitted by terms of use when app is purchased.
Artistic works (eg photographs, scanned cartoons, diagrams or other illustrations)	Yes, under the Statutory Text and Artistic Works Licence if no other licence applies and subject to licence limitations.
Commercial DVDs	Most commercial DVDs will be protected by a technological protection measure (TPM). When applicable, TAFEs may be able to circumvent TPMs to make an additional copy of a commercial DVD under the: <ul style="list-style-type: none"> • flexible dealing exception in section 200AB; • organisational disability exception in section 113F; and • fair dealing for disability exception in section 113E. See 'Technological Protection Measures (TPMs)' at smartcopying.edu.au .
Computer games (eg online games, downloadable games and console games)	No, see 'Applications (apps) in the Classroom' at smartcopying.edu.au .
Computer programs	No, see 'Applications (apps) in the Classroom' at smartcopying.edu.au .
Dramatic works (eg plays and screenplays)	Yes, under the Statutory Text and Artistic Works Licence and subject to limitations.
E-books	Yes, under the Statutory Text and Artistic Works Licence and subject to limitations.

Type of content	Copies permitted
Literary works (eg books, web pages, newspapers, journal articles and PDF files of text-based documents)	Yes, under the Statutory Text and Artistic Works Licence and subject to limitations.
Material owned or created by your TAFE college	Yes.
Musical works (eg sheet music and scores)	Yes, under the Statutory Text and Artistic Works Licence and subject to limitations.
Podcasts	Can be copied under the Statutory Broadcast Licence providing the original is free-to-air and has been previously broadcast (eg ABC iview).
Sound broadcasts (sourced from radio)	Yes, under the Statutory Broadcast Licence.
Sound recordings (eg downloaded music files)	Yes, under the TAFE music licence. In certain circumstances you may be able to make a copy of content under s 200AB for the purpose of educational instruction, where other licences or exceptions are not available. See the Department PDF 'Format shifting and section 200AB' and visit 'Flexible Dealing Exception' at smartcopying.edu.au for more information.
Television broadcasts	Yes, under the Statutory Broadcast Licence.
YouTube videos	In special circumstances you may be able to rely on flexible dealing exception s 200AB to copy a YouTube video. See the Department PDF 'Format shifting and section 200AB' and visit 'Flexible Dealing Exception' at smartcopying.edu.au for more information.
Video from media streaming services (eg Netflix)	In special circumstances you may be able to rely on flexible dealing exception s 200AB. See the Department PDF 'Format shifting and section 200AB' and visit 'Flexible Dealing Exception' at smartcopying.edu.au for more information.



Format shifting

'Format shifting' is a term used to describe transferring content from one technological format to another. It is available in limited circumstances under section 200AB of the Copyright Act. See the [Department PDF 'Format shifting and section 200AB'](#) and visit 'Flexible Dealing Exception' at smartcopying.edu.au for more information. Some examples of format shifting include making a copy of a music CD to store on a digital music player or making an MP4 copy of a DVD.

Please note that s 200AB does not give TAFE colleges a general right to format shift copyright material. TAFE colleges have very limited format-shifting rights. They are not permitted to format shift their whole library or collection onto an LMS.

TAFE colleges may circumvent a TPM to format shift content where their use meets all the conditions of s 200AB. There are other special circumstances where TAFEs may circumvent a TPM. For more information, see 'Technological Protection Measures (TPMs)' at smartcopying.edu.au.



Copying limits

No copying limits apply to TAFE-owned content. However, for TAFE resources that contain third-party content copied under a statutory licence, the TAFE college must comply with the rules and principles set out for those statutory licences, otherwise the placement of the content on the LMS may be considered a breach of the Copyright Act.

For the Statutory Text and Artistic Works Licence it is important that the amount a lecturer uses will not cause harm to the copyright owner. Relying on the '10% or one chapter rule' is a useful guide for reproducing content still 'in print' (content that is commercially available to purchase within a reasonable time at an ordinary commercial price).

There is no limit on how much lecturers can copy under the Statutory Broadcast Licence. However, TAFE staff should only copy what is required for their classes and consider whether there are other sources of material that can be used (for example, Creative Commons material or material that your TAFE owns the copyright in, including material that you create).

See the [Department's PDF 'Copyright licences and useful exceptions'](#) and visit 'Educational Licences' at smartcopying.edu.au for more information.

"Always consider the cost implications before placing something copied under a statutory licence on an LMS and have processes in place for removing material when it is no longer required."

Attributions

It is important that content placed in an LMS includes an accurate attribution or label of some kind. Attributing materials accurately ensures that copyright owners are paid if their content is being copied or communicated under a statutory licence. It also means that in a copyright survey, TAFE colleges will not pay for content they own or have permission to use.

It is important to apply the right label for the content you are using. For example, you should not apply a section 113P (Statutory Text and Artistic Works Licence) notice to material that you have permission to use or which has been made available and can be freely used under a Creative Commons licence, as this can have cost implications for the sector. If you are unsure what label to apply, seek guidance from your TAFE copyright contact or the Department.

Attributions and labels should identify the source of the material and the basis on which you are using it. See the [Department PDF](#) 'Attributions within course material' and visit 'Labelling and Attributing (TAFE)' at smartcopying.edu.au for more information.

Notices

When relying on the statutory licences, it is recommended notices accompany any third-party content placed in an LMS. The National Copyright Unit recommend including the s 113P warning notice – where this is reasonably practicable – with text and artistic works or broadcasts copied or communicated under the statutory licences and placed in an LMS.

For more information on statutory licences and notices, see the [Department PDF](#) 'Copyright licences and useful exceptions' and visit 'Educational Licences' at smartcopying.edu.au.

Security

The Copyright Act requires TAFE colleges take steps to ensure electronically stored third-party material used under a statutory licence can only be accessed by people entitled to access it. TAFE colleges must protect material stored on their LMS via a password or other security system.

Sharing content between TAFE's

In principle, there is nothing to prevent a TAFE college from using a centralised LMS to enable the sharing of statutory licence content across several TAFE colleges, as long as this is being done for educational purposes and the material is not made publicly available (that is, you keep it under password protection). For other types of content, it would depend on the permission obtained from the copyright owner. Note that sharing content used under a statutory licence is not permitted with institutions outside Australia, or for commercial or fee-for-service work.

For more information, see the National Copyright Guidelines available at smartcopying.edu.au or contact sectorcapability.ip@dtwd.wa.gov.au. Unless otherwise indicated, the text in this resource is licensed under a [Creative Commons Attribution 4.0 licence](#).

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