

Identifying infringing material

Material is often made available on websites without permission from the creator or the copyright owner and as such is infringing copyright. You should not knowingly use or provide links to infringing material or websites as you are authorising an infringement. Legal action can still be taken for authorising infringement of copyright.

It can be difficult to identify whether or not material is made available legally.

Material - particularly music, films and TV programs - that can be freely downloaded via peer-to-peer (P2P) software is often infringing material. Under no circumstances should this material be downloaded and used. Downloading this material is both illegal and a violation of [University policy](#). Staff or students found to have downloaded this material using University computers and networks may be subject to disciplinary action.

Below are some tips to help you determine whether or not material on a website is legal:

Copyright statements

Check the website for a copyright statement. Most major websites will indicate that they either own copyright or have the right to use the material on their website. The wording for the link to copyright information can vary: for example "Copyright", "Conditions of Use", "Terms and Conditions", "Terms of Use", "Legal" or "Disclaimer" are commonly used terms.

Use official or reputable sites

Use a reputable, legitimate or official website. Depending on the content there may be an official website available that you can use, rather than unofficial sites where content may or may not be properly licensed. Content platforms, such as YouTube, and social media channels may also verify the identity or official ownership of the channel.

If material has been made available on an official site by the creator or copyright owner then you know that they have made it available to be used as permitted under copyright law or as covered

by their terms and conditions. For example, if you would like to download a podcast from an ABC program, download it from the ABC's website, you know then that it's legal.

In some cases, the official website may only have limited content available (for example the official [Leunig website](#)) which often means that the creator or copyright owner has chosen not to make their work available on the internet. This can be a good indicator that other sites that make the material available are probably doing so without permission of the copyright owner.

User generated sites

Care should be taken when using sites, such as YouTube, Google video, Vimeo and Flickr, where users contribute content. Although these sites are reputable and well-known sites, not all users understand copyright and ensure that the material they contribute is copyright compliant.

You should make sure that you do not link or embed links to material from these sites that you know are infringing. The hosts of these sites make it clear to their users that they must not infringe copyright and may remove content that infringes copyright. Because of the popularity and high profile of the sites, many companies and organisations are often legitimately making that material available for people to view and access (for example, [the ABC has an official YouTube channel](#) as do [the Muppets](#)). In addition to following the steps outlined on this page, you should also check the profile of the user to see if they are the creator of the material or have the rights to upload the material.

Quality of the material

Check the quality of the material on the website. Material that has been made available by the copyright owner or with their permission is likely to be high quality. A poor-quality version may indicate that the material is infringing. However, given that technology makes it easy to create perfect copies, a good quality copy does not always mean that the copy is legal and you may need to consider some of the other factors such as the site that the material is available from, for example.

Context and type of material

Sometimes it can be helpful to consider the type of material and the context in which it is available. If you find a website where you can freely download or stream the latest Hollywood blockbuster, then it is likely that it's not legal. Music, movies, TV shows, computer software and games are unlikely to be made available:

- In full - excerpts from a film or TV show or a book may be made available legally but in most cases, you can only download or view the trailer or the first episode or the first chapter, as the

copyright owner wants you to buy the full product, e.g. the whole book or the whole series on DVD.

- Permanently - TV stations now make recently aired episodes of their programs available on their website to be viewed as "catch up" TV, for example [the ABC's iView](#), but it is usually only for a limited period. Trial versions of software that can be downloaded for free usually expire after 30 days, after which you have to buy a licence.
- For download - often copyright owners will stream their material so that you can watch online but you can't download it. If you want to download a copy, you will need to purchase it.
- For free - in many cases if you want permanent and full access or your own copy you will need to purchase it. If the material can be freely and legally downloaded, there is usually a very clear and definite statement to that effect and that the person or website making the material available has the right to do.

A good rule of thumb is that if you would normally expect to pay to use or own this material, be cautious if you find it free on the web and check carefully that it is legal.

If you are unsure where or not material is legitimate, or you are having trouble locating legitimate material, please [contact us](#) for assistance.

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