



# A Guide to Copyright for Academic Staff

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## 1. Introduction

This guide is aimed at giving academic staff a brief overview of copyright law, details about copying for your own private study and research, and information about copying for your teaching. Copyright is a complex subject where there are many exceptions and issues that cannot all be covered in this short guide. Please note responsibility for infringement of copyright rests with the person making the copy.

## **2. What is copyright?**

Copyright is part of a wider set of intellectual property rights which are designed to protect the rights of writers, artists, musicians, photographers, publishers and other creators.

Copyright exists in the following:

- original literary, dramatic, musical or artistic works such as books, articles, drawings, photographs, databases and computer programmes
- sound recordings, films, videos, broadcasts or cable programmes
- typographical arrangements of published editions

UK Copyright is regulated by law, the main statute in the UK being the Copyright, Designs and Patents Act 1988 (CDPA).

## **3. Who owns copyright?**

The creator of the work owns the copyright unless the work is produced in the course of employment when the copyright is normally held by the employer. At Harper Adams the contract of employment for lecturers states with scholarly works, such as books, journal articles and conference papers, copyright does belong to the lecturer. This is also the case for any materials produced for their personal use and reference, including as an aid for teaching. It is only in the case of course materials and outcomes from research specifically funded and supported by the college, that copyright belongs to the college. For further information, please refer to the contract.

The creator of a work does not need to apply for copyright protection in the UK, as it is automatic, as long as the following apply:

- it must be original
- it must be fixed (paper, electronically or otherwise)

Frequently copyright of work published in an academic monograph or journal is passed onto the publisher, as part of the author's contract with the publisher. If this happens, the original author has no more right to make copies than anyone else.

## **4. How long does copyright last?**

- Literary works - 70 years following the death of the creator. If the work has been created by several people, the period of protection will last for 70 years following the death of the last surviving author.
- Sound recordings and broadcasts or cable programmes - 50 years from the first recording or transmission
- Films – 70 years following the death of the last survivor of the main parties involved in production
- Computer generated works (no human author was responsible) – 50 years from when they were made

- Typographical arrangements – 25 years from date of publication
- Crown copyright – 50 years from when published, 125 years if not published. Please note that the Crown has waived their copyright for certain documents.

## 5. Infringement of copyright

The copyright owner has exclusive rights to:

- copy their work
- issue copies to the public
- rent or lend the work
- perform, show or play the work in public
- broadcast the work
- adapt the work

It would be unlawful for anyone else to do any of the above without the written permission of the copyright owner.

## 6. Copying for your own use (for non-commercial research or study)

### Fair dealing

The Copyright, Designs and Patents Act 1998 does allow copying of copyright material under a legal provision called fair dealing. Fair dealing only covers copying by an individual for their own use, for non-commercial private study or research. A single copy can only be made and sufficient acknowledgment must be made.

The amount of a published work which may be copied under fair dealing is generally interpreted as:

- a **single** extract or several extracts from a book as long as the total copied is not more than 5% of the whole work, OR
- no more than one chapter from a book, OR
- no more than one article from a journal issue, OR
- no more than one single case report from a law report, OR
- one paper from a set of conference proceedings

Your copying may be undertaken using any form of copier, e.g. photocopying machine or scanner, as long as only a single copy is made for personal research or study. If a copy is scanned, you should not make your scanned copy available to other people eg including it in a powerpoint presentation or on a website.

Please note sound recordings, films and broadcasts are expressly excluded from the provisions of fair dealing for private study or research, and so may not be copied.

## **Examinations**

The Copyright Act does permit copying for the purpose of examination stating "Copyright is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions". However any further use, eg the inclusion of the exam paper on Moodle, will need to see the removal or masking of this material.

## **7. Copying for your teaching**

The law allows educational copying, but the Act makes it clear that such copying cannot be done by a "reprographic process" e.g. scanning or photocopying. In order to permit scanning or photocopying of printed books and journals for educational purposes, the college has obtained a licence from the Copyright Licensing Agency (CLA).

### **Copyright Licensing Agency (CLA) Higher Education Licence**

#### **a. Photocopying**

The licence only covers printed books and journals, and not for all publishers. Please check the CLA's list of excluded categories and excluded works prior to copying:-

<http://www.cla.co.uk/excludedworks.php>

If the original book or journal is covered by the CLA licence, then you are permitted to make multiple photocopies of:

- up to 5% or one chapter of a book, whichever is greater
- up to 5% or one article of a journal issue
- up to 5% or one paper of one set of conference proceedings
- up to 5% or single case of one report of judicial proceedings
- up to 5% of an anthology of short stories, or poems or one short story or one poem of not more than ten pages

No more than one copy per student and a copy for the lecturer are permitted. Material can either be assembled and bound together as a course pack, or handed out in ad hoc manner throughout the module.

If a book or journal is excluded from the licence, then you should contact the publisher directly to ask permission to copy.

#### **b. Scanning**

In addition to print to print, our licence also allows the scanning of published printed material that is owned by the college (in the library or department), or from a copyright fee paid copy. Scanning can include text and images. At Harper Adams, the scanning within this licence is centralised and can only be done by Jackie McCarthy in the library ([jmccarthy@harper-adams.ac.uk](mailto:jmccarthy@harper-adams.ac.uk)). Digitisation request forms can be obtained from the library. Once Jackie has completed the scanning for you, the copy will be uploaded onto your particular module within Moodle. Alternatively they can be used for powerpoint presentations. A CLA copyright notice must be attached to all digital copies.

Please note the licence only allows scanning from works published in the UK, US and some other countries. Since some publishers choose to opt out, the CLA lists of excluded works needs be checked prior to scanning:-

<http://www.cla.co.uk/support/excludedworks.php>

The same copying limits remain as with the photocopying licence, ie up to 5% or one chapter of a book (whichever is the greater) etc.

## **Images**

Images, as defined by copyright law, include photographs, drawings, graphs and diagrams. Multiple photocopying of images in printed book and journals is available under our CLA licence, subject to the conditions outlined above.

Scanned images from printed books and journals cannot be included in powerpoint presentations or used on the VLE unless you have obtained permission from the publisher, or they are out of copyright, or they clearly state they are freely available for teaching purposes or they have been scanned under the CLA licence. Please contact Jackie McCarthy in the library if you want an image from a printed book or journal scanned under the CLA licence.

Remember the CLA licence does not cover using images found on the Internet. Most images from the Internet are copyright protected and so please check if you need permission before using them in your powerpoint presentations or on the VLE.

## **Newspapers**

Harper Adams has a licence with the Newspaper Licensing Agency (NLA) which allows you to make multiple paper copies for teaching purposes of articles from 20 national papers. Each copy should carry a statement "With permission, copied from (title of the newspaper) dated .....". Articles may not be adapted, stored or distributed electronically. This licence does not cover electronic versions of these newspapers.

## **Crown Copyright Material**

The Crown has waived their copyright on certain documents eg Acts of Parliament, Statutory Instruments etc. You may re-use this material free of charge without requiring a formal licence, provided that it is acknowledged, not used in a misleading way, reproduced accurately and kept up to date.

For many other crown copyright works, the Crown's PSI click-use licence, which Harper Adams holds, applies.

<http://www.nationalarchives.gov.uk/information-management/our-services/click-use.htm>

## **Maps**

Harper has an Ordnance Survey (OS) Educational Copyright Licence which permits the photocopying of OS maps for teaching, research or examination. All copies should acknowledge the OS.

The licence does NOT cover digitising and scanning of any OS maps for which separate permission needs to be sought.

The library also has access to OS maps through EDINA's Digimap database. Digimap can be accessed via the online databases section on the library web page.

## **Commercially produced recordings**

Videos or DVDs of films can be shown to students for the purposes of instruction. This applies even if the item carries a "For home use only" warning or similar. They may be copied only in the following very limited circumstances.

- By the making of a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks.
- For examination purposes.

The law currently does not permit format shifting eg from video to DVD, or digitising. Permission must be sought if you wish to do this.

## **Television and radio**

Harper Adams subscribes to the Educational Recording Agency (ERA) Plus licence which permits the recording of a large proportion of radio and television output. Any programme from the four major radio and TV suppliers (BBC, ITV, Channel 4 and Channel 5) may be recorded off-air, providing the re-showing is solely for educational purposes. They must not be modified or edited, though extracts may be recorded, and all recordings must be labelled with the date, name of the broadcaster, programme title and the statement "This recording is to be used only for educational and non-commercial purposes under the terms of the ERA Licence".

On-demand service (radio and TV) are not considered broadcasts and therefore not covered by the licence.

## **Electronic resources**

### **a) Electronic databases, journals and books**

The library subscribes to a number of electronic resources and use is subject to the terms of the subscription licences. You need to check the terms and conditions of use before printing out multiple copies for class use.

### **b) Websites**

Material on the web is covered by copyright law. Key points to remember:

- always check for a copyright notice or terms of use statement
- never assume that a document is copyright-free just because it is freely available
- distributing material in electronic format (e-mail, Moodle, placing in public folders) constitutes copying and may infringe the rights of the copyright owner

- if in any doubt ask permission from the rights holder(s) before copying

## **Use of material within Moodle**

### **a) Websites**

The best practice for linking to content from the web is to:-

- link to the home page if possible
- if you do wish to 'deep link', check the content of the home page to ensure that there is no necessity for users to refer to the homepage first.
- Check if there are any restrictions or conditions (e.g. 'you should inform the webmaster if you wish to link to this site')
- make it clear what you are doing and who you are linking to
- if possible ensure that the hyperlink opens up in a new page

### **b) Scanned book chapters and journal articles**

You cannot scan from books, journals or other printed material without the permission of publishers. This includes diagrams and other illustrations. You are advised to check to see if the library has the journal or book available electronically. If we do not, then please contact the library about us supplying the scanned material via the CLA licence.

### **c) Images**

As an alternative to using the CLA licence to have images scanned from printed books and journals, consider using copyright cleared images in collections available on the internet.

Examples included:-

Centre for Bioscience – Image Bank

<http://www.bioscience.heacademy.ac.uk/imagebank/>

Pics4Learning

<http://www.pics4learning.com/>

Also many sites provide material that has been made available under the terms of a Creative Commons licence. There are a number of licences within Creative Commons, the most flexible is the Attribution licence which means you can use the work in any way as long as you credit the original creator. There is a search on the Creative Commons website (<http://search.creativecommons.org>) which provides an easy way to search across various sites for Creative Commons licensed images, video and audio.

For further information on finding video, audio and images online, use this JISC guide <http://www.jiscdigitalmedia.ac.uk/crossmedia/advice/finding-video-audio-and-images>

### **d) Electronic books, journals and databases**

Viewing, downloading, printing and copying from electronic books, journals and databases are determined by Licence agreements signed by the college. Users must observe the specific terms and conditions for each service. It is not normally permissible under these licence agreements to download articles from electronic journals/databases and then make them available to your students on Moodle. You should instead just link to the full text of the article. You will need to acknowledge the database source and confirm any authentication required for off campus access.

**e) TV and radio programmes**

Because we have an ERA Plus licence, you may include extracts or whole programmes from ERA recordings on Moodle. Any ERA recording must be accompanied with the ERA notice, either “within an opening credit or webpage”.

**f) Commercially produced recordings**

You must get permission from the rights holder before putting the recording, or parts of the recording, onto Moodle.

**8. When do I need to obtain permission to use copyrighted material?**

If you are **certain** that the work you wish to use or copy is out of copyright, then you may deal with it freely. If it is still protected and your use or copying is not within one of the legally permitted acts (fair dealing, copying for examinations) or covered by one of the institution's licences, then prior written permission must be sought from the rights holder(s).

In regards to a thesis, in order to publish them (either in print or digitally eg loading it onto an institutional repository), you will need to gain permission from the copyright owners of any third party material included in the thesis.

**9. Where to go for more advice?**

If you have a copyright query please contact the following library staff: Kathryn Greaves ([kgreaves@harper-adams.ac.uk](mailto:kgreaves@harper-adams.ac.uk)) or Jackie McCarthy ([jmccarthy@harper-admas.ac.uk](mailto:jmccarthy@harper-admas.ac.uk))

The JISC legal website has some useful information on copyright:  
<http://www.jisclegal.ac.uk/Home/AllFAQs.aspx>

**10. Disclaimer**

The information contained in this document is intended as a general guide and interpretation of current copyright issues. It is not intended as legal advice.

Kathryn Greaves  
Jackie McCarthy

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