

## Copyright guide for photocopying and scanning

As part of your teaching / studies, you may want to photocopy or scan material from books, journals or other printed materials. This material is protected by copyright which restricts how much you can copy and for what purpose. This short guide is designed to help you understand the licences and exceptions which can enable you to make copies without requiring permission from the copyright owner.

### Licences

The University holds a range of licences that are limited to copying for staff / students and allows you to reuse a copyright work without having to obtain permission from the copyright owner. The two licences that pertain to photocopying and scanning are the **Copyright Licensing Agency (CLA)** and **Newspaper Licensing Agency (NLA)** licences.

The **CLA Licence** allows limited copying from books, journals, magazines (printed and digital publications) for educational purposes including use in Myplace or showing in the classroom. Under the CLA licence, you can copy the following:

- One whole chapter from a book (including e-books)
- One whole article from a journal issue / magazine
- One whole scene from a play
- One whole paper from a set of conference proceedings
- One short story, poem or play (not exceeding 10 pages in length) from an anthology
- One whole report of a single case from a volume of judicial proceedings
- Or 10% of the total publication, whichever is the greater

You cannot copy:

- Printed music (including the words)
- Maps and charts (unless they are included in an article or extract)
- Newspapers
- Workbooks, work card and assignment sheets
- Any work that states it cannot be copied under the CLA licence

You can check whether an item is covered by the CLA licence by using the Check Permissions search tool available at <https://www.cla.co.uk/>

Students can make their own copies, but staff wishing to scan materials for use in teaching must make a request through the [digitisation service](#).

The **NLA Licence** allows staff to photocopy or scan cuttings of newspaper articles from both national and (limited) regional titles and distribute to students. It also normally allows staff to make a copy from an online version of a newspaper and share it with students via Myplace. You should include the following copyright statement with all copies, including digital copies: NLA licensed copy. 'No further copies may be made except under licence. You cannot copy or distribute further.'

## Exceptions

There are a number of exceptions in UK law which allow you to re-use a copyright work for educational purposes without seeking permission from the copyright owner. Most of the exceptions are subject to 'fair dealing', that is they allow fair but limited use of a copyright work.

### Fair dealing

Fair dealing is a legal term referring to whether or not the use of a copyright work is lawful or whether it infringes copyright. It is open to interpretation, so when applying fair dealing you should consider:

- Is the amount you wish to copy reasonable and appropriate to the context (e.g. not copying the whole work when only an extract is required)?
- Would your use of the work adversely affect sales of it and compete with the normal exploitation of it by the rights holder?
- Is your use for commercial or non-commercial purposes?

Additionally:

- You must provide an acknowledgement (citation) identifying the title and author unless it is impractical to do so.

Subject to fair dealing:

- S29 Copyright, Designs and Patents Act 1988 (CDPA) allows you to make a single copy of an extract from a copyright work for non-commercial research and/or private study.
- S30 CDPA allows you to reproduce part of a copyright work for the purpose of criticism and review in teaching and scholarly works.
- S30 (1ZA) CDPA allows you to quote the works of others provided the use is reasonable and fair. Short quotations are more likely to be considered fair.
- S30A CDPA allows limited use of any copyright protected material for the purposes of caricature, parody or pastiche.
- S32 CDPA allows you to use all types of copyright works for the sole purpose of illustration for instruction for a non-commercial purpose. This includes illustrating or reinforcing a teaching point, or setting, communicating and answering examination questions.

Except for criticism and review these exceptions cannot be overridden by contract terms within a licence or subscription agreement.

### How much can I copy under fair dealing?

The law does not specify how much of a work can be copied under fair dealing. The amount copied must be fair and reasonable. For example, copying one article from a journal issue, or one chapter or up to 5% of a book for private study or research is likely to be fair. You should not copy an entire book or journal issue unless you are making an accessible copy.

### **Exceptions not subject to fair dealing:**

S36 CDPA allows staff to copy extracts (up to 5%) for inclusion in course packs and hand-outs for students and to provide access to such extracts to students via Myplace where no licence exists so it is useful for works excluded from the CLA licence.

### **Making accessible copies for students with disabilities**

- S31A CDPA allows you to make accessible copies of a copyright work for a disabled person, where you have lawful access to the work e.g. you are borrowing it from the library or accessing it via a subscription. Disabled users are also permitted to make an accessible copy of a copyright work for their own personal use.
- 'Disability' is not defined. If an individual has a disability which prevents them from enjoying the work to the same degree as someone who does not have a disability then you can legally make a copy of the work for them.
- If a suitable accessible copy is commercially available, the University must purchase this and cannot make their own accessible copy. Any copying done by staff on behalf of a disabled user is subject to record keeping requirements. You can't make the accessible copies available to all students. This exception cannot be overridden by contract terms within a licence or subscription agreement

### **Contact Us**

If you have any questions or require further guidance please contact [ictlegalcompliance@strath.ac.uk](mailto:ictlegalcompliance@strath.ac.uk)