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1. Introduction

Copyright is a key part of university life and this leaflet is designed to help you gain an understanding of copyright. It aims to provide the fundamentals you need to know about copyright and related rights to allow you to:

- Identify if and how copyright issues affect your work
- Make informed decisions on the best way to deal with copyright issues
- Know who to contact for further advice and assistance

What is Copyright?

Copyright is a type of intellectual property right which covers all original works such as books, journals, paintings, photographs, music, films, sound recordings, broadcasts, published and unpublished works. Software (computer programs) and databases may also be protected. Copyright is an automatic right and does not need to be registered.

A copyright owner has the right to control reuse of their work including copying, adaptation, publishing, performing and broadcasting.

Copyright is a complex area of law; staff are encouraged to refer to this leaflet and if in doubt contact ictlegalcompliance@strath.ac.uk for further advice.

Why is Copyright important to the University?

Staff and students are likely to use work that belongs to others. Compliance with copyright law is important to manage the risk of infringement which can lead to loss of access to learning resources and financial and reputational damage.

It is important staff, students and visitors to the University consider copyright before reusing any material for teaching, research and administration purposes. Copyright also protects the work of staff and students e.g. academic publications, research outputs, theses etc. If you feel your copyright has been infringed in any way e.g. someone using your work without permission, we may be able to assist.

4. How long does Copyright last?

Copyright protection starts as soon as a work is created. Once copyright has expired, anyone can use or copy the work as the protection no longer applies. Copyright lasts for the duration shown below:

Type of work	How long copyright lasts
Literary, dramatic, musical or artistic work	70 years after the death of the author
Typographical arrangement of a published edition	25 years from when it's first published
Sound and music recordings (performance rights)	<p>Where a sound recording has been made of a performance and that sound recording is lawfully published (released to the public) then the rights of the performer will expire 70 years from the date of the first publication.</p> <p>For producers of sound recordings the rights will expire after 70 years.</p>
Films	70 years after the death of the director, screenplay author and composer
Broadcasts	50 years from when it is first broadcast
Moral Rights	Duration is the same as for the copyright in the relevant work with one exception, the False Attribution right only lasts 20 years from the death of the author/ director in all cases.

5. What is an exception and when can I use it?

Copyright law has been modernised to make it easier for universities to use copyright materials. The exceptions relating to educational establishments have been widened, to allow more extensive use of copyright materials in conjunction with educational licensing schemes.

The exceptions allow copyright material to be copied or reused without seeking permission from the copyright owner. Most of the exceptions are subject to 'fair dealing' as they allow fair but limited use of a copyright work.

Some exceptions contain a contract override provision; this means you can rely on the exception irrespective of any conditions imposed by the supplier.

Below is a description of some of the exceptions. All references are to the Copyright, Designs and Patents Act 1988 (as amended) and where indicated, fair dealing will also apply.

Copyright Exception	Fair dealing
S29 allows you to make a single copy of an extract from a copyright work for non-commercial research and/or private study.	Subject to fair dealing
S29A allows researchers to make copies of any copyright work for the purposes of text and data mining analysis, where you have lawful access to the work e.g. you are accessing it via a library subscription.	
S30 allows you to reproduce part of copyright work for the purpose of criticism and review in teaching and scholarly works, but it cannot be used for design or illustrative purposes e.g. to make a power point presentation to look attractive.	Subject to fair dealing
S30 (1ZA) allows you to quote the works of others provided the use is reasonable and fair. Short quotations are more likely to be considered fair.	Subject to fair dealing
S30A Caricature, Parody or Pastiche allows you to make limited reasonable use of creative content protected by copyright for this purpose without having to seek permission from the copyright owner. The use of a few lines of a song for a parody sketch is likely to be considered fair, using a whole song would not be.	Subject to fair dealing

Copyright Exception	Fair dealing
<p>S31A 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.</p>	
<p>S32 allows you to use all types of copyright works “for the sole purpose of illustration for instruction”. This includes illustrating or reinforcing a teaching point, or the setting, communicating and answering of examination questions.</p>	<p>Subject to fair dealing</p>
<p>S34(2) allows you to play or show a sound recording, film or broadcast to an audience of staff and/or students on campus for the purpose of instruction.</p>	
<p>S35 allows recording of broadcasts and communication of such broadcasts to staff and students via MyPlace where no licence exists. See section on the ERA licence.</p>	
<p>S36 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. See section on the CLA licence.</p>	
<p>S40-43 applies to all types of works, and allows librarians and archivists to copy for preservation purposes. Contract will not override the exception. Librarians can communicate or make available to the public a lawfully acquired work by means of a dedicated terminal on its premises for the purpose of research and private study.</p>	

If in doubt about when to use an exception please contact ictlegalcompliance@strath.ac.uk

7. What licences are held by the University?

The University has a range of licences to allow staff and students to reuse a copyright work without having to obtain permission from the copyright owner. Most of the licences have restrictions in relation to extent limits and who can access the content. Further information on licensing is available from our webpage.

Licensing Body	Type of work covered	What is covered
Copyright Licensing Agency (CLA)	Printed books, journals, magazines (printed and digital publications)	Limited copying subject to extent limits for use in MyPlace or showing in the classroom
Educational Recording Agency (ERA)	UK TV and radio broadcasts	Broadcasts can be made available to students in class or via MyPlace
Newspaper Licensing Agency (NLA)	Newspaper articles from both national and (limited) regional titles	Allows staff to photocopy or scan cuttings from newspapers and distribute to students. Also normally allows staff to make a copy from an online version of a newspaper and share it with students via Myplace
Digimap	Maps and geospatial data including Ordnance Survey (OS) data	Allows staff and students to re-use for educational purposes

8. Using specific types of copyright work

Films, Sound Recordings and Broadcasts

As mentioned earlier copyright exists in films, sound recordings and broadcasts. A number of different rights may exist within a film including the soundtrack/sound recording, moving images, script and performance rights. This means, you may need more than one licence/set of permissions if you wish to re-use the content.

The University holds an ERA licence, which allows recordings of broadcasts from terrestrial TV and radio for non-commercial use within the teaching and learning environment. Please note the licence does not cover satellite/cable or broadcasts on foreign channels, but it may be possible to use extracts from these under one of the copyright exceptions. Please contact us for advice if you wish to do this.

ERA recordings can be retained, stored and copied (in both digital and analogue formats). The recordings can be made available on DVD or stored in digital form. They can then be shown to staff or students in class or off-site via secure access to MyPlace for non-commercial educational purposes only. Please note off-site access is restricted to UK based students only. Access cannot be given to students based overseas.

All recordings must be clearly labelled (digitally or in hard copy) showing the following information:

- Date (when the recording was made)
- Name of the broadcaster
- Programme title
- The wording “This recording is to be used only for educational and non-commercial purposes under the terms of the ERA Licence”.

eStream is a video streaming service offered by the University, it allows staff to search, select and schedule a recording of most TV, on-demand and radio broadcasts.

The recording is automatically uploaded to the eStream server and made available to staff and students in line with the ERA licence requirements. Please see <https://www.strath.ac.uk/professionalservices/is/compliance/licenceschemes/#era> for further information.

Where the ERA licence does not cover the broadcast, you may be able to use Section 35, which allows for audio and audio-visual recordings to be used for educational purposes. A further exception exists to allow the showing of DVD for teaching and learning purposes to staff and students only. If you wish to show the DVD for a purpose beyond “instruction” (e.g. for entertainment) or if the audience consists of more than staff and students a separate licence will be needed. Please contact us if you wish to use a DVD or are contacted directly by a film licensing agency.

Music

Copyright in music lasts for 70 years from the death of the composer. It protects the printed music as well as the recording/performance.

Performers also have rights in any recordings, films or broadcasts of their performances. It is these rights which can attract royalties and which can generate income for the performer. It also means that those who include performances in their recordings need to respect and often remunerate performers for their performance.

The rights in musical sound recordings and the music itself are licensed by Phonographic Performance Ltd (PPL) and the PRS for Music. These collecting societies joined forces to launch The MusicLicence to cover public performance of their members' music. This is not a blanket licence covering every use of music across the University campus therefore please contact us should you require a licence for use of music for a particular event, project etc.

Images and Maps

Images, including photographs, illustrations or diagrams, graphs from books, journals, maps (in print or digital form) all qualify for copyright protection as artistic works. Similar to other copyright protected work it may be possible to copy an image without permission using one of the copyright exceptions.

The University has a licence with Digimap, which gives both staff and students access to a range of maps and geospatial data from a number of national data providers including Ordnance Survey data. Re-use for educational purpose is permitted, however there are specific guidelines on how the data should be displayed and acknowledged, please contact us for further information.

9. Theses/Publications and Copyright

It is possible for your students to include third party material within their thesis or dissertation by using the illustration for instruction exception which includes anything done for the purpose of examination. This exception is subject to fair dealing and would not cover publication of a thesis or dissertation or making it available online (via an institutional repository). It may also be possible to rely on the criticism and review or quotation exception. Inclusion of

third-party owned material beyond what is acceptable under the exceptions will require permission from rights holders. Please contact us if your students require assistance.

Where staff are publishing their work, for example as a journal article or monograph you need to consider the inclusion of any third party material and if you have permission to reuse it. Please contact us for assistance or discuss with your publisher.

10. Copyright and the internet

The majority of content available via the Internet will be subject to copyright restrictions. Most websites will contain a copyright statement or terms of use setting out if and how their content can be reused. Where there is no copyright statement or terms of use you **should not** assume the content is copyright free.

You can do the following with internet content:

- Provide a link to legitimate content; you should never link to pirated/infringing or other illegal content. Make sure all hyperlinks open in a new browser so it is clear to the user they are accessing content not owned by the University.
- Copy a small extract in line with the copyright exception(s) for criticism and review or illustration for instruction or quotation. Remember the use must be fair.
- Freely use content that is covered by a Creative Commons (CC) licence subject to the restrictions of that licence. It is possible to filter your online search to find CC licensed materials.

Remember just because it's available on the internet does not mean it's free to use, most content will be subject to copyright protection until it expires (70 years after the death of the author) unless the copyright owners have waived their rights.

Pirated/infringing content is commonly distributed via social networking, file sharing or privately owned websites. Before reusing any content it is important to check:

- The details of who made the content available and if they were authorised to do so.
- Any comments that appear in relation to difficulty in uploading the content
- If the contact details are an email address/user name that is not associated with an author, publisher, production company, affiliated organisation or photographer (images).

It is an offence to further distribute copyright infringing material.

What can I do with e-books and e-journals?

The Library offers access to a wide range of electronic subscriptions including e-books and e-journals. Like printed books and journals these are subject to copyright protection. There will be limits on the amount that can be copied and re-used. If you wish to use an extract from an e-book or an article from an e-journal within MyPlace, please contact the University Digitisation Service who will arrange this for you. You are permitted to link to electronic resources, however you should not generally copy, paste and embed extracts into your teaching material. Please contact the Digitisation Service or your Faculty Librarian for further information.

The Digitisation Service can also arrange (in many cases) for the scanning of extracts from printed books and journals into digital form, for use within MyPlace.

What is Open Licensing?

Open licensing allows copyright material to be reused without having to seek permission from the copyright owner. Such licences are normally designed to be user friendly and promote reuse.

Can I license my own work as Creative Commons?

Creative Commons (CC) is a type of open licensing and it allows the creator of the content to share their work. They allow different levels of restrictions to be applied such as CC0 – no restrictions apply to reuse, or CC BY ND NC – users must attribute the source, cannot make derivative works and must not make them available on commercial terms. When using content licensed under CC it is important to follow the licence restrictions.

CC licences are being more commonly used allowing a wide range of information to be reused free of charge.

What is Crown Copyright?

Crown copyright exists in works “made by Her Majesty or an officer or servant of the Crown in the course of his duties” this includes legislation, government reports and other official material.

The UK Government has introduced an Open Government Licence (OGL), which allows reuse of Crown copyright and public sector information. Please see www.nationalarchives.gov.uk for information on the Open Government Licence.



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