

## **COPYRIGHT – GUIDANCE FOR STUDENTS AND STAFF**

### **Overview**

Copyright is an intellectual property right that protects original work and gives the creator control over how it can be used for a period of time. It arises automatically on creation and does not need to be registered.

It protects:

- Literary, dramatic, musical and artistic works
- Sound and music recordings
- Films
- Broadcasts
- Computer software and code
- Websites
- Typographical arrangements of published editions

Copyright protects the expression of an idea as it is recorded and not the idea itself.

### **Ownership**

The basic position is that the owner of a copyright work will be the person who created it. However, alternative contractual arrangements may be put in place (e.g. work created by an employee in the course of their employment is often owned by the employer). The owner may also buy or sell the work as they see fit.

The University's 'Exploitation of Intellectual Property Procedure' provides further information on copyright ownership for members of staff and students. This Procedure is available at <https://www.uws.ac.uk/about-uws/policies-procedures-guidance/>

### **Copyright Protection**

Work is automatically covered by copyright unless the creator has actively chosen to make it freely available.

Copyright gives the owner the right to decide how the material is used and to stop other people from using it without permission. If a work is copyrighted, you must not do any of the following unless you have the owner's permission:

- Copy it
- Distribute copies of it to other people
- Perform, show or play it in public
- Adapt it
- Put it on the internet

Copyright protection lasts for a limited amount of time. The length of protection depends on the type of work, as set out below.

<b>Type of work</b>	<b>Example</b>	<b>How long does it last?</b>
<b>Literary, dramatic, musical and artistic works</b>	Books, photographs, pictures, journal articles, graphs, tables	70 years after the death of the author

<b>Sound and music recordings</b>	Music, speeches and performances	70 years from the end of the year in which the recording was made
<b>Films</b>	Feature films, animated films, home videos	70 years from the end of the year when the last principal director, screenplay write or composer of soundtrack dies
<b>Broadcasts</b>	TV programmes, podcasts, online seminars	50 years from the end of the year when the broadcast was made
<b>Typographical arrangements of published editions</b>	The layout, formatting or style of a published work	25 years from publication

### Copyright Exceptions

It may be possible to use copyrighted works if:

- (1) There is a statutory exception (including 'fair dealing')
- (2) The University holds an appropriate licence

#### Statutory Exceptions

The Copyright, Designs and Patents Act 1988 ("CDPA") sets out a number of exceptions that allow individuals to use copyrighted works. Some of the exceptions which are relevant to University students, researchers and staff include using copyrighted works for:

- Private study
- Non-commercial research
- Illustration for instruction
- Quotation, criticism or review
- Creating accessible copies for disabled users

#### Fair Dealing

The exceptions set out above are subject to 'fair dealing'. Fair dealing is the right to reproduce limited portions of copyrighted works without permission. There is no legal definition of 'fair dealing' and judgement must be used to decide whether the copying would (1) affect the sale of the work; and (2) be deemed reasonable and appropriate.

The amount that can be copied under 'fair dealing' is not set out in law and the following table should be used as a rough guide only. A good rule is to keep it short and to only copy what you absolutely need.

<b>Fair dealing exception</b>	<b>How much can be copied (examples from case law)</b>
<p><b>Private study exception*</b> - allows individual students to copy extracts from material for their own reference purposes.</p> <p><i>*Academic staff must not make copies on behalf of multiple students</i></p>	<ul style="list-style-type: none"> <li>• One article from any one issue of a journal</li> <li>• One chapter or up to 5% (whichever is greater) of a book</li> </ul>

<p><b>Non-commercial research exception</b> - allows individual researchers to copy extracts from material for their own reference purposes.</p>	<ul style="list-style-type: none"> <li>• One poem or short story of up to 10 pages from an anthology</li> <li>• One legal case report</li> </ul>
<p><b>Illustration for instruction exception</b> - allows lecturers to copy material to highlight specific points whilst teaching.</p> <p>When using this exception you must consider;</p> <p><i>Could the use affect the sale of the work?</i></p> <p><i>Would a reasonable person interpret the amount used as the minimum required to support the specific point being made?</i></p>	<p><u>In some cases</u> up to the following amounts have been considered fair, however, this will be considered on a case by case basis.</p> <ul style="list-style-type: none"> <li>• One extract of no more than 400 words</li> <li>• Several extracts of no more than 300 words each and totalling no more than 800 words</li> <li>• Up to 40 lines from a poem, not exceeding one-quarter of the work</li> <li>• A single image / table / chart used to illustrate a specific point</li> </ul>
<p><b>Quotation, criticism or review</b> – allows students, researchers and staff to quote short extracts from copyrighted works in essays, reviews and journal articles.</p>	<ul style="list-style-type: none"> <li>• A single extract of no more than 400 words</li> <li>• A series of extracts of no more than a total of 800 words, with no single extract exceeding 300 words</li> </ul>
<p><b>Creating accessible copies for disabled users</b> – allows individuals to copy work in accessible formats (i.e. adapting work into braille or adding subtitles)</p>	<ul style="list-style-type: none"> <li>• Personal copies of entire documents may be made provided for disabled learners as long as a copy of the document is owned by the institution, the author of the work is acknowledged and a statement is included that the copies are made under Section 31B of the CDPA</li> </ul>

### Licences

The University also holds CLA, NLA and ERA licences that permit limited reproduction of some copyrighted materials.

CLA Licence	How much can be copied
<p><b>Allows</b> Copying from text based resources (<i>excluding newspapers</i>) for the purposes of teaching and research.</p> <p>Scanning of resources for online use for teaching purposes.*</p> <p>The provision of a single <u>print</u> copy to a partner involved in a joint research project.</p>	<ul style="list-style-type: none"> <li>• One article from any one issue of a journal</li> <li>• One chapter or up to 10% (whichever is greater) of a book</li> <li>• One poem or short story of up to 10 pages from an anthology</li> <li>• One legal case report</li> </ul>

### Limitations

Copies must be made by the library or print services

Some publishers and specific resources are excluded from the licence

The original work should be owned by the institution, not an individual

\*Scanned material should be associated with a specific module, and access must be limited to legitimate members of the module.

The NLA licence permits some copying of newspaper articles for use in teaching, and the ERA licence relates to the use of TV and radio programmes within education. Further information is available from the library.

### Copyright Enquiry Service

The UWS Library provides a Copyright Enquiry Service to help staff and students to comply with copyright legislation and the terms of any licences. The service can help you with:

- using copyrighted material for learning, teaching, research or publication
- making copies of chapters or articles for teaching or research
- queries relating to use of databases for automated text and data mining
- publication licensing and/or copyright transfer
- asking for permission from copyright owners

Get in touch by emailing [copyright@uws.ac.uk](mailto:copyright@uws.ac.uk).

### Your Responsibilities

It is the responsibility of all members of staff and students to ensure that they are acting within the terms of any copyright legislation and licences that the University holds. Acting outside of the law or terms of licenses may lead to disciplinary action.

Procedure Author – Library	Procedure Owner – Lead Librarian – Research & Collections
Parent Policy Statement - Information Services Policy Statement	Public Access or Staff Only Access - Public
Version 2 – September 2020	Changes and Reason for Changes – Licence guidance update