Copyright Guide

Copyright Information

All University of Surrey staff and students need to be aware of the main points of copyright law. This leaflet provides practical guidance on copyright compliance: it is for information only and is not intended as legal advice.

The Copyright, Designs and Patents Act 1988 and subsidiary legislation prohibit copying without permission from works protected by copyright, including material published on the Internet. There are, however, a number of exceptions which allow you to copy without permission of which the most important for library users is the 'fair dealing' exception for copying for non-commercial research and private study.

Copying for research and private study

You may make a single copy of copyright material for personal use for private study or non-commercial research. The amount which may be copied is not specified but is usually taken to mean -

- One chapter or up to 5% of a book, whichever is the greater
- One article from a journal issue or set of conference proceedings
- One short story or poem of up to 10 pages from an anthology
- One case from a law report.

The medium used for copying – for example photocopier, scanner, memory stick or computer disk – is also not specified in the act.

If you make an electronic copy DO NOT

- Pass it on to others
- Put it on a shared network drive or web server for others to access
- Alter the work in any way
- Keep multiple copies e.g. a print and an electronic version or multiple electronic versions in different places.

What is copyright?

Copyright is the legal protection given to creators of certain kinds of original works. It gives them the exclusive right to make copies of their work and issue them to the public. Anyone who infringes that right by copying a protected work without the permission of the copyright owner can be sued for damages. Copyright is a form of property which can be sold ('assigned') or leased ('licensed') in the same way as other forms of property. It comes into existence automatically as soon as a work is created without any need for registration. If the work was made in the course of employment, copyright is owned by the employer unless a contract specifies otherwise.

In the UK the legal framework, including what is protected and for how long, is laid out in the Copyright, Designs and Patents Act 1988 and subsequent Statutory Instruments.

What is protected?

- Literary, dramatic & musical works, which include computer programs, web pages and designs for databases
- Artistic works, which includes photographs, maps and charts
- Sound recordings, films, broadcasts or cable programmes
- Typographical arrangements of published editions: the way the words are arranged on the pages of a literary, dramatic or musical work.

How long does copyright last?

In general terms the duration of copyright is as follows:

- Literary, dramatic, musical and artistic works, films and video recordings: 70 years following the end of the year of the death of the creator(s)
- Sound recordings: 50 years from the end of the year in which it was made or 70 years from the end of the year in which it was first released
- Broadcasts, including cable programmes: 50 years from the end of the year the broadcast was made
- Typographical arrangements: 25 years from the end of the year of first publication.

When can copyright material be copied?

With the permission of the copyright holder you can copy whatever is agreed and make as many copies as agreed. You can copy without permission in certain circumstances under the exceptions to the copyright holder's exclusive rights contained in the 1988 Act. The most important of these for academic institutions are the following 'fair dealing' exceptions which allow individuals, with a sufficient acknowledgement, to make single copies from material published in the UK:

- Research for a non-commercial purpose or private study
- Text and data mining for non-commercial research – researchers may copy materials to which they have access in order to carry out a computer-based analysis
- Criticism, review or quotation – you may quote from copyright works, whether for criticism or review or otherwise, as long as the use is proportionate and fair
- Illustration for instruction – you may copy for teaching or examination purposes: see the web pages on Copyright & Teaching Materials.
Guidelines for ‘electronic fair dealing’ for the higher education community have been agreed between the Publishers’ Association and the Joint Information Systems Committee, see http://www.ukoln.ac.uk/services/elib/papers/pa/licence/fairnote.html.

Under another exception in the 1988 Act you may produce an accessible copy of copyright material for a disabled person if the work is not already available in a suitable format.

**Moral rights**

There are four categories of moral rights which belong to authors and are quite distinct from copyright:

- **Paternity**: the right to be acknowledged as the author. It has to be asserted and can be overridden by the copyright owner for material created in the course of employment
- **Integrity**: the right of the author to prevent or object to derogatory treatment of his or her work
- **False attribution**: the right of persons not to have work falsely attributed to them
- **Disclosure**: the right of the author to withhold certain photographs or films from publication.

**Licences**

Groups of publishers and authors’ representatives have combined to grant collective permissions in the form of licence schemes; these allow staff and students at subscribing institutions to copy protected works without having to seek individual copyright holders’ permission.

**Copyright Licensing Agency Licence**

The Copyright Licensing Agency is the largest licensing body in the UK. The University has a Higher Education Licence from the CLA which allows the making of multiple copies from printed books and journals for teaching purposes. The limits on the extent to which any work may be copied remain:

- one chapter of a book
- one article from a journal issue or set of conference proceedings
- one short story or poem of not more than 10 pages from an anthology
- one law case from a volume of judicial proceedings

or 5% of a given work, whichever is the greater.

**Exclusions**

Please note that not all categories of material, all countries or all publishers are covered: nor does the licence cover students based at an overseas campus such as SII-DUFE. See the CLA website http://www.cla.co.uk/ for details of the licence and a full list of excluded works.

The licence permits the making of multiple photocopies for distribution to students: you may make sufficient copies for each student enrolled on a course of study, plus one for the teacher. The licence also permits the scanning of printed materials for distribution to students; this may be done via a virtual learning environment such as SurreyLearn or via email, memory stick or CD. For further details of what can be copied, how it can be made available and how the copies are reported see the web pages on Copyright & Teaching Materials.

**Electronic journals, books and databases**

The University has licences with individual publishers regarding the use of electronic journals, books and databases. Staff and students should observe the terms and conditions and copyright restrictions, which are usually listed on the website of the publisher or service provider. For further information see the Copyright & Electronic Resources web page.

For information about how journal articles can be re-used for educational purposes under the licences held by the University Library, please see the web page on Linking to online articles.

**Newspapers**

The University holds a licence from NLA media access, (formerly the Newspaper Licensing Agency), which permits copying from the major UK national newspapers for educational purposes. For further details see the NLA media access website http://www.nlamediaaccess.com/.

**Television and radio broadcasts**

The University has an ERA Licence from the Educational Recording Agency which permits off-air recording of radio and TV broadcasts for educational purposes: these may be played in a lecture or mounted on SurreyLearn. For further information see the Educational Recording Agency website http://www.era.org.uk/.

**Ordnance Survey maps**

The University subscribes to the online Digimap service, through which educational use may be made of Ordnance Survey digital mapping data. For further information see the Ordnance Survey website http://www.ordnancesurvey.co.uk/ and the Digimap terms of use http://edina.ac.uk/digimap/osterms.html.

**Music**

The University has a Limited Online Music Licence from PRS for Music which authorises the adding of online music tracks to SurreyLearn for on-demand streaming. For further information see http://www.prsformusic.com/users/broadcastandonline/onlinemobile/MusicServices/LOML/Pages/LOML.aspx.

**Useful Links**

http://jiscleg.al/CopyrightLawEssentials
http://jiscleg.al/CopyrightLawOverview

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