

Copyright Policy

Operational Owner:	Director of Library and Learning Support
Executive Owner:	Pro-Vice-Chancellor, Education
Effective date:	18 December 2020
Review date:	18 December 2022
Related documents:	<ul style="list-style-type: none"> • Captured Content Policy • IT Acceptable Use Policy • Library Copyright Guidance for <u>staff</u> and <u>students</u> • Position Statement on Open Research • The <u>Technology Transfer Office</u> website • The University of Surrey <u>Intellectual Property Code</u> • The University of Surrey regulations for <u>Research Degrees</u> • Thesis submission guidelines

Approval History

Version	Reviewed by	Brief reason for review	Approved by	Date
1	Gill Dwyer		EB	31 Jan 2012
2,3,4	Gill Dwyer			Last approved February 2016
5	Christine Daoutis	Substantial redrafting, to align with the revised IP Code and Captured Content Policy	EB	6 November 2020

Copyright Policy

Introduction

Copyright is the legal protection given to creators of certain types of original work, which are recorded in permanent form. These types of work include literary, artistic, dramatic and musical works, films and sound recordings.

Copyright gives creators the exclusive right to make copies of their work and issue them to the public. Without the copyright owner's permission, others cannot copy, adapt, or share the copyrighted works.

The University of Surrey is committed to:

- Asserting and protecting copyright and other intellectual property rights owned by the University, its employees, or its students.
- Complying with the provisions of the [Copyright, Designs and Patents Act 1988](#) and subsidiary legislation, and adhering to the terms and conditions of copyright licences held.

Aims and scope

This policy sets out the University's rules regarding:

- (a) The ownership of copyright** in certain types of works created by University employees or students. Specifically, this policy addresses the ownership of copyright in scholarly publications, theses, teaching materials and other outputs where they are not deemed 'commercially valuable IP', as they are not likely to generate income for the University.

Other types of outputs, identified as 'commercially valuable IP', are addressed in the University Intellectual Property Code and include, but are not limited to, research databases, laboratory notebooks, designs and protocols, and software source code.

Creators of scholarly publications, teaching materials or other outputs who have reasonable grounds for believing that they have generated commercially valuable IP should bring this to the attention of the [Technology Transfer Office](#) as soon as possible. Similarly, doctoral or other students should ask the Technology Transfer Office to authorise the [embargo of a thesis](#) in cases where the content of the thesis has, or is likely to have, commercial value.

- (b) The use of third-party copyright materials** in research, learning, teaching and other professional activities.

The policy applies to all university employees and students. The policy also applies to any users of copyrighted works owned or curated by the University, its employees or students.

A. Ownership of copyright

In line with the University's IP Code:

- The University owns all IP created by its **employees**, including copyright, unless it is created in a private capacity that is inconsequential to the employee's role. However, to ensure that creators can still access and benefit from their works, special provisions may apply for certain types of outputs, as indicated in the sections below.
- As a condition of their registration, **postgraduate students** are required to assign their IP rights to the University, except copyright on their thesis, which remains with the author. Exceptions to this apply where IP rights belong to a sponsor.

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- **Undergraduate students** own all IP they create, including copyright, unless it is created as a result of being an employee of the University. For more information and possible exceptions to this, please refer to the IP Code.

Where contractual agreements (e.g., with sponsors or collaborators) are in place, the terms of these agreements will take priority over the terms of copyright ownership below.

1. *Scholarly publications*

When planning to submit a piece of research for publication or presentation at a conference, researchers should pay special attention to the commercial potential and confidentiality of any research results to be included or referred to. Researchers are advised to contact the [Technology Transfer Office](#) before disseminating commercially valuable research in any way that constitutes “public disclosure¹”.

The copyright in scholarly publications belongs to the University. However, subject to the consideration of commercial value, the University grants a perpetual and irrevocable, royalty-free, non-exclusive licence to the author(s) to facilitate the publication process, sign publication agreements and disseminate the published work. In accordance with the University’s position statement on Open Research, when signing publisher copyright agreements authors should seek to retain rights to share and reuse their publications, under conditions set out by their research funders and/or the University’s Open Research policy.

In certain cases, scholarly publications such as monographs and other types of books may have commercial value. In such cases, authors are advised to liaise with the Technology Transfer Office to enter into good faith negotiations regarding possible rewards as set out in the IP procedures.

2. *Teaching, learning and student assessment materials*

Teaching and learning materials include traditional printed materials as well as digital texts, web-based content, multimedia, software, and captured content as defined in the University’s Captured Content Policy: both recordings of live teaching (‘lecture capture’) and recordings created for instructional/educational use.

The copyright in teaching and learning materials belongs to the University. These materials will therefore be retained by and can be used and, if deemed necessary, updated by the University for educational, research, and administrative purposes². However, the University grants the creators a royalty-free, non-exclusive licence to the materials for non-commercial use teaching or research purposes, even after their employment or studies or engagement with the University has ceased; provided that the use of the materials does not impede the exploitation of the materials by the University or prejudice in any way the interests of the University.

In the case of **captured content**, performers’ rights related to the recording of lectures, demonstrations, workshops and other teaching activities are owned by the author(s) and licensed to the University. Staff will be asked to give their consent to these arrangements. This policy will be interpreted in line with the Captured Content policy.

If the creators of such materials identify them as having potential commercial value, they are advised to contact the Technology Transfer Office. Should the e-learning materials have the potential to be exploited for commercial use, the University agrees that it shall, in accordance with its normal procedures, enter into good faith negotiations with the Author(s) regarding possible rewards as set out in the IP code. Should the University choose not to exploit the materials for commercial use within a meaningful timeframe, the University will enter into good faith negotiations with the Author(s) for the transfer of ownership of the rights in the e-learning materials. In return, the Author(s) shall grant the University and its authorised users an irrevocable royalty-free licence to use such material for administrative, education, teaching and research purposes.

¹ This includes any communication, intentional or accidental, which discloses details of research ideas, designs or results to a member of the public, unless a confidentiality agreement has been signed. Examples include informal conversations, sharing of grant applications, online articles, conference presentations and journal publications.

² The University will credit the author(s) for any significant contribution to the e-learning materials. The University will also comply with any request that the author’s name be removed from the e-learning materials.

Subject to the consideration of commercial potential mentioned above, the creators of learning and teaching materials are strongly encouraged to make such materials openly available, under a [Creative Commons Attribution Non-Commercial-Share-Alike Licence \(CC-BY NC SA\)](#).

Copyright in examination scripts belong to the University. Examination scripts may be published by the University in whole or in part (provided this is without attribution) for the purpose of teaching or example.

The terms of copyright ownership and the recommended licence would apply to any materials created by the authors, but do not apply to third-party materials reused with permission (also see Section B on the use of third-party materials).

3. *Students' dissertations and theses*

Copyright in dissertations and theses belongs to the student, unless a separate agreement (e.g., with a sponsor) is in place.

According to the [University's regulations for Research Degrees](#) (para 123), as a condition of being awarded their degree, students are required to deposit a copy of the final thesis (following the viva and any approved final corrections) in the University's open access repository. In certain cases, students may require that the deposited thesis be restricted (embargoed) for a specified time.

One such case refers to the confidential nature of research results, especially cases where potential patentable inventions have been made in the course of the work, or cases where a non-disclosure agreement with a sponsor or other party is in place. Students are expected to ask the Technology Transfer Office to authorise the embargo of a thesis on commercial grounds.

Unless the Student specifically requests an embargo, the University will have the right to make the thesis publicly available, in line with its open access policies and any obligations to outside bodies.

B. Use of third-party copyright materials

This section of the policy is concerned with the use of any works, including text, images, video and music, whose copyright is not owned by the user ('third party materials'). Uses of the computer network, software or hardware are separately covered by the [IT Acceptable Use Policy](#).

In the UK, copyrighted materials are protected by the [Copyright, Designs and Patents Act 1988](#) and subsidiary legislation. In addition, the University has a number of licences that determine the terms of using copyrighted materials such as scholarly publications, archive collections, newspapers, databases, audio and visual recordings, and music. Failure to comply with copyright law or licences could have serious consequences; for example, the withdrawal of database access or the loss of licence privileges and could ultimately give rise to legal action against the individual or the University.

It is the responsibility of all members of staff, students, contractors and visitors to the University of Surrey to observe policies related to the use of third-party copyright. Anyone intending to use any copyrighted material must ensure that they and the University are fully authorised by the copyright owner to do so. Specifically:

- Staff, students, contractors and visitors are expected to familiarise themselves with, and abide by, the copyright [guidance on the Library website](#) regarding using and sharing copyrighted materials in research, teaching and personal study. Relevant licences apply to both print and digital materials and determine how much can be copied, how it can or cannot be used, and for what purposes.
- Restrictions on downloading and sharing captured content also apply (see Captured Content Policy, 2.4.1).
- Staff, students and visitors wishing to use materials from the University's Archives and Special Collections are expected to follow the procedures around copying, scanning and taking digital

photographs of the materials. What is permitted will depend on the conditions set by the copyright owner.

- Staff and students should also be aware of alternative options when materials they wish to use are not covered by a licence. These may include correctly applying fair dealing as defined in UK Copyright Law, identifying and using out of copyright materials, discovering and using openly licenced materials, or seeking permission from the copyright owner. The Library provides guidance on this.
- Staff and students authoring scholarly publications should be aware that, unless they have retained copyright and/or specific sharing rights to their publications, they should treat them as third-party copyright. This means that they may not be able to share them on websites – such as academic social media – unless this is authorised by the publisher.

C. Governance requirements

A completed stakeholder analysis and communications plan has been submitted as a supplementary document to this policy.

1. *Implementation/communication plan*

A link to the policy, as well as detailed guidance on copyright, how copyright material can be used lawfully, UK legislation and the various licences held by the University, will be available on the Library Copyright Guidance for staff and students.

The University's Open Research team will be responsible for the provision of copyright advice and training to its staff and students.

2. *Exceptions to this policy*

The terms of this policy are framed by current legislation and by a number of agreements and licences with content providers, sponsors, clients and collaborators. For this reason, exceptions do not apply unless the terms of an agreement or licence change.

3. *Review and change requests*

The policy will be reviewed every two years, to address potential changes in legislative/governance requirements, and feedback from the stakeholders.

Minor changes such as changes of role titles, other titles or names which do not change the meaning of the policy, will be proposed to URIC and UEC before being implemented.

4. *Legislative context*

In the UK, copyrighted materials are protected by the Copyright, Designs and Patents Act 1988 and subsidiary legislation. In addition, the University has a number of licences that determine the terms of using copyrighted materials such as scholarly publications, archive collections, newspapers, databases, audio and visual recordings, and music. Failure to comply with copyright law or licences could have serious consequences; for example, the withdrawal of database access or the loss of licence privileges and could ultimately give rise to legal action against the individual or the University.

5. *Stakeholder statements*

Details of the stakeholder consultation are provided in the *stakeholder/communication template*.

An *equality analysis* has been completed and submitted with this policy. Equality Analysis is a process addressing the potential impact of the policy on the diverse characteristics and needs of everyone it affects. This policy has been reviewed to ensure no negative impact on equality.

Health and safety issues related to this policy have also been considered. There are no health and safety implications of this policy.

Following approval of the revised Intellectual Property Code, this policy has been revised partly to include areas no longer addressed in the revised version of the Intellectual Property Code; namely, the ownership of copyright of outputs deemed not to be commercially valuable. The Director of Technology Transfer has reviewed and is satisfied with this policy.

Points related to ownership and reuse of captured content have been discussed and agreed with the Department of Technology Enhanced Learning.

D. Contact details

For further information, please contact the Open Research team at openresearch@surrey.ac.uk.