

<b>Copyright Procedure</b>	
<b>Enabling Policy Statement; Executive Owner; Approval Route:</b>	Our Operations - Chief Operating Officer - Operations Committee
<b>Is the Procedure for internal use only (Non- disclosable) ?</b>	Disclosable
<b>Associated Policy Statements:</b>	Our Education - Pro-Vice Chancellor, Academic Our Research and Innovation - Pro-Vice Chancellor, Research and Innovation
<b>Authorised Owner:</b>	University Secretary and General Counsel (USGC)
<b>Authorised Co-ordinator:</b>	Head of Governance
<b>Effective date:</b>	12 <sup>th</sup> October 2023
<b>Due date for full review:</b>	31 <sup>st</sup> December 2026
<b>Sub documentation:</b>	N/A

#### Approval History

<b>Version</b>	<b>Reason for review</b>	<b>Approval Route</b>	<b>Date</b>
1.0	Move to new template	Operations Committee	12/10/2023

## 1. Purpose

- 1.1. 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.
- 1.2. In the UK, the legal framework for copyright is the Copyright, Designs and Patents Act 1988 and subsidiary legislation. The procedure outlined here refers to UK copyright law.
- 1.3. Copyright gives creators the exclusive right to do certain acts, including making copies of their work and issuing them to the public. Without the copyright owner's permission, others cannot do any of the acts restricted by copyright. Doing so would be copyright infringement.
- 1.4. The purpose of this procedure is to ensure:
  - a. Clarity around the ownership and terms of reuse of copyright materials created in the course of employment or study at the University.
  - b. Compliance with the provisions of the Copyright, Designs and Patents Act 1988 and subsidiary legislation, and adherence to the terms and conditions of copyright licences held by the University.
- 1.5. By providing clarity on copyright ownership and reuse of works created by Surrey staff or students, this procedure also helps to inform decisions around publication, dissemination and other uses of these works by third parties and by the authors themselves.
- 1.6. By determining responsibilities around the use of works protected by copyright, this procedure supports compliance with copyright legislation, agreements and licences held by the University and reinforces practices that support academic and research integrity.
- 1.7. This procedure supports the University's Operations Policy Statement, particularly objectives which refer to delivering on our education and research commitments while including the relevant legislation and requirements.
- 1.8. Protecting and managing copyright and other intellectual property rights related to works created by Surrey staff and students is also related to the Research and Innovation policy statement and the Education policy statement, particularly to objectives related to intellectual property arising from research or teaching.

## 2. Scope and Exceptions to the Procedure

- 2.1. This procedure 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 procedure 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.
- 2.2. The procedure applies to all University employees and students. The procedure also applies to any users of copyright works owned or curated by the University, its employees or students.
- 2.3. The terms of this procedure 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. Where contractual agreements (e.g., with sponsors or collaborators) are in place, the terms of these agreements will take priority over the general terms of this procedure.

## 3. Definitions and Terminology

- 3.1. **Creative Commons Attribution Licences** provide a standardised way to specify how users of a copyright-protected work may reuse the work. They can be applied to various creative works, including research outputs, to ensure the maximum possible reuse by others while allowing the copyright owner to specify conditions for reuse. All licences allow redistribution of the work provided users attribute the author. There are [six Creative Commons Licences](#), built around three criteria: whether or not they allow adaptations (derivatives); whether or not they allow commercial reuse; and whether or not adaptations (if allowed) must be shared with the same licence. Many funders require authors to make their research publications available under a Creative Commons Attribution licence, allowing both adaptations and commercial reuse. For other outputs such as theses, teaching materials and reports, more restrictive licences may be suitable in some cases.
- 3.2. **Intellectual Property (IP)** refers to creations of the mind such as inventions, artistic creations, literary works or symbols. Intellectual Property Rights protect the works of creators and include copyright, patents, trademarks and designs.
- 3.3. **The Technology Transfer Office** is part of the University's Research and Innovation Services. It manages intellectual property which will (or may) create income for the University.

#### 4. Procedural Principles

- 4.1. With regard to ownership of copyright, and in line with the [University's IP Code](#):
  - a. 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 below.
  - b. Students own copyright to works they create, unless they are created as a result of being an employee of the University.
  - c. 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.
- 4.2. With regard to ownership of copyright in scholarly publications:
  - a. 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 disclosure"<sup>1</sup>.
  - b. 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 Access to Research Outputs](#) procedure.
  - c. 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 Code.
- 4.3. With regard to ownership of copyright in teaching, learning and student assessment materials (including printed materials, digital texts, multimedia, software, and captured content as

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<sup>1</sup> 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.

defined in the University's [Captured Content Procedure](#):

- a. 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 purposes<sup>2</sup>. 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.
- b. 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 procedure will be interpreted in line with the Captured Content procedure and the Intellectual Property Code.
- c. If the creators of such materials identify them as having potential commercial value, they are advised to contact the Technology Transfer Office. Should the 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 materials. In return, the Author(s) shall grant the University and its authorised users a non-exclusive, irrevocable royalty-free licence to use such material for administrative, education, teaching and research purposes.
- d. 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 suitable Creative Commons Licence in line with the University Open Research position statement.
- e. 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.
- f. The terms of copyright ownership would apply to any materials created by the authors, but do not apply to third-party materials reused with permission (also see section on the use of third-party materials).

#### 4.4. With regard to ownership of copyright in students' dissertations and theses:

- a. Copyright in dissertations and theses belongs to the student, unless a separate agreement (e.g., with a sponsor) is in place.
- b. According to the University's [regulations for Research Degrees](#) 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.
- c. 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.
- d. Unless a student specifically requests an embargo, the University will have the right to make the thesis publicly available, in line with its open access requirements and any obligations to outside bodies.

#### 4.5. With regard to the use of third-party copyright materials, including text, images, video and music:

- a. In the UK, copyright 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 materials such as scholarly publications, archive collections, newspapers,

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<sup>2</sup> The University will credit the author(s) for any significant contribution to the materials. The University will also comply with any request that the author's name be removed from the materials.

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.

- b. 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.
- c. 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 copyright 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.
- d. Restrictions on downloading and sharing captured content also apply (see Captured Content Procedure).
- e. Staff, students and visitors wishing to use materials from the University's Archives and Special Collections are expected to follow and adhere to all conditions set by the copyright owner.
- f. 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 copyright exceptions as referred to in UK Copyright Law, identifying and using out-of-copyright materials, discovering and using openly licensed materials, or seeking permission from the copyright owner. The Library provides guidance on this.
- g. 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.

## 5. Governance Requirements

### 5.1. Implementation: Communication Plan

- a. A link to the procedure, 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. Links to the policy and guidance will be signposted at induction of new staff and students.
- b. Notification about the updated Copyright procedure, outlining its scope and linking to related resources, will be communicated to staff and students via: (a) a SurreyNet article; (b) updates through regular research and teaching and learning newsletters and (c) social media. The University's Open Research team will be responsible for the provision of copyright advice and training to its staff and students.

### 5.2. Implementation: Training Plan

- a. An understanding of the essentials of copyright by all staff and students is necessary to help avoid copyright infringement, increase authors' awareness of their rights, and support academic and research integrity. To this end, guidance and training for research and teaching staff will be available throughout the year, offered as part of the ongoing Open Research training programme and signposted from other relevant training.
- b. Focus areas identified for this training include the unauthorised sharing of lecturers' materials by students, the benefits of rights retention by authors, and the accurate attribution of sources.

### 5.3. Review

The procedure 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 procedure, will be proposed to URIC and UEC before being implemented.

### 5.4. Legislative Context and Higher Education Sector Guidance or Requirements

This procedure is framed by:

- a. UK copyright legislation (Copyright, Designs and Patents Act 1988 and subsidiary legislation), compliance with which is essential to avoid copyright infringement, possible legal action and reputational damage.
- b. Licences held by the University which determine the terms of using 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.
- c. Contractual agreements (for example, with sponsors, research partners, or publishers) specifying ownership and reuse of materials.
- d. Requirements set by research funders (including Research England, UKRI and the Wellcome Trust) related to the retention of authors' rights and the open licensing of research outputs.

**5.5. Sustainability**

This policy does not have any environmental impact.

**6. Stakeholder Engagement and Equality Impact Assessment**

6.1. Key stakeholders, including the executive owners of the IP Code and Captured Content procedure and the researcher and teaching community, were consulted extensively when the previous version of this procedure (Copyright policy 2020-2022) was introduced. This is a minor update and therefore these those stakeholders were not further consulted.

6.2. An Equality Impact Assessment was completed on 08/08/2023 and is held by the Authorised Co-ordinator.

6.3. Stakeholder Consultation was completed, as follows (note that the Head of Governance is the Authorised Coordinator of this procedure):

Stakeholder	Nature of Engagement	Request EB Approval (Y/N)	Date	Name of Contact
Governance	Review of procedure draft; confirmation that it adheres to the policy framework	N		Andrea Langley, Compliance Manager OIA and Policy Framework
H&S	Review of procedure draft; confirmation that there is no impact on health and safety	N	26.06.2023	Matthew Purcell, Health and Safety
Sustainability	Review of procedure draft; confirmation that there is no impact on sustainability	N	23.06.2023	Martin Wiles, Head of Sustainability, c/o Charlotte Discombe
Education	Review of procedure draft; confirmation that it adheres to the Education policy	N	15.08.2023	Prof Osama Khan, PVC Education
Research and Innovation	Review of procedure draft; confirmation that it adheres to the Research policy	N	15.08.2023	Prof Tim Dunne, PVC Research and Innovation