



Use of Copyright Materials Procedures

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Equality impact assessment:	N/A
Student friendly:	Yes

Revision history

Version	Type (e.g. replacement, revision etc)	Date	History (reason for changes)
1	Replacement	April 2008	Superseded and replaced: CLA: Licensed Copying User Guidelines Copyright Further Notes for Guidance Use of Copyrighted Materials by College Copyright- Audio and Audio-Visual Productions NLA: Newspaper Copyright License
2	Review	January 2010	
3	Revision	November 2014	Implementation of EU Directive 2001/29 / EU Copyright Directive on 1st June 2014
4	Review	September 2016	
5	Revision	August 2020	Amendment to the details about Licensing bodies and updating of some URLs.

Monitoring and review

This policy will be reviewed by the Senior Leadership Team every 3 years.

Use of Copyright Materials procedures

Copyright exists to protect the rights of a work's creator(s), and to prevent illegal reproduction of a copyrighted work which may result in them being deprived of a legitimate income. Copyright covers literary, dramatic, musical and artistic works as well as films, sound recordings, book layouts, and broadcasts.

This document lays out the guidance the College has taken to ensure that members of the College community minimise the risk of infringement and the consequent liability towards others, whilst at the same time ensuring that the College is fully exploiting its rights.

Under the 1988 Act there are no formal procedures required in the UK for copyright to apply. Copyright is automatically applied to a work at the time of creation provided that:

- there is an originality to the work;
- the work exists in a written or material form;
- the creator is a British citizen or corporation, legal domicile within the UK, or the work is originally published in the UK.

Copyright is a legally enforceable property right enabling the creator of an original piece of material work to control the use of their creation. Where a work contains a performance, the performer will also have rights over how the work can be used. Copyright prohibits the use of the created material unless the express permission of the rights holder has been granted, or the permission exists in the form of a licence.

If you wish to make copies of a work which will be used for a commercial purpose then it is advised that you obtain, in advance, written permission from the copyright owner.

The Vice Principal, Quality and Student Experience is responsible for:

- Ensuring that the policy is adhered to and implementing any necessary actions if the policy is breached

Assistant Principal Student Services is responsible for:

- Informing the Vice Principal, Quality and Student Experience when there is a policy breach.
- Ensuring the Staff and Student Disciplinary Policies where upheld are acted upon where appropriate if there is a breach of the Copyright Policy

Heads of Departments are responsible for:

- Ensuring staff and students are aware of their responsibilities in relation to the Copyright Policy and Procedures
- Ensuring that any staff or students that are within their remit adhere to the Copyright Material Policy and Procedures, and if there is a breach of the Policy appropriate action is taken to address this.

Head of IT services is responsible for

- Ensuring the Copyright Licence is reviewed and renewed annually.

Appendix 1:

Copyright exceptions permitted by law

The most straight-forward way in which an original piece of material can be used without breaching copyright law is when the explicit permission of the rights holder has been sought. There are instances where the use of copyrighted material can be used without the prior permission of the rights holder.

Under UK law there are certain defenses that can be used when copyright material is used without the copyright holder's permission. These defenses are known as 'exceptions' to copyright and from October 2014 these have been expanded to cover a wider range of education and research activities. These defenses are generally known as 'fair dealing' exceptions as they enable fair but limited use of copyright works.

The Intellectual Property Office has issued guidance on these recent changes to copyright law and the documentation can be found at www.gov.uk/government/publications/changes-to-copyright-law

Circumstances where material might be used without the permission of the rights holder being sought include:

- Library
- Research and Private Study
- Education and Teaching
- Quotation
- Accessible formats for disabled people
- Archiving and Preservation

Library

The College Library qualifies as being able to loan copyrighted material due to the exemption allowed due to it being for non-profit and the collection being open to educational and research users.

Research and Private Study

The law permits the limited copying of some types of material, such as books, for non-commercial research and genuine private study. While this does offer the opportunity for students to use material with very little restriction, the use must be reasonable and fair.

Education and Teaching

The Act permits minor acts of copying for teaching purposes, as long as the use is considered fair and reasonable. This permits teachers, lecturers or students to use extracts from copyrighted texts, music, artistic works, films, sound recordings or broadcasts on interactive whiteboards, without having to seek additional permissions.

Any material used for the purposes of an examination does not infringe copyright provided, when practicable, there is sufficient acknowledgement.

Quotation

The law allows for quotes from a work to be used for general purposes, as long as this is reasonable and fair. This could be the use of an inspirational quote which has been used outside of a planned lesson.

Accessible formats for disabled people

It is not an infringement of copyright for an alternate version of a work to be made for a disabled person

if a commercially produced version is unavailable.

Archiving and Preservation

Libraries, archives and galleries can reproduce all types of creative works in their collections when it is not reasonably practicable to purchase a replacement. The intended purpose of this exception is to ensure that material can be preserved for future generations.

Copyright exceptions permitted by license

The College holds a number of licenses which provide staff and students with additional permissions for the copying of certain materials further to those permitted by law. These include licenses issued by the following organisations:

British Standards Institution (BSI)

The College holds a British Standards Educational Copying licence which permits College staff to reproduce from standards for educational use, providing details of what has been used are recorded.

www.bsigroup.com/en-GB/about-bsi/legal/intellectual-property-notice/

Copyright Licensing Agency (CLA)

The College holds a licence from the Copyright Licensing Agency which allows the reproduction and use of material for an educational purpose.

www.cla.co.uk/further-education-licence-docs

Educational Recording Agency (ERA)

The College holds a licence which permits the recording of any scheduled free-to-air radio or television broadcasts made in the UK. Material covered includes that broadcast on Freeview, FreeSat and Open University material.

www.era.org.uk/the-licence

Newspaper Licensing Agency (NLA)

The College has a licence from the Newspaper Licensing Agency to permit photocopying of articles from newspapers.

www.nlamediaaccess.com/default.aspx?tabid=142

JISC Collections

Some online resources subscribed to by the College are covered by the Jisc Model Licence. It was developed to support the realities of contemporary teaching, study and research.

www.jisc-collections.ac.uk/Help-and-information/How-Model-Licences-work/

PPL PRS

The PPL PRS licence permits the College to legally play music through the radio, TV, other digital devices and live performances. This permits the College to use recorded music in such things as lessons, promotions, and at events.

pplprs.co.uk/themusiclicence/

Creative Commons

Creative Commons is a non-profit organisation and their licence system has been developed to help make works freely available for others to use, share and re-purpose under certain conditions, without seeking permission.

creativecommons.org/licenses

Appendix 2

Definitions/terminology

Jargon/Keyword

Copying

Definition

Reproducing the original text or image. Examples include: printing, photocopying, scanning, projecting, uploading, downloading, copy-and-pasting, emailing, and retyping.

Copyright

Copyright is a form of legal protection which gives the holder the right to say how any of their work is used by others. The person who has created the work is usually the owner of the copyright, but this is not always the case should the work be commissioned or if the copyright has been sold.

Creative Commons

Creative Commons is a non-profit organisation and their licence system has been developed to help make works freely available for others to use, share and re-purpose under certain conditions, without seeking permission.

Fair dealing

This is a legal term which is employed to evaluate if the use of copyright material is lawful or not. While there is no statutory definition of what constitutes fair dealing, it is evaluated by "how would a fair-minded and honest person have dealt with the work".

Infringement

The action of breaking the terms of a law, agreement, etc. Within copyright, the act of copying, distributing or adapting a work without permission.

Intellectual Property Rights (IPR)

A product of the intellect, including copyright works, trademarks and patent.

Licence

Permission from an authority to own or use something. Within copyright, an agreement that allows use of a work subject to conditions imposed by the copyright owner.

Rights

A moral or legal entitlement to have or do something. The permissions due to you in accordance with copyright law; i.e. the author has the right to the protection of the moral and material interests of their work; the CLA Education Licence grants you the right to make copies etc.

Terms and Conditions

Terms and Conditions are a set of rules that state exactly what you can and can't do with a product or service. Your CLA Licence has T&Cs and the websites you use do, too. T&Cs are legally binding so if you act outside of these rules, you could face legal action.

Appendix 3:

Useful Links for additional information.

Copyright, Designs & Patents Act 1988

www.legislation.gov.uk/ukpga/1988/48/contents

Directive 2001/29/EC of the European Parliament

eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001L0029

Intellectual Property Office: Copyright

www.gov.uk/topic/intellectual-property/copyright

Chest Licenses

www.chest.ac.uk/agreements

Google Maps

www.google.com/permissions/geoguidelines/

Open University [Open Learn]

www.open.ac.uk/about/main/strategy-and-policies/policies-and-statements/conditions-use-open-university-websites

Ordnance Survey

www.ordnancesurvey.co.uk/business-and-government/licensing/index.html

For further information please refer to the Copyright & Licensing course on Moodle (log in required):

<https://moodle.bradfordcollege.ac.uk/course/view.php?id=2605>