



**UNIVERSITY
OF LONDON**

Copyright Guidance for Faculty

onlinelibrary.london.ac.uk

The following is not legal advice or a complete guide to copyright, but gives an introduction to copyright and general guidance on what you can and cannot do, particularly with Online Library materials. We hope you find this guidance helpful, but please contact us if you have any queries.

What is copyright?

Copyright is the name for the set of legal rights given to those who produce creative works; it is a form of intellectual property. While copyright laws in most countries share the same basic features, there are variations in copyright laws between individual countries.

This guide has been compiled from a UK perspective, but we provide online materials to students in countries where copyright laws may differ in some respects to UK laws, so where necessary our guide addresses this.

Ownership

Copyright is normally owned by the creator (author) of a work, although this can depend on the context in which the work is produced. Copyright can be transferred to a new owner (e.g. a publisher) as can other forms of property.

Works covered

Copyright covers: literary, musical, dramatic and artistic works; sound recordings and films; and typographical arrangements (e.g. the lay out of the text in a book). It is important to note here that the terms 'literary' and 'artistic' have a very broad scope in this context: blogs are considered 'literary' works and diagrams would generally be considered 'artistic' works.

How is protection conferred?

Works are protected by copyright as soon as they are created, provided they are original and recorded in a tangible form. A © symbol is not needed, nor is it necessary to register a work for copyright to subsist. It is always wise to assume something is protected by copyright unless there is clear evidence to the contrary.

Limitations to copyright

Copyright law seeks to strike a balance between the interests the copyright owner has in having their work protected, and the interests society in general has in being able to access and benefit from creative works.

The law does this in two key ways. Firstly, by limiting the amount of time works are protected by copyright (the 'copyright term'); secondly, by allowing a limited amount of use of copyright works without payment or permission ('copyright exceptions').

Copyright term

Most countries have signed up to the Berne Copyright Convention, which stipulates that works should be protected for at least 50 years after the author's death; or 50 years following publication if the work is anonymous. In the UK (and the EU), generally, the period is 70 years in each case, and typographical arrangements are protected for 25 years. The copyright in respect of a typographical arrangement is owned by the publisher.

Exceptions

Copyright law generally provides for 'exceptions' to copyright, i.e. situations whereby works can be used without payment or seeking the copyright owner's permission. Copyright exceptions, and what they allow, vary between countries. In some countries

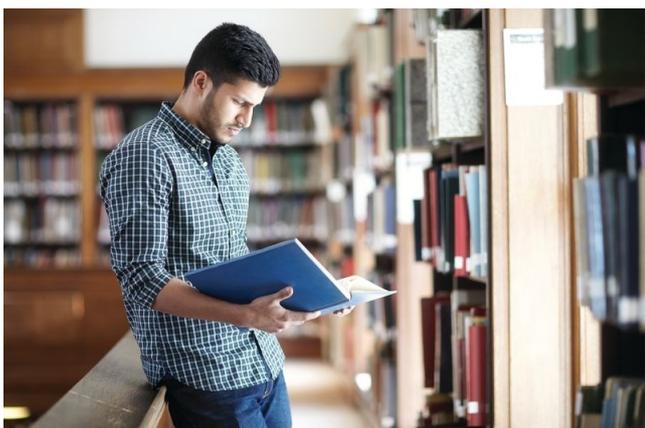
they are very specific. In certain countries, including the UK, many of these exceptions are based around the broader concept of ‘fair dealing’, so the manner, extent and purpose of use will be limited to what is ‘fair’.

Educational exceptions in UK law

There are exceptions in UK copyright law which allow limited copying for educational purposes but these exceptions tend to be unsuitable for our purposes.

Typically these UK exceptions rely on “fair dealing” which tends to be ambiguous - there are no clear, specific guidelines. You have to judge each act of copying on a case by case basis, subject to certain conditions. There are qualitative as well as quantitative considerations, so you can’t judge whether an act of copying is “fair” on the length of an extract alone. Generally these exceptions are not suitable for providing resources to students based overseas (unless there are similar exceptions under students’ local copyright laws).

Instead copying should be done under the terms of our CLA licence which specifically allows us to make scans available to our overseas students. Or permission can be sought direct from publishers, although this is usually very time consuming and often prohibitively expensive. Or there may be other forms of licence available, e.g. Creative Commons.



CLA Licence

Introduction

The Central University of London (UoL) holds a Copyright Licensing Agency (CLA) licence which allows us to legally copy limited extracts from published works, typically book chapters and journal articles, for educational purposes.

Our licence allows us to scan extracts of material held in our UoL Central libraries, namely Senate House Library, IALS and SAS libraries, for UoL Distance Learning students registered for specific modules. It also enables us to purchase copyright-fee-paid copies from the British Library of extracts from books and journals not held within our Central libraries. These extracts can then be uploaded into our VLEs.

Under the terms of our CLA licence there are restrictions on what can be copied and how much can be copied.

What can and can’t be copied

The CLA licence covers a huge number of titles, but not every published text is included and so each title needs to be checked using the CLA’s online Check Permissions tool at:

www.cla.co.uk/higher-education-licence

When using this tool please ensure that you look at the results for Higher Education permissions.

In addition you should check the Scanning Usage details to ensure that there are no special conditions, e.g. for many titles published in the USA the following condition applies:

“Scanning from this publication is only permitted if it is not reasonably available to purchase in digital form from the publisher.”

Source copies

One of the conditions of our CLA licence is that we must own or subscribe to a publication before we can make copies from it. We can make copies from items held in our Senate House Library, IALS and SAS libraries, and from copyright-fee-paid copies we purchase from the British Library. But we are not allowed to copy from items that the Central UoL does not own, such as items owned or subscribed to by individual members of staff. In addition we cannot make copies from material held by Lead Colleges' libraries.

Copying by Lead Colleges

Due to the above restriction on source copies, Lead Colleges can only make copies from items held by our UoL Central libraries (Senate House Library, IALS and SAS libraries) for UoL Distance Learning students. Lead Colleges are not allowed to provide copies made from materials held by their own libraries to our Distance Learning students.

An exception to this rule is the LSHTM.

LSHTM

There is a dual registration arrangement for UoL Distance Learning students studying UoL programmes provided by the LSHTM. What this means is that our distance learning students are registered with both the LSHTM and the UoL Worldwide (UoLIA).

As a result of this arrangement, under a limited CLA pilot scheme, the CLA is allowing these students to access copies made from materials owned by both UoL Central libraries and the LSHTM library, held in password protected VLEs, under the terms and conditions of each of these organisations' respective CLA licences.

It should be stressed that this is part of a limited pilot, which has only been allowed with the CLA's prior agreement, for these students only.

How much can be copied

The CLA licence stipulates how much can be copied. For each module the limit is whichever is the greater amount of the following two options:

10% of the total publication

OR

- One chapter of a book
- One article from a journal issue
- One report of a single case from a report of judicial proceedings
- One paper from a set of conference proceedings
- One scene from a play
- One poem, short story or play (of not more than 10 pages) from an anthology

For example, from a 500 page book, one chapter or 10% (50 pages) can be copied. If a chapter from this book is 60 pages long, it can be copied as it is just one chapter and the larger of the two available options. If two chapters are 50 pages in total this is also covered (it's still just 10% of the book).

Subject to the above limits, the same extract could be used for more than one module, and different extracts from the same publication could be used for different modules.

However the one chapter or one article or 10% limit applies across editions of a publication, so you can't copy more than this amount across different editions of a publication.

In addition we need to be wary of "textbook substitution" which is where compiling a set of readings would adversely impact a student's decision to buy an original publication. For

example, where copying chapters from different books under the CLA licence would provide enough material for a student to be able to pass a module using this material alone, without having to purchase a textbook. Further guidance and examples can be found in the CLA's "Good Practice Guide in the Creation of Course Packs".

Copyright coversheet

Each reading scanned under the terms of our CLA licence must be prefaced by a copyright coversheet which includes certain licence conditions and details of what has been scanned.

The coversheet wording makes it clear that the reading is for use by students registered for a specific module.

Excluded items

The following are not covered under our CLA licence:

- Newspapers
- Maps, e.g. Ordnance Survey maps
- Printed music (including the words)
- Workbooks, workcards and assignment sheets

Reporting requirements

Every year, usually in June, we have to send the CLA a report detailing all readings scanned in the preceding academic year. Anyone making scans under our licence should keep a record which includes the following details:

- Module number (and name)
- Title of book/journal
- ISBN/ISSN
- Journal year or volume number
- Author of scanned extract
- Page numbers of extract (from/to)

Source of the scan, e.g. from a paper original owned by the Institution or from a copyright-fee-paid copy obtained from the British Library

Weeding

Scanned readings in VLEs should be checked annually and if a module is no longer running, or if readings are no longer relevant to a module, the scanned readings should be deleted from the VLE.

Other forms of licensing

Creative Commons licences

Authors and creators sometimes make their work available for copying/re-use under the terms and conditions of Creative Commons licences. Copyright still exists in their works but Creative Commons licences allow copying under certain terms and conditions.

There are a number of Creative Commons licences available, all with varying terms and conditions which range from allowing very liberal use to more restricted use. Details of the six main Creative Commons licences can be found on the Creative Commons website at:

creativecommons.org/licenses/

A condition of all these Creative Commons licences is attribution. The following web page gives guidance on how to do this:

wiki.creativecommons.org/wiki/Best_practices_for_attribution#Attribution_in_specific_media

UK Government publications

Material created by many UK Government departments and agencies is protected by Crown copyright. However some of these government publications can be freely copied under the terms of the Open Government

Licence, as long as they have been made available under this licence.

More information on the Open Government Licence can be found here.

www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/uk-government-licensing-framework/

The Open Government Licence includes a number of conditions and exceptions, one of which is that it doesn't cover any third party copyrighted material included in a publication. So if we wanted to copy a publication licensed under the Open Government Licence but containing third party material we'd have to get permission from the third party copyright holder.



Copyright in other works

Newspapers, maps, sound recordings, music and films/videos

Newspaper articles, maps, sound recordings, music, images, photos, films, videos and broadcasts are all protected by copyright.

Copying extracts from newspapers requires an NLA Media Access licence which we don't currently have. Some newspaper content is available to UoL Distance Learning students in the Online Library via databases such as ProQuest and Lexis Library, but if we wanted to reproduce newspapers

articles on VLEs we would need to get permission direct from publishers.

Maps such as Ordnance Survey (OS) maps, detailed sea charts, detailed weather charts and the like are all protected by copyright and are not covered under our CLA licence. Ordnance Survey licences copying of their material.

Copyright and the Internet

Websites

The contents of websites are protected by copyright. Whilst the contents of many websites can be freely viewed they are still covered by copyright. For a single website there can be a number of separate copyrights in force e.g. copyright in the text, and separate copyrights in images, music, videos, etc.

Copying

There will usually be restrictions on copying. Many free to view websites will allow you to copy limited extracts for private study or personal use but not for other purposes. If we want to copy website content into VLE course materials we need to check the terms and conditions of use of a website before copying. Permission may be required.

Linking

You can link to websites, as long as you are not by-passing log in pages (or other technological protection measures) put in place by rights owners. Ideally you should check the website terms and conditions of use in case there is a linking policy, e.g. you might only be allowed to link to the Home page. If you deep link it's preferable to also provide a link to the Home page.

ResearchGate

ResearchGate is a social networking site that allows academics to upload and share research papers. Generally, to avoid copyright infringement uploaded papers should be pre-publication working drafts which do not violate agreements their authors may have with publishers. However many academics illegally upload final published papers in which copyright is owned by publishers.

Authors who have submitted articles for publication in journals should be aware that the publisher will have rights over the published version, at least in respect of the typographical arrangement, and copyright in the text itself may have been transferred to the publisher.

According to recent news (including Times Higher Education, 5 October 2017) publishers claim that millions of articles on ResearchGate infringe their copyright and they have started sending out large batches of take down notices.

It's best to avoid linking to articles in ResearchGate. Not only are we directing students to what could be illegal versions, but these illegally available papers could be taken down at any time.

Students' work

Generally students own the copyright in their coursework (essays, presentations, dissertations, theses) unless they have signed copyright over to the University.

But coursework may contain third party material. Inclusion of a limited amount of third party material by a student in their coursework may or may not be permissible under a student's local copyright laws. (E.g. in the UK there is some provision for this under

exceptions in UK copyright law which allow limited copying for educational purposes subject to "fair dealing".)

This is more problematic if we want to publish a student's coursework, either on a VLE or more widely. Third party material might have to be removed, or if we wanted to publish it we'd need to seek permission from publishers.

Enquiries

E onlinelibrary@london.ac.uk

W onlinelibrary.london.ac.uk/support/help/online-library-enquiry-service

