# Welcome to this guide to help you navigate your copyright needs at UWL.

This page is not exhaustive of all topics that fall under copyright so if you need any extra information or advice, please contact your subject librarian. Please note that the contents of this page should not be considered legal advice.

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# **What is copyright**

Copyright is part of the Intellectual Property family and provides legal protection for:

* original literary, dramatic, musical and artistic work, including illustration and photography
* original non-literary written work, such as software, web content and databases
* sound and music recordings
* film and television recordings
* broadcasts
* the layout of published editions of written, dramatic and musical works

This protection is automatic and there is no need to include the (c) symbol but it would be considered good practice to always add to your work the creators name, date of creation and contact details.

Remember to always think about copyright in terms of your own work as well as others.

# **Law and licences**

Copyright is covered by the [Copyright Designs and Patents Act (CDPA) 1988](http://www.legislation.gov.uk/ukpga/1988/48/contents) and requires permission to be sought from the copyright holder if you wish to:

* copy, distribute, rent or lend copies
* perform, show or play your work in public
* making an adaptation to the work

To make it easier for you to seek permission [​](http://www.legislation.gov.uk/ukpga/1988/48/contents)UWL holds a number of licences which allow limited copying for educational purposes.

* [CLA Higher Education Licence](https://www.cla.co.uk/higher-education-licence)
* [ERA licence](http://www.era.org.uk/)

# **What are you able to do**

Through the educational exceptions in the Copyright, Designs and Patents Act and the HEI license that the university has signed, you can do the below as long as you are within the limits specified and depending on the purpose for your actions​.

If you are unsure whether you will be covered by an exception or the licence and need more clarification, please contact your Subject Librarian.

Under the exceptions to Copyright for non-commercial research and private study, you can make limited copies of works as long as it would be considered fair to the rights holder. This is covered under the concept of 'fair dealing' and would generally be considered to be:

* One chapter of a book
* One article from an issue of a journal
* 5% or less of the total publication

You would always have to acknowledge the creator of the work through the correct use of a referencing system.

There are other exceptions to Copyright including:

* Text and data mining for non-commercial research
* Parody​, caricature and pastiche
* Criticism, review and reporting current events

More details of these and others can be found at: <https://www.gov.uk/guidance/exceptions-to-copyright>

The university's CLA HE Licence also grants you the right to make a copy of some print material. The material needs to be covered under the CLA licence and within the same limits as above but extended out to 10% of less of the total publication. You can use their '[check permissions](https://www.cla.co.uk/check-permissions-start)' tool to see what is covered under the license.

Always ensure that you are referencing/correctly acknowledging the original creator of the work

There are sources you may be using that you can copy from:

* Copyright has expired for the item
* You own the copyright
* You have been granted permission by the rights holder

If you have been granted permission you need to ensure that you know exactly what you have gained permission to use. The rights holder may have granted you permission for only limited actions.

Copyright exists for different lengths of time depending on the source so you need to be careful to check what is required per source (caution: some sources you are using may have a combination of the below):

* Written, dramatic, musical and artistic work - 70 years after the author's death
* Broadcasts - 50 years from when it was first broadcast
* Sound and music recording - 70 years from when it's first published
* Films -  70 years after the death of the director, screenplay author and composer

Creative Commons is a non-profit organisation that offers various licenses to the owners of works, allowing them to decide what actions others can do with their copyrighted works. If you are using material covered by a Creative Commons license, you need to check whether the licence allows you to copy for non-commercial purposes and what restrictions have been placed on it.

# **Making copies for students**

Through the CLA licence, the following actions are permitted:

* Making multiple photocopies of limited extracts from printed books, journals and magazines.
* Digital Copies of limited extracts from printed books, journals and magazines for distribution to cohorts of students enrolled on a Course

Digital Copies can only be placed onto Blackboard through the [Digitisation Service](https://www.uwl.ac.uk/current-students/library/support-research-and-teaching/library-support-teaching#digit)

Quantity Limits

These activities are permitted with a view to each student on a course of study (and the course tutors) being supplied with one copy of each.

You can copy from most print books, journals and magazines published in the UK and many published overseas. If you are unsure what is covered, you can check permissions at: <https://www.cla.co.uk/check-permissions-start>

You are limited to 10% of the total publication or the below list (whichever is the greater);

* 1 whole chapter from a book
* 1 whole article from a magazine/journal issue
* 1 whole scene from a play
* 1 whole paper from a set of conference proceedings
* 1 whole report of a single case from a volume of judicial proceedings
* 1 short story, poem or play (not exceeding 10 pages in length) from an anthology

There are no limits on how many times a digital copy prepared under the terms of the licence can be opened and viewed on screen.

Images

The license permits a Digital Copy to be prepared of a whole page visual image (e.g. a plate) and the disembedding of a part page visual image.

Source Edition

Multiple photocopies/Digital Copies should be made from either:

* An original of the book, journal or magazine owned by the HEI
* A copyright fee paid copy of a chapter/article supplied by an organisation holding a document delivery license with CLA (e.g. British Library)

Printed Works

There are some types of work not covered by the CLA licence, as listed on the CLA guidelines. These include separate illustrations, photographs, printed music and examination papers. Permission is needed to copy these for teaching. Maps and newspapers are also excluded from the CLA licence. University of West London has a separate licence that allows limited copying of newspapers for educational purposes.

# **Off-Air Recording**

UWL holds a licence from the Educational Recording Agency, which permits recordings of broadcasts to be made for non-commercial educational use and allows subscription to the Box of Broadcasts (BoB) off-air recording and media archive. The Licence covers scheduled free to air broadcasts on:

* BBC Television and Radio
* ITV Network Services (including ITV2 and ITV3)
* Channel 4, E4, More 4 and Film 4
* Five Television
* S4C
* Other channels available within BoB.

BoB allows you to record programmes for use in teaching, for more information please contact your [Subject Librarian](https://www.uwl.ac.uk/current-students/library/staff-and-support-services/library-staff#academicsupport).

These can be used in recorded lectures but only when the recording is limited to students based in the UK

For further information about the terms of the licence, go to [www.era.org.uk.](http://www.era.org.uk/)

# **Using sources in teaching classes**

Use of any third party material such as (but not limited to) book excerpts, images, charts, diagrams, non-UWL web pages, video clips, journal articles or sound recordings is permitted within a live lecture, provided it is:

* In a small amount or excerpt, and
* For the purposes of 'criticism and review' and/or 'illustration for instruction'
* It is accompanied by a suitable acknowledgement

However, using lecture capture systems to record the same lecture constitutes as making a copy. As a result, any material captured in the recording could potentially be classified as copyright infringements.

Small amounts of such material can be used in a recorded lecture, provided staff:

* Cites the source, and
* Explains the reason the item is being used

Before any material can be used in a lecture that is recorded, the academic must apply the 'fair dealing' test to ensure the item is safe for recording.

To avoid any unintentional infringement of copyright regulations, academics may choose to 'Pause' UWL Replay during the use of third party material and resume recording once the discussion point is over. Alternatively, such sections can be removed during the editing once the lecture is finished and instructions provided on how students can access the material themselves.

# **FAQs**

# **Can I upload an article/book chapter into Blackboard?**

It is generally not possible to upload the full text directly into Blackboard unless you have the permission of the copyright owner or it is out of copyright.

If the library subscribes to the e-book or journal article, the best thing to do is to advise students to go to the online Reading List for the module and they will be able to access the material from there.

If the library doesn't subscribe to it, then the following options are available:

* Contact the [Digitisation service](https://www.uwl.ac.uk/current-students/library/support-research-and-teaching/library-support-teaching#digit)and ask them to arrange for a copyright cleared digital copy to be available. We will then provide you with a link for your students to access the material.
* Contact your [Subject Librarian](https://www.uwl.ac.uk/current-students/library/staff-and-support-services/library-staff#academicsupport) to see whether the library could stock the material
* Check whether the item is available as a open access chapter/article and provide a link to it via the Reading List

# **Is it possible to upload a document I have found on the web to Blackboard?**

Although a document/web page may be available to view for free, that doesn't mean that you have permission to copy it into Blackboard.

The best thing to do is to add a link to the module's online Reading List and the students can access it from there.

If the document has a Creative Commons license attached to it, then the license may allow you to perform further actions.

# **Can I use images I have found on the web?**

Each image you find needs to be looked at individually to determine what you are allowed to do with it. Some images will have a Creative Commons license attached to them which makes it easier to know what your rights are. If the search engine you are using allows you to narrow down to just these images, that is often helpful. If there is no license attached, then you need to find a way of contacting the copyright owner and asking permission to use it.

It may be possible to include some images under 'fair dealing' for the purposes of teaching or using the exception of 'criticism and review' for work you are creating for an educational reason but you would need to consider whether this would be 'reasonable' and it would need to be fully referenced/correctly acknowledged.

Remember also to put a copyright notice on any images you take to make it easier for someone to know their rights

# **Can I copy music using a licence that UWL has?**

It is not permissible to copy music using any license that UWL has available. In all incidences, permission will need to be sought from the copyright owner.

The Music Publishers Association has a [Code of Fair Practice](https://mpaonline.org.uk/wp-content/uploads/2016/09/MPA-Code-of-Fair-Practice.pdf) which has agreement from some composers and publishers of music. It is worth consulting this document to see whether 'fair dealing' or other defenses may apply for a small extract of copying you would like to do for research or private study. Please read the document carefully and in full.

# **How do I organise the copyright for my own work?**

# Copyright is an automatic right for anything that falls under its jurisdiction and gives you control over any coping, adapting, performing and distributing of your work by others. To make it easier for people to know what you would allow others to do, you could consider adding a Creative Commons license to your work, or make sure that your contact details are attached to it. You can add the copyright symbol (c) to your work but this isn't a requirement.

# **How do I ask for permission to use Copyright work that isn't covered by a copyright exception or a license?**

A good starting point for published work is [PLSclear.](https://plsclear.com/) This online tool enables you to discover who the copyright owner is and send in your request to them.

For work not covered by this tool, you will need to investigate more about the source you are using and look for contact information.

When you are contacting the copyright owner, you need to be very specific about what you want to use the copyrighted material for as there are likely to be different costs/restrictions available.

Depending on the nature of your request (especially for commercial purposes), you may wish to consider legal guidance on the contract you are creating with the copyright owner.

Always keep a record of any correspondence.

The copyright owner would normally need to know the following from you:

* Your personal details
* What you would like to copy
* What you would like to do with the copy (upload/amend/share/adapt/perform etc)
* What the purpose is (for a publication, use in class, use in research etc)

Always ensure that you are referencing/correctly acknowledging the original creator of the work

# **Is it possible to show a film as part of a lecture?**

Within the Copyright, Designs and Patents Act a film is defined as “a recording on any medium from which a moving image may by any means be produced”

Yes this is possible but it needs to be justified that this is required for educational reasons and 'fair' to the copyright owner.

In many cases, showing just an extract of a film is all that is needed and justified.

If you are including extracts of films within your teaching materials

* Be justified that this is required for educational reasons
* Provide sufficient acknowledgment which means referencing the title, producer(s) and director(s)
* Teaching materials need to be stored securely, i.e. within Blackboard
* Extracts need to have come from authorised sources
* Access needs to be limited to only students studying the module

If you do have an educational justification for showing a full film, please see the below guidance:

Within the physical classroom

* This is permitted as long as the film is only being shown to registered students on that module and is being shown for the purpose of instruction. It is covered by Section 34 of the Copyright, Designs and Patents Act.
* Provide sufficient acknowledgment which means referencing the title, producer(s) and director(s)
* Pause the Panopto recording whilst showing the film to avoid a copy of the film being created
* Let the students know the restrictions (see sample wording below)

Within Blackboard

This is permitted but there are a number of conditions which need to be followed:

1. Streaming a film live through Blackboard Collaborate is covered by Section 32 of the Copyright, Designs and Patents Act
2. Where possible, use content from Box of Broadcasts (please be aware that this is geo-blocked outside the UK)
3. If not available via Box of Broadcasts, a library owned DVD can be used as the lawful copy.
4. Within Blackboard you can link to films for the students to view in their own time but you need to ensure that these are to authorised content
5. When streaming a film live and when saving that recording (for a limited time only, see below) you need to:
   * Ensure it is kept/shown within the secure environment of Blackboard and only accessible to the students studying that module
   * Provide sufficient acknowledgment which means referencing the title, producer(s) and director(s)
   * Let the students know the restrictions  (see sample wording below)
   * Be able to justify that showing the film is required for teaching purposes and that showing the entire film is justified and 'fair' rather than just excerpts
   * Limit the availability of the recording of the Blackboard Collaborate session to 1 week only
   * If needed, the film could be shown again later in the module if needed for preparation for assessment (under the same restrictions)
   * Monitor the viewing of the recording to ensure that there is no unusual activity
   * The copy of the film used for the streaming has to be owned by UWL

Student restrictions

Wording to students needs to include film is being streamed or made available pursuant to section 32 or 34 of the CDPA; that students may watch the film for education and study purposes only; and that they may not download, copy or distribute copies of the film or show it to others.