



**BISHOP GROSSETESTE UNIVERSITY**

**Document Administration**

| <b>Document Title:</b>                                  | Code of Practice on Copyright  |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
|---|--|---------------------------|------------------------|---|--------------------------|--------------------------------|-------------------------------------|---|-------------------------------------|--|-------------------------------------|
| <b>Document Category:</b>                               | Code of Practice   |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
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| <b>Reason for development:</b>                          | To provide guidance on copyright to ensure the University's compliance with the Copyright, Designs and Patents Act 1988, subsequent statutory instruments and associated copyright licences.   |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
| <b>Scope:</b>   | This Code of Practice applies to all staff and students.   |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
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| <b>Assessment:</b><br>(where relevant)                  | <table><thead><tr><th>Tick relevant assessments</th><th>Tick if not applicable</th></tr></thead><tbody><tr><td><input checked="" type="checkbox"/> Equality Assessment</td><td><input type="checkbox"/></td></tr><tr><td><input type="checkbox"/> Legal</td><td><input checked="" type="checkbox"/></td></tr><tr><td><input type="checkbox"/> Information Governance</td><td><input checked="" type="checkbox"/></td></tr><tr><td><input type="checkbox"/> Academic Governance</td><td><input checked="" type="checkbox"/></td></tr></tbody></table> | Tick relevant assessments | Tick if not applicable | <input checked="" type="checkbox"/> Equality Assessment | <input type="checkbox"/> | <input type="checkbox"/> Legal | <input checked="" type="checkbox"/> | <input type="checkbox"/> Information Governance | <input checked="" type="checkbox"/> | <input type="checkbox"/> Academic Governance | <input checked="" type="checkbox"/> |
| Tick relevant assessments                               | Tick if not applicable   |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
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| <input type="checkbox"/> Academic Governance            | <input checked="" type="checkbox"/>  |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
| <b>Consultation:</b><br>(where relevant)                | <input type="checkbox"/> Staff Trade Unions via HR<br><input type="checkbox"/> Students via Bishop Grosseteste University Students' Union<br><input type="checkbox"/> Any relevant external statutory bodies   |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |
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| <b>Document control:</b>                                | All printed versions of this document are classified as uncontrolled. A controlled version is available from the University website.   |                           |                        |   |                          |                                |                                     |   |                                     |  |                                     |



## Bishop Grosseteste University: Code of Practice on Copyright

### 1 Introduction

Copyright is a form of legal protection for writers, composers and artists, giving them the right to say how their works are used by other people. The person who **creates** a work usually owns the copyright but this is not always the case; works can be **commissioned** and copyright can be **sold**.

Members of staff and students at Bishop Grosseteste University are expected to take **personal responsibility** for ensuring that any copying they undertake adheres to copyright law and/or the copyright licences held by the University. Staff and students are not entitled to make unlimited copies of any intellectual work: copying may only be undertaken within the parameters outlined in this Code of Practice. Guidance on copyright is displayed next to all University photocopiers.

In all instances where copyright-protected material is reproduced by members of staff or students of the University, by any means permitted in this Code of Practice, the source material must be **clearly** and **properly acknowledged**.

The information contained within this Code of Practice pertains to the most important areas of copyright affecting the University. Section 2 explains the relationship between copyright licences and the law; sections 3 to 5 set out copying limits permitted by the various licences held by the University; section 6 describes the legal framework; and sections 7 to 15 provide additional information and guidance.

### 2 The relationship between copyright licences and copyright law

The licences listed below are the **principal** means by which the University is permitted to undertake copying for educational purposes:

- The **Copyright Licensing Agency** (CLA) Licence for books and journals, both print and online.
- The **Newspaper Licensing Agency** (NLA) Licence for newspapers and some magazines, both print and online.
- The **Educational Recording Agency** (ERA) Licence for TV programmes, broadcasts and podcasts.

None of the above are *blanket* licences, meaning that they **do not** allow the University to copy **any** book, journal, newspaper or broadcast, only those covered by each licence. A small number of additional music licences are outlined in section 8.

UK copyright law is legislated by the **Copyright, Designs and Patents Act 1988** (<http://www.legislation.gov.uk/ukpga/1988/48/contents>) and subsequent statutory instruments and regulations, and can be utilised in instances where the copying of material is not permitted by any of the licences listed above. This might include copying from books excluded from the CLA Licence; TV channels excluded from the ERA Licence; or materials not covered by any licence, like maps. In this respect, the most useful provisions of the Copyright, Designs and Patents Act 1988 are **Sections 29** (research and private study), **32** (illustration for instruction) and **36** (copying and use of extracts of works by educational establishments).

### 3 The Copyright Licensing Agency (CLA) licence

The University is licensed by the **Copyright Licensing Agency (CLA)** to make photocopies and digital copies of extracts from printed and digital books, journals and magazines according to the limits and conditions of the licence, as set out below. Copies can be made for students undertaking programmes of study and the staff teaching them. Students can include UK campus-based students or distance learners based in the UK or overseas. In both cases all students must be declared to HESA. Copying can also be undertaken for students on non-credit bearing (NCB) courses who are not declared to HESA and where the course does not lead to a qualification or institutional credit.

- 3.1 **Formats:** In the case of **paper-to-paper photocopying**, contracted members of staff may make and supply to enrolled students multiple photocopies of extracts from printed books and journals. Photocopies of photocopies should be avoided. In the case of **Paper-to-digital scanning**, designated persons (see 3.3) may make and supply to enrolled students, via Blackboard, My Reading or email, scanned copies of extracts from printed books and journals. And, in the case of **digital-to-digital re-use**, designated persons (see 3.3) may make and supply to enrolled students, via Blackboard, My Reading or email, electronic journal articles and extracts from electronic books. Digital copies may also be distributed on portable storage media (e.g. USB sticks), or made available via secure, password-protected platforms such as OneDrive, provided that no more than one copy is delivered to each student.
- 3.2 **Checking permissions:** In all of the cases outlined in 3.1 the CLA's **Check Permissions** tool at <https://www.cla.co.uk/check-permissions-start> should be used to establish if an item to be copied, scanned or re-used is covered by the CLA Licence. For **paper-to-paper** and **paper-to-digital** copying the tool checks that the source material was published in the UK or one of the countries on the CLA's *International Territories* list, and does not appear on the CLA's *List of Excluded Works*. For **digital-to-digital** copying the tool checks that the source material was published in the UK, or one of the countries on the CLA's *International Territories* list, and appears on the CLA's *List of Participating Digital Material Publishers*. Links to these lists can be found at the end of this document.
- 3.3 **Scanning and uploading material to university systems such as Blackboard or My Reading:** The process of scanning and/or uploading copyrighted material to university systems may only be carried out by members of the library team. This is irrespective of whether the material has been scanned from printed texts or is a digital original (e.g. a journal article in a library database). Requests for materials to be digitised and/or uploaded to university systems must be submitted to the library team using the relevant e-form on SharePoint.
- 3.4 **Quantity limits:** The extent of a work that can be copied under the CLA licence is set out below.
- Per module, 10% or one chapter of a **book** (whichever is greater).
  - Per module, 10% or one article from a **journal issue** (whichever is greater).
  - Per module, 10% or one paper from a set of **conference proceedings** (whichever is greater).
  - Per module, 10% or one scene from a **play** (whichever is greater).
  - Per module, 10% of an **anthology of short stories, poems or plays** or one short story, poem or play of not more than 10 pages (whichever is greater).

The 10% can be made up of non-consecutive pages (e.g. pages from multiple chapters) requested on separate occasions by different lecturers, **provided that** together they do not constitute more than 10% of the item.

Copies may be made from pages which contain wholly **text**, wholly **images** (illustrations, photographs, diagrams, etc.) or a combination of **text and images**.

The above limits are **per module**. If 10% of a work is copied, a further 10% may only be copied from the **same** work if it is to be made available to students on a **different** module or a different programme altogether.

- 3.5 **Storing and downloading copies:** Print and digital copies must be stored in secure, course-specific collections such as Blackboard and My Reading. Any student may view digital copies any number of times on screen. However, digital copies may only be **printed** or **downloaded** once, and only by the students or staff members currently studying or teaching the module for which the digital copy was produced. Once a print or digital copy is made available to students on a particular module it can remain available to them for the duration of the programme. Digital copies may be retained by students for the purpose of private study but must not be distributed to any other person.
- 3.6 **Ownership:** In the case of paper-to-paper and paper-to-digital copying the University must own a copy of the book or journal being copied (a department copy or library copy), or the item must have been copyright-cleared through the British Library. A book or journal belonging to a member of staff may **only** be copied if no copies are available for purchase by the University (new or second hand) and the British Library is unable to supply a copyright-cleared version. Inspection copies, proof copies, or complimentary reprints of books and/or journals supplied by publishers may only be copied by permission of the rights holder.

In the case of digital-to-digital copying the University must own or subscribe to the e-book or e-article in question, or it must be free-to-view.

- 3.7 **Editions:** Copies can be made from any edition of an item. The copying of chapters from more than one edition of the same text for the same module is not permitted.
- 3.8 **The use of digital materials in lectures and tutorials:** Digital materials created under the CLA licence (see 3.1 to 3.3 above) may be used in presentation software such as *PowerPoint* for the purpose of illustrating a lecture or tutorial provided that the staff and students in attendance are all teaching or studying the same module.
- 3.9 **Course packs and textbook substitution:** The CLA licence permits the creation of printed and digital course packs, whereby a collection of book chapters and journal articles on a particular subject is made available to students on a particular module to enable them to read around a topic. However, it is not permitted to create a course pack, or a collection of course packs, which together could be seen to be a substitution for a textbook. The CLA provides a good practice guide on this subject which can be accessed from <https://www.cla.co.uk/higher-education-licence-docs>.

#### 4. The Educational Recording Agency (ERA) licence

The University is licensed by the **Educational Recording Agency (ERA)**, in line with the limits and conditions set out below, to make recordings of scheduled, free-to-air television and radio broadcasts and communicate them to students.

- 4.1 **Channels:** Recordings may be made of television and radio programmes broadcast on the BBC, ITV, Channel 4, and Channel 5 networks, including their associated Freeview channels, e.g. ITV2, E4, and also any channel represented by Compact Media Group or 560 Media Rights Ltd, including the National Geographic channels, Discovery channels and the History Channel.

Separately from the ERA licence, Section 35 of the *Copyright, Designs and Patents Act 1988* permits educational establishments to make recordings, for educational purposes, of programmes broadcast on a network **if no licensing scheme exists for said network**. Since the ERA is the only scheme of its type in the UK, programmes broadcast on networks **not** covered by this scheme **are** permitted to be recorded and shown in class. Subscription-based streaming services such as Netflix are **not** considered broadcasts in this context and therefore may not be copied under the ERA Licence.

- 4.2 **Means of recording:** Broadcasts may be recorded by staff members either on campus using Planet eStream, or at home using a staff member's own recording equipment. Recordings made by staff members at home must be brought onto campus in hard copy format, for example on DVD.
- 4.3 **Disseminating broadcasts:** Recorded broadcasts may be communicated to students on campus using television or IT equipment, or off campus via secure systems such as Blackboard and My Reading.
- 4.4 **License statement:** All recordings, including digital recordings, made under the ERA licence must display the broadcast date, the name of the broadcast network and the title of the programme as well as the statement *This recording is to be used only for educational and non-commercial purposes under the terms of the ERA Licence*.
- 4.5 **Editing:** Extracts/clips of a programme may be used for educational purposes but recordings may not be further adapted, e.g. it is not permitted to separate the images and sound in a recording and add new audio, or to add subtitles to a recording. It is permitted to embed a clip from a recorded programme into an electronic presentation such as a *PowerPoint* slide.
- 4.6 **On-demand services and podcasts:** On demand programmes and podcasts broadcast by the networks listed in the first paragraph of section 4.1 may be played during taught sessions. Members of staff may also direct students to listen to them in their own time and place hyperlinks to them on Blackboard or My Reading. Members of staff may only download podcast or programme content to Blackboard if permitted by the broadcaster's digital rights management (DRM) conditions and technology. For example, if a broadcaster makes a podcast available for a limited number of days before removing access to it, it is not permitted to download the podcast to Blackboard with the intention of storing a copy permanently. This would be seen as a deliberate attempt to circumvent DRM. Other programmes made available via on-demand services or podcasts may be played in a classroom environment under the **illustration for instruction** exception of the *Copyright, Designs and Patents Act 1988* (see 6.4.2).
- 4.7 **Commercial recordings:** The copying of commercial videos or DVDs belonging to the University is **not** permitted. Permission to copy a commercially-produced video or DVD can only be granted by the rights holder. The University Library is permitted, under Section 42 of the *Copyright, Designs and Patents Act 1988*, to digitise a video (i.e. to transfer it to DVD) for the purpose of preserving the content, but **only** provided the source item is part of the Library's permanent collection, that it is not possible to acquire a copy by any other means, and that, once copied, the item is placed on reference.

## 5 The Newspaper Licensing Agency (NLA) licence

The University is licensed by the **Newspaper Licensing Agency (NLA)**, in line with the limits and conditions set out below, to allow students and staff to photocopy, print, fax, email, project onto a screen or scan articles, photographs and advertisements, internally and for educational purposes only, from the newspapers listed in section 5.2.

- 5.1 No more than **250** copies of the same article may be made.
- 5.2 Publications covered by the NLA licence include the print and online versions of: The Daily & Sunday Express, The Daily Mail and Mail on Sunday, The Daily and Sunday Mirror, The Daily Star and Daily Star Sunday, The Daily & Sunday Telegraph, The Evening Standard, The Guardian and Observer, The Independent and Independent on Sunday, The Sunday People, The Sun, The Times & Sunday Times, The Lincolnshire Echo, The Lincolnshire Free Press, the Times Educational Supplement and the Times Higher Educational Supplement. The print edition of The Financial Times is covered by the licence but the online edition is not. A full, current list of titles covered by the NLA can be accessed at <http://www.nlamediaaccess.com/default.aspx?tabid=234>.
- 5.3 Staff members are permitted to upload to Blackboard scanned or online articles as defined in section 5.2 (either by scanning them or cutting & pasting them) for the duration of the module or course in question, but are not permitted to use the licence to build up a permanent archive of press cuttings.
- 5.4 Other newspapers not listed in section 5.2 may only be copied or printed by permission of the rights holder or if permitted under the *Copyright, Designs and Patents Act 1988* (see section 6).

## 6 The Copyright, Designs and Patents Act 1988

- 6.1 **Coverage:** Any intellectual work can be subject to copyright. This includes **literary, dramatic, artistic, and musical** works, as well as **sound recordings, films, broadcasts, and electronic materials**. Literary works include books and journals, reports, manuscripts, and song lyrics. Dramatic works include choreography and direction. Artistic works include works of art, drawings, diagrams, maps, and photographs. Musical works include scores. Sound recordings include LPs, cassettes, CDs, and other audio file formats such as MP3. Films include both feature films and commercial films. Broadcasts include radio and TV programmes. Electronic materials include databases and websites.
- 6.2 **Duration:** Copyright in a work usually lasts for **70 years** after the death of the creator or, in the case of anonymous works, **70 years** from the time the work was first published. In the case of **sound recordings** copyright lasts for **50 years** from the time the work was created or published, and in **broadcasts 50 years** from the time the work was originally broadcast. **Typographical copyright** - the way an edition of a work is formatted - usually lasts for **25 years** from the date the item was published. Therefore, typographical copyright can apply even if a work is out of author copyright (e.g. a Shakespeare play).
- 6.3 **Fair dealing:** Fair dealing is an exception to copyright law that allows limited use of copyrighted materials without the permission of the rights holder. In an educational context fair dealing applies to three areas: **non-commercial research and private study, illustration for instruction and criticism & review**. In order to be considered fair dealing, use of a work must be **non-commercial, fair, and sufficiently acknowledged**. There is no statutory definition of the term 'fair' in a copyright context. In the document *Guidance: Exceptions to Copyright*<sup>1</sup> the Intellectual Property Office states that "it will always be a matter of fact, degree and impression". It does, however, list two factors relevant to determining if the use of a work is fair:
- "Does using the work affect the market for the original work? If a use of a work acts as a substitute for it, causing the owner to lose revenue, then it is not likely to be fair."

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<sup>1</sup> See <https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing>

- “Is the amount of the work taken reasonable and appropriate? Was it necessary to use the amount that was taken? Usually only part of a work may be used.”

When deciding if and how to apply the fair dealing exception it is always useful to consider if, after the fact, you would feel able to confidently and unequivocally defend your decision in a court of law. If the answer is no, then your intended use of the work is probably not fair.

#### 6.4 **Learning and teaching exceptions:** There are several exceptions in the *Copyright, Designs and Patents Act 1988* which apply specifically to **learning and teaching**:

- 6.4.1 Any person may make a **single** copy of an extract from any type of intellectual work for the purpose of private study and research or for criticism and review<sup>2</sup>. Use of this exception must be fair (see 6.3) and the work must be sufficiently acknowledged.
- 6.4.2 Any person giving or receiving instruction may copy anything for the purpose of **illustration for instruction** provided the copy is made by the person giving or receiving instruction, the copy is for non-commercial purposes, the use of the work is fair (see 6.3) and the work is sufficiently acknowledged. Illustration for instruction was defined by JISC Legal as “a copy [that] can be used to illustrate or reinforce a teaching point but cannot be copied merely for aesthetic purposes to make a presentation look more attractive”. This includes the setting or communicating and answering of examinations, and is generally acknowledged to include pieces of work submitted for assessment.
- 6.4.3 The University (as a whole, not per programme or module) may copy up to 5% per **excluded** work per academic year for the purpose of **instruction** provided it is for non-commercial use. An excluded work is anything not permitted by law and not covered by a licence. **Broadcasts and artistic works not incorporated into other works are not covered by this 5% exception.**
- 6.4.4 A lecturer may **show films** and **play sound recordings** to students provided that the showing or playing is for educational purposes. Film certificates must be appropriate to the age of the audience.
- 6.4.5 Lecturers and students may **perform literary, dramatic or musical** works for educational purposes provided the audience consists only of staff members and students.

## 7 **Maps**

Maps are not covered by any licences held by the University. The copying of maps can only be undertaken if permitted under the *Copyright, Designs and Patents Act 1988* (see section 6) or if the item states that it can be copied for educational purposes, or if the item is out of copyright, or if permission is granted by the rights holder.

The University provides access to the *JISC Geospatial Data Service* and EDINA’s *Digimap Collection*, both of which provide access to **Ordnance Survey** maps and data for educational purposes. Access to the two collections is on an on-demand basis and is managed by the Library.

## 8 **Music**

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<sup>2</sup> An example of criticism or review would be the critique of a piece of music: under the fair dealing rule a musical excerpt could be included with the critique without infringing copyright.

Printed and recorded music are not covered by any licences held by the University and thus the copying of music can only be undertaken if permitted under the *Copyright, Designs and Patents Act 1988* (see section 6), or if the item states that it can be copied for educational purposes, or if the item is out of copyright, or if permission is granted by the rights holder, or if permission is granted by any of the codes or licences listed below in paragraphs 8.1 to 8.3.

- 8.1 A number of music copyright owners have collaborated to produce **The Music Publishers' Association's Code of Fair Practice**, which students and teachers of music are encouraged to read in full (<https://mpaonline.org.uk/wp-content/uploads/2016/09/MPA-Code-of-Fair-Practice.pdf>). Importantly, the Code of Fair Practice only covers music published by members of the Music Publishers Association and any additional publishers listed in the Code.
- 8.2 The University holds *Calamus* and *Christian Copyright Licensing International* licences, both of which cover the reproduction of hymns and liturgical music.
- 8.3 The University holds *PRS for Music* and *PPL* licences which allow live and recorded music to be played on campus for non-educational purposes. *PRS for Music* acts on behalf of authors, songwriters, composers and publishers, whilst *PPL* acts on behalf of record companies and performers. Neither is a blanket licence; they allow music to be played for specific purposes in specific areas of the campus.

## 9 Excluded works

There are several classes of material which are not covered by any of the licences held by the University. These include:

- Unpublished materials such as theses and dissertations; brochures and leaflets; internal reports, minutes and memoranda; academic materials created at other higher education institutions<sup>3</sup>
- Printed music (see section 8)
- Advertisements, apart from those which appear in the newspapers listed in section 5.
- Maps and charts (see section 7)
- Workbooks, work-cards and assignment sheets
- Logos and trademarks
- Published exam papers
- Websites and material appearing on websites, including video content
- Electronic resources (see section 9.2)
- The showing of feature films for non-educational purposes and/or where at least one member of the audience is not employed by or studying at the institution

In addition, some books cannot be copied under the CLA licence because the publisher or author has specifically prohibited it. Permissions for individual works can be checked at <https://www.cla.co.uk/check-permissions-start>.

- 9.1 **For all of the excluded works listed above, section 6.4 of this Code of Practice applies.** That is to say, copies **may** be made of excluded works, but **only** if one or more of the exceptions listed in section 6.4 applies. In all other circumstances, **unless** there is a clear copyright statement accompanying the material that permits the item to be copied for educational purposes,

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<sup>3</sup> For example: material shared by guest lecturers; material written by a Bishop Grosseteste University employee before they were employed by the University (and where the copyright may therefore reside with another HEI); and presentations shared with University employees by non-University employees.

permission **must** be gained from the rights holder. The rights holder might, in the case of an advertisement, logo, or trademark, be a company; in the case of an exam paper be an exam board; in the case of an unpublished work be the author (personal or corporate); in the case of a film, sound recording, or electronic database be the publisher; or in the case of a website be the website owner or webmaster.

9.2 **Additional information on electronic subscription resources:** Some provision for e-books and e-journals is provided by the **Copyright Licensing Agency** licence, as outlined in section 3. Other electronic subscription resources provided by Library Services are subject to licence agreements between the University and the various publishers. Terms and conditions vary, but the following rules generally apply:

- 9.2.1 Electronic resources must be used for **educational purposes only** (teaching and training staff or students, private study, student coursework, research activities).
- 9.2.2 Users may save and/or print **single** copies of parts of a resource. Extent limits may be displayed on the screen by the system supplier but where this is not the case, one journal article, one set of search results, or one chapter of a book could be considered a 'part'.
- 9.2.3 Staff and students may incorporate (cut and paste) parts of a resource into teaching materials or coursework assignments provided that an appropriate acknowledgement of the source is included.
- 9.2.4 Users may not alter or modify material taken from a resource or remove or obscure any copyright notices.

## 10 Resource request services provided by the University Library

The University Library offers various resource request services including document supply and copy/scan.

**Document supply** (or 'inter-library loan') is the process by which the University Library borrows books or acquires copies of journal articles or book extracts from other libraries, usually the British Library, and supplies them to students and staff members, or, in the case of copyright-cleared items, makes them available via secure, password-protected university systems or the Library's permanent reference collection. **Copy/Scan** is the process by which the University Library photocopies or scans extracts or articles from materials in its collections and posts or emails them to students and staff members (particularly distance learners).

Document Supply and Copy/scan services are permitted under the *Libraries and Archives* section of the *Copyright, Designs and Patents Act 1988*.

- 10.1 A student or staff member who requests a copy of an article or book extract via the University Library's document supply service or copy/scan service is required to sign a **copyright declaration** confirming that they have not previously been supplied with the same item, that they will only use the item for non-commercial private study or research, and that to the best of their knowledge none of their fellow students or colleagues has ordered the same item for the same purpose at roughly the same time.
- 10.2 A student or staff member who requests the **loan of a book** via the University Library's document supply service may photocopy no more than one chapter or 5% (whichever is the greater) of the book for the purposes of private study or research. This is permitted under Section 29 (Research and Private Study) of the Copyright, Design and Patents Act 1988.

- 10.3 A student or staff member who requests a **copy of a journal article or book chapter** via the University Library's document supply service (such items are supplied as photocopies and can be retained by the requester) may keep the item for the purposes of private study and research but may **not** photocopy it. Articles or chapters supplied as part of the Library's copy/scan service are supplied via email as pdf attachments. These may be retained for the purposes of private study and research but may not be distributed to any other person.
- 10.4 **Copyright-cleared** journal articles or book extracts supplied by the British Library may be made available via secure, password-protected university systems under the terms of the CLA licence (see section 3). End users may photocopy, download, or print such an article **once** for the purpose of private study or research. Digital copies of copyright-cleared items may be retained by the end user on their computer for the purpose of private study but must not be distributed to any other person.

## 11 Copying for individuals with disabilities

In the context of copyright law, an individual with a disability includes any person with a physical or mental impairment that "prevents them from accessing copyright protected materials". The *Copyright, Designs and Patents Act 1988* permits the University to reproduce, in an appropriate accessible format, all or part of any copyright-protected work for the personal use of a student or member of staff who has a physical or mental impairment, as described above. This is permitted **only** if an accessible copy is made from a lawfully-accessed original, if the original work is clearly and fully cited in the accessible copy, and if the copy includes a statement that it was made for a disabled person under section 31A of the *Copyright, Design and Patents Act 1988*. Copies created for this purpose may not be further copied.

Further guidance is available from

<https://www.gov.uk/guidance/exceptions-to-copyright#helping-disabled-people>.

## 12 Video and audio recordings made on campus, including lecture capture

In the process of recording a lecture, assessment or other activity a copy is, by definition, being made of any copyrighted materials visible or audible during the recording.

- 12.1 **In the context of recordings of module delivery and assessment made by the University**, materials previously copied under the terms of the CLA and NLA licences (see Sections 3 and 5 respectively) may normally feature in a recording provided the recording is made available on a **secure internal network**, and only to those delivering the module, taking the module, being assessed, or to those involved in quality assurance processes such as external examining. In the case of televisual recordings made under the ERA licence, short extracts may normally be featured, but in the case of full-length televisual recordings, lecture capture recording equipment should be turned off whilst these are shown (students should be directed to Planet eStream to view these at another time). In all cases, sources and citations should be clearly visible in the recordings, or be made available to the students separately.
- 12.2 **In the context of recordings of any other activities made by the University**, including activities where members of the public may be present, and/or in instances where materials included in recordings are **not** covered by the licences outlined in this Code of Practice (see Section 9), the 'illustration for instruction' exception of the Copyright, Design and Patents Act 1988 may be of use (see Section 6.4.2), provided that the activity is **non-commercial** and **instructional** in nature and use of the copyrighted work is **fair**.

- 12.3 Any student wishing to make a recording of a lecture or other course-related activity using a **personal electronic device** (e.g. a dictation device, mobile phone or tablet) must seek **prior written consent** from the person delivering or facilitating the activity. Any person with an accessibility need who wishes to make a personal recording for accessibility purposes (as described in section 11 above) does not require prior written consent to make a recording. However, it is good practice to inform the person delivering or facilitating the activity, in advance, if an accessible recording is to be made. Any recording of a course-related activity made on a personal electronic device, including for accessibility purposes, must not be shared with others and must be deleted after use.
- 12.4 Any person who is not a student or employee of the University and who features in a recording (e.g. a guest lecturer) must provide written consent for the recording to be uploaded and stored on university systems before the uploading can take place.
- 12.5 The University owns the copyright on lecture capture recordings and other recordings made by members of staff in the course of university business. Recordings containing copyrighted material must not be made available to the public without prior consultation with the Head of Library Services.

### 13 Additional advice for students on education-related programmes

**Crown copyrighted materials** produced by the government (e.g. the Department for Education, Ofsted) can be used and re-used under the terms of the *Open Government Licence for Public Sector Information* which is available to view at [www.nationalarchives.gov.uk/doc/open-government-licence](http://www.nationalarchives.gov.uk/doc/open-government-licence). The licence allows for the copying, publishing, distribution and/or adaptation of materials provided that the information used is reproduced accurately and is properly cited. It does **not** apply to government logos, or if copyright is identified as belonging to a third party. Visual media featured on government websites (e.g. photographs, videos) can only be used with the approval of the relevant government department.

Students on **teaching placement** may use the University's photocopiers to make multiple copies of copyright-protected works to take into school (enough to provide one for each child in a class) **only** if it is **explicitly** stated in the work that it can be freely photocopied for educational purposes. In the absence of such a statement care must be taken to adhere to any copyright licences held by the **school**. It is permitted to photocopy a resource (within the parameters described in this Code of Practice) and take it into a school for **personal** use, provided it is not further copied and/or distributed.

Further guidance on copyright in schools is available from <https://cla.co.uk/licencetocopy>.

### 14 Penalties

Failure to comply with copyright legislation or the terms of licensing agreements exposes the institution and the individual responsible to possible legal action. In the case of a serious breach of copyright by a student the University's *Code of Practice for Academic Misconduct* will be invoked. In the case of a serious breach of copyright by a member of staff the University's *Disciplinary Procedures* will be invoked.

### 15 Further guidance and useful links

Detailed information on copyright and intellectual property can be found on the *Intellectual Property Office* website at [www.ipo.gov.uk](http://www.ipo.gov.uk), or by consulting the Head of Library Services.

All legislation relating to copyright can be accessed at [www.legislation.gov.uk](http://www.legislation.gov.uk).

Further guidance on personal copyright is available in the University's *Intellectual Property Policy*.

Further guidance on including copyrighted material in assignments is available in the University's *Handbook For Written Coursework and Referencing*.

The Copyright Licensing Agency and check permissions tool:

<https://www.cla.co.uk/check-permissions-start>

CLA international territories list:

<https://www.cla.co.uk/international/territories>

CLA list of excluded works:

<https://www.cla.co.uk/excluded/he-print>

CLA list of participating digital publishers:

<https://www.cla.co.uk/included/he-digital>

The Educational Recording Agency:

[www.era.org.uk](http://www.era.org.uk)

The Music Publishers Association:

[www.mpaonline.org.uk](http://www.mpaonline.org.uk)

The Performing Rights Society:

[www.prsformusic.com](http://www.prsformusic.com)

PPL:

[www.ppluk.com](http://www.ppluk.com)