
A Guide to Copyright for Students

1. Why is copyright relevant to you as a student ?

When you use copyright material (e.g. journals, books, newspapers, electronic databases, the Internet, proprietary computer programs etc.) you must do so within the legal framework set by copyright law and by copyright licences or agreements to which the University is a signatory. In addition, copyright law and licensing underpins significant parts of the University's Student Regulations and Codes of Practice. Failure to observe copyright law and the terms and conditions of copyright licences whilst a student therefore creates the potential for copyright infringement, breach of licence and breach of University Regulations - any one of these may in turn result in the University taking disciplinary action. In addition, breach of licence conditions may also jeopardise the University's ability to participate in licensing schemes in the future and damage the interests of higher education institutions generally.

Whilst studying in the United Kingdom (UK), it is UK copyright law which applies to your use of copyright material. Overseas students should note that UK law is more restrictive than in some other countries. The principal piece of legislation concerning copyright in the UK is the Copyright, Designs & Patents Act 1988 (as amended).

This guide explains important aspects of copyright law and licensing and how they affect your use of copyright material as a student at the University. Additional information on copyright is also available from the Corporate Web Information Service (CWIS) at:
<http://www.le.ac.uk/ua/rg/copyright/index.html>

As a student, you are also a creator of copyright material – your essays, emails, exam scripts, dissertations and other original material you create in the form of projects or assignments all constitute copyright material. You are the owner of the copyright in such material, although clearly, the University requires you to submit copies of such material as a course requirement for the purpose of marking and assessment and may require or ask you to deposit copies of some material in the Departmental libraries or the University Library.

2. What is copyright ?

Copyright is a property right which protects all works of the intellect which exist in tangible form in at least one fixed format – it deals with the intellectual property or creative output of authors and other creators, and also protects the investment that publishers incur in meeting the costs of publishing and marketing works.

All of the following categories of material are protected by copyright:

- a) original literary, dramatic, musical or artistic works;
- b) sound recordings, films (including videos) and broadcasts;
- c) the typographical arrangement of published editions.

The text contained within a textbook on microbiology is an original literary work whilst its layout and appearance on the pages constitutes the typographical arrangement. The music to a song is a musical work whilst its lyrics constitute a literary work. Photographs, diagrams or illustrations are examples of artistic works, as are paintings or sculptures. Works of dance or mime as well

as the written and acted forms of plays are protected as dramatic works. Computer programs are protected as literary works, even when they exist as electronic machine code. Since copyright is a property right, by definition it implies ownership. The owner of the copyright in any particular copyright work may be an individual (e.g. an author, a painter or a musician) or an organisation, business, public body, the Houses of Parliament or even Her Majesty, depending upon circumstance. Moreover, as with any property right, copyright may be assigned, licensed, sold, transferred or bequeathed in a Will.

3. The rights of a copyright owner

Copyright is actually a bundle of several rights and these are *exclusive to the copyright owner*. These are actually rights to do (and permit or forbid others from doing) the following acts in connection with a copyright work:

- a) to copy the work: this means reproducing the work in any material form, including (but not limited to) handwriting, photocopying, scanning, or recording onto tape or disk;
- b) to issue copies of the work to the public: this means publishing either in print or electronic format;
- c) to rent or lend the work to the public: legislation governs the rental of videos by video shops, or the lending of books by libraries for example;
- d) to perform, show or play the work in public: this is why a cinema for example, requires a licence or the permission of the copyright owner to show a film;
- e) to communicate the work to the public: this refers solely to electronic transmission to the public and includes the broadcasting of a copyright work or the making available to the public of the work by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them;
- f) to make an adaptation of a copyright work or do any of the above in relation to an adaptation: adaptation includes activities such as translation of literary works, conversion of a novel into a play, arrangement or transcription of a musical work and conversion of a computer program from one language or code into another.

Copyright thus protects the economic rights of copyright owners in the use and exploitation of their copyright works.

4. Duration of copyright

Copyright does not last forever. The rules for duration of copyright are somewhat complex (especially for works such as photographs) but the following rules apply in most circumstances you will encounter: copyright in literary, dramatic, musical and artistic works endures for the lifetime of the author plus 70 years from the end of the calendar year in which the author dies. Copyright in films (including videos) last for the lifetime of the 'authors' (the principal director, the author of the screenplay, the author of the dialogue & the composer of the music specially created for and used in the film) plus 70 years from the end of the calendar year in which the last of the known authors dies. Copyright in sound recordings last for 50 years from the end of the calendar year in which the recording was made or first released. Copyright in broadcasts lasts for 50 years from the end of the calendar year in which the broadcast was made. Copyright in the typographical arrangement of published editions lasts for 25 years from the end of the calendar year in which the edition was first published. Crown copyright lasts for 50 years from the end of the calendar year in which the work was published or 125 years from the end of the calendar year in which the work was created if it remains unpublished. Parliamentary copyright lasts for 50 years from the end of the calendar year in which the work was created.

5. Infringement of copyright

The Copyright, Designs & Patents Act 1988 ('the Act') states that copyright is infringed when any of the acts referred to in the previous section (e.g. copying, performing or adapting) are done in relation to the whole or a substantial part of a copyright work by someone other than the copyright owner, unless that owner has granted prior permission or unless the specific act is allowed by one of the so-called statutory 'exceptions' to copyright which also form part of the Act. These exceptions are explained in the following section, but students should simply note here that they are limited in scope.

The Act does not define the word 'substantial'. However, cases of copyright infringement which have come before the courts have established that a substantial part can be judged qualitatively as well as quantitatively – the context and quality of the part may be what makes it substantial in the eyes of the law rather than its proportion of the whole work in a purely quantitative sense. For example, the last page of a 500-page crime novel which reveals the identity of the perpetrator of the crime is likely to be judged a substantial part. Similarly, claims of copyright infringement have been upheld by the courts in cases where only 2 or 3 lines from a song have been copied and re-used by another musician.

6. Statutory exceptions to copyright

The Copyright, Designs & Patents Act 1988 does include some exceptions to the exclusive rights of copyright which would allow you, for example, to copy a copyright work or a certain proportion of it, without having to obtain the prior permission of copyright owner. For the exceptions which are relevant to you as a student, the Act itself does not define how much of a copyright work may be legitimately copied, but you should be aware that these exceptions are to be understood and interpreted as limited in scope.

Three important exceptions are referred to as **fair dealing**, each of which is a defence against an accusation of copyright infringement, but each of which only provides a defence for a specific purpose. Each of these defences can apply to copying from a copyright work but the Act does not define what is 'fair' – this can depend upon the proportion of the original work that is copied but also upon whether the copying rivals, hinders or interferes with the purpose of the original work. In particular, if the copying negatively affects the commercial interests of the copyright owner, then it cannot be fair dealing. For example, photocopying an entire book as a substitute for buying a commercial copy (i.e. the published original) is not fair and is a serious infringement of copyright.

The principal fair dealing exception relevant to your academic study is known as **fair dealing with a work for the purposes of research for a non-commercial purpose or private study**. The generally accepted guidelines for the amount that may be copied from any single copyright work for these purposes are a single copy (unless specified otherwise) of:

- i) one complete chapter or up to 5% (by reference to page count) from any one book;
- ii) one whole article from any one issue of a serial publication or set of conference proceedings;
- iii) up to 10% (by reference to page count) from any one short book without chapters, report, pamphlet or British Standard Specification, provided that the total amount copied does not exceed 20 pages;
- iv) one short story or poem from any one anthology, provided that this does not exceed 10 pages in length;
- v) one copy of separate illustrations, drawings, diagrams or photographs (these works may also be copied if they are an integral part of the extract copied in categories (i) to (iv) above);
- vi) up to 4 copies of any one A4-size extract from an Ordnance Survey (OS) or OS-based map, provided they are straight-scale copies, not enlarged or reduced;

- vii) short excerpts from musical works but not whole works or movements and not for performance purposes.

It can also be fair dealing to make a single copy of any of the above extracts on one other person's behalf, but only for that one person. It is not fair dealing for non-commercial research or private study to make such a copy for someone else if you know or have reason to believe that further copies will then be made from this supplied copy for the benefit of others.

Repeated or systematic copying of the same work by or on behalf of the same person which exceeds the limits specified above is also not fair dealing and should not be undertaken.

There are also two other fair dealing exceptions which may be relevant to you as a student. One of these is known as ***fair dealing with a work for the purpose of criticism or review***. This exception only applies to copyright works which have already been made available to the public and any copies made for this purpose must be accompanied by a sufficient acknowledgement which identifies the original work by its title or other description and by its author or creator (unless it was published anonymously or unless). It may be fair dealing for the purpose of criticism or review to copy extracts from any one work or whole artistic works (e.g. diagrams, paintings or photographs), but this depends upon the extent to which the copied material is subject to criticism or review. Copying which is accompanied by minimal analysis and comment is unlikely to be regarded as fair in this context and would therefore be open to the challenge of copyright infringement.

The other fair dealing exception is known as ***fair dealing with a work for the purpose of reporting current events***. Any copies made for this purpose must also be accompanied by a sufficient acknowledgement, but no such acknowledgement is required in connection with reporting current events by means of a sound recording, film or broadcast where this would be impossible for reasons of practicality or otherwise. You should also note that this exception specifically excludes photographs – these works cannot legitimately be copied for this purpose. Also note that this exception only extends to copying material which is concerned with a current event and does not relate to non-current events such as a 'newsworthy' matter of history.

Another exception which may be relevant to you relates to **examinations** – the Copyright, Designs & Patents Act 1988 states that copyright is not infringed by anything done for the purpose of answering an examination question. 'Examination' is interpreted to include continuous assessment exercises. However, as a student you should note that this exception only applies to your specific answer to a specific examination question – it does not mean that you can copy anything in its entirety whilst you are revising prior to an exam, whether this revision is in the form of background reading or drafting a mock answer to a previous examination question. What it does mean is that you could include a copy of any amount of copyright material in your actual answer to any exercise (essay, assignment, project) or examination which you have been set by your tutors where the marks will count toward the successful completion of a course module or unit or your final degree, diploma or certificate. You would of course be expected to fully acknowledge the source of any such incorporated material. Essays, assignments, projects or exam scripts which contain copies of substantial parts of, or whole, copyright works cannot be made available to, or be copied by or for, anyone other than the examiner(s) or assessor(s) without the prior permission of the relevant copyright owner(s).

7. Copyright and the Internet

Copyright works which have been created and fixed in electronic formats are as eligible for copyright protection as their printed matter equivalents, and this will therefore include most works on the Internet. It is wrong to assume that just because material is freely available on the Internet that it may be copied and used at will. It cannot. The most you may reasonably assume is that the copyright owner is at least permitting and wants you to read the material. You should also remember that the University has specific regulations concerning use of University

computing facilities and the Internet to which you must abide – these regulations are accessible from the Computer Centre web site:

<http://www.le.ac.uk/cc/usage/usage.html>

In using material which is freely available on the Internet, you are advised to look for a copyright statement and or stated terms and conditions of use. Such information is often found on a Home page. In the absence of any clear statement or notice, do not assume that you can copy the material without limitation for any purpose – a useful set of guidelines in this situation are the Guidelines for Fair Dealing in an Electronic Environment, published by the Joint Information Systems Committee and the Publishers Association – these can be found at:

<http://www.ukoln.ac.uk/services/elib/papers/pa/fair/intro.html>

Alternatively, you might consider applying the copying limits given in Section 6 of this Guide. In the absence of any clear statement or notice, if you wish to copy a greater proportion than is suggested by these Guidelines or this Guide or if your intended use extends beyond copying for personal use, or if you are just uncertain as to whether your intended use would be permissible, you should look for an appropriate email link or contact on the website and seek permission to download or copy the material.

Finally, you should also remember that not all material that is freely available from the Internet has been placed there legally – some of it may constitute infringing material itself or may otherwise be obscene, defamatory or libellous, and you should not copy, download or make hypertext links to any such material.

8. Electronic databases and journals

The University Library facilitates access to an extensive range of electronic databases and journals. Your use of all such resources is governed by the terms and conditions of licensing agreements. The specific details of these individual agreements have been summarised and are available from the Library web pages at:

<http://www.le.ac.uk/li/sources/ejournal/licences.html> (electronic journals)

<http://www.le.ac.uk/li/sources/ejournal/dbase.pdf> (electronic databases)

However, there are some general points which apply to your use of all these resources:

- i) Usernames and passwords (e.g. your ATHENS username and password) are for your own personal use and should not be divulged to others
- ii) You may use these resources in support of your course of study and not for any non-educational purpose. In addition, under no circumstances should you make copies from these resources on behalf of individuals who are not current members of the University or organisations which are external to the University.
- iii) You may download or print-out material for your own personal use in support of your course studies but you must not download whole issues or volumes of journals. Licensing agreements for individual databases may impose specific restrictions on the amount of material which may be copied – please refer to the summary table listed above. Under no circumstances should you post copies of material to the open Internet, bulletin boards or discussions groups.
- iv) Licensing agreements for some (but not all) of these resources may permit you to send single copies of downloaded material to another student of the University, but only for that other student's personal use in support of his / her course of study – please refer to the summary tables noted above before using any of the resources in this manner. Under no circumstances should you transmit downloaded material to any external organisation or to any individual who is not a current member of the University.

- v) You must not remove, obscure or alter any copyright or other proprietary information (e.g. © symbols or the name of copyright owners) which appears on any materials that you have downloaded from any of these electronic resources.

9. Scanning-in and digitising copyright material

Whilst the Copyright, Designs & Patents Act 1988 ('the Act') is clear in some respects in relation to this activity, in other respects it is less clear and somewhat ambiguous. The scanning or digitisation of a copyright work involves two acts which are certainly restricted by copyright – copying the work and storing the work by electronic means. The uncertainty and ambiguity relates to the question of whether some of the Act's exceptions to copyright could be also be applied to these activities. The most advisable approach is to obtain explicit written permission from the copyright owner before scanning or digitising a copyright work, unless there is a clear statement on the work itself which indicates this activity is permitted by the copyright owner.

There are two exceptions in the Act which may permit the scanning or digitising of copyright material, subject to a number of conditions.

Firstly, it may be permissible to scan copyright material for the purpose of non-commercial research or private study (i.e. to defend the activity as fair dealing for the purpose of non-commercial research or private study). The strength of this defence is contingent upon the following conditions being met:

- a) the scanned or digitised copy should not be altered, edited, incorporated or changed in any way;
- b) the scanned or digitised copy should not be further forwarded by email, placed on an Intranet or the Internet, or posted to a discussion group or bulletin board without the prior written permission of the copyright owner;
- c) if the scanned or digitised copy is to be stored on a PC, this should be on one of its non-networked drives. Networked storage is insecure and by definition implies sharing of material which undermines the principal of personal use of the work;
- d) the amount of material (i.e. the proportion of the source) copied for this purpose should conform to the limits set out in Section 6 of this guide (but no more than one copy of the relevant proportion).

Secondly, it may also be permissible to scan in copyright material under the Act's 'examination' exception. Copyright material may be scanned or digitised provided that this necessary to facilitate the inclusion of this material into a set individual essay, assignment or project, or in an exam answer, in those cases where the resulting mark would count toward the completion of any course module or unit, or the award of a degree, diploma or certificate. Copies of essays, assignments, projects or exam scripts which contain scanned or digitised copies of substantial parts of, or whole, copyright works, cannot be made available to anyone other than the examiner(s) or assessors(s), or published, unless the prior permission of the copyright owner has been obtained. In addition, once the scanned material has been incorporated into the essay, assignment, project or exam answer, then the original scan file should be deleted.

Finally, some Crown copyright material could be scanned or digitised, if this is in accordance with the terms of the 'Click-Use' licence issued by Her Majesty's Stationery Office, to which the University is a signatory – please see the following section on University licences.

10. University licences

Licences and licensing schemes allow users to legally overcome certain restrictions that statutory copyright law would otherwise impose. The University has taken advantage of a number of these schemes by signing the relevant licence. You should note that each of these licences comes with a specific set of terms and conditions, with which you must comply. Licences which may be relevant to you are listed below:

- i) Copyright Licensing Agency (CLA) Higher Education Photocopying Licence – this allows the making of multiple photocopies of limited extracts from a range of copyright material by and for members of the University. For further details please consult the CLA's own *Explanatory Leaflet*, copies of which are available in the University Library and also from the CLA website (in downloadable pdf format) at: http://www.cla.co.uk/have_licence/he/he_support.html
- ii) Ordnance Survey (OS) Educational Map Licence - this allows staff and students to make multiple copies from OS originals for educational and research purposes. Copies may also be included in guides, brochures and prospectuses in order to show the location of the University (provided that these publications are free). For further details, please consult *Copyright Licence Guide No.6 – Ordnance Survey Educational Map Licence*, copies of which are available in the University Library and also from CWIS at: http://www.le.ac.uk/ua/rg/copyright/contract/licences/ordsurv/map_edu.htm
- iii) Newspaper Licensing Agency (NLA) Newspaper Copying Licence for Educational Establishments – this allows staff and students to make up to 250 photocopies of cuttings from a specified range of newspapers for educational and instructional purposes. The licence does not permit the copying of photographs, illustrations or advertisements, or the making of digital copies. For further details, please consult *Copyright Licence Guide No. 2 – Newspaper Photocopying Licence*, copies of which are available in the University Library and also from CWIS at: <http://www.le.ac.uk/ua/rg/copyright/contract/licences/nla/phocop.htm>
- iv) 'Click-Use' Licence to Reproduce Crown Copyright Material – this allows staff and students to reproduce a specified range of Crown copyright material from current official sources in both paper and digital format. For further details, please consult *Copyright Licence Guide No. 4 – Licence to Reproduce Crown Copyright Material*, copies are available in the University Library and also from CWIS at: http://www.le.ac.uk/ua/rg/copyright/contract/licences/hmsoc/class_licence.htm

11. Further information

Please consult the Corporate Web Information Service (CWIS) by selecting 'C' for copyright on the A-Z Index.