

Copyright Guidelines for RVC Staff and Students

This guide is intended to help all users of copyright material. As UK and European copyright regulations are complicated this guide is quite lengthy, but please take the time to familiarise yourself with the regulations and your responsibilities. Academic institutions are not exempt from prosecution, but the responsibility for infringement of copyright rests with the person making the copy, not with the providers of the equipment. Buying or owning the original or a copy of a copyright work does not give you permission to use it how you wish. The Library has various books on the subject and you can request these by emailing Simon Jackson (sjackson@rvc.ac.uk) who liaises with the Copyright Licensing Agency (CLA) on the college's behalf.

What is copyright?

Copyright is an intellectual property right, and copyright law is designed to protect the rights of writers, artists, musicians, photographers, publishers and other creators. Copyright exists in the following:

- original literary, dramatic, musical or artistic works, such as books, articles, web pages, drawings, photographs, databases and computer programmes
 - sound recordings, films, videos, broadcasts, or cable programmes
 - typographical arrangements of published editions

The [Copyright Designs and Patents Act 1988](#) and the [Copyright and Related Rights Regulations 2003](#) give legal protection to creators of these works in order to prevent exploitation and to protect their moral rights. Creators do not need to apply for copyright protection in the UK – it is automatic. The Act also states the rights of members of the public, employees and libraries in terms of copying copyright works.

How long does copyright last?

Copyright generally exists in a work for a period of 70 years following the death of the creator. If the work has been created by several people the period of protection will last for 70 years following the death of the last surviving author. Sound recordings and broadcasts or cable programmes are protected for 50 years from the first recording or transmission. Films are protected for 70 years from the death of the last survivor of the main parties involved in the production, although actors' performance rights may also exist. Copyright in the typographical arrangement of a literary work rests with the publisher for 25 years following the date of publication.

Infringement of copyright

The copyright owner has exclusive rights to

- copy their work
- issue copies to the public
- rent or lend the work
- perform, show or play the work in public
 - broadcast the work
 - adapt the work

It would be unlawful for anyone else to do any of the above without permission of the copyright owner, within the protected period.

When can I copy?

The Act allows copying of copyright materials under certain circumstances.

Fair dealing: The amount of a published work which may be photocopied under fair dealing is generally interpreted as:

- no more than one chapter or 5% of a book
- no more than one article from a journal issue
- no more than one single case report from a law report

Fair dealing copying must be for the purposes of private study or research for a non-commercial purpose, which is why, if we make or obtain a photocopy for you we ask you to sign a copyright declaration.

Criticism or review. You may copy parts of a work for the purposes of criticism, provided that sufficient acknowledgement is given.

Exams. You can copy virtually anything for examinations – for setting questions or communicating questions to the candidates. Subsequent publication or distribution of past papers containing extracts of copyright material would be illegal unless permission was obtained.

Off air recording. You can make copies of most terrestrial TV and radio programmes for teaching purposes under the terms of the [Educational Recording Agency](#) (ERA) Licence held by the College. You may also record satellite or cable programmes at home for teaching or private study without the need for record keeping as they are not covered by any licensing agreements.

Multiple copies for teaching and course packs. Under the [Copyright Licensing Agency](#) (CLA) Licence, which the College holds, you can make multiple photocopies of a journal article or a book chapter for teaching purposes one for each member of the class. Multiple copying from electronic journals will depend on individual licence agreements with the College Library. It is advisable to check with the publisher's web site or the Library before copying.

Electronic copying and storage. You must obtain permission from the copyright owner before scanning in material and storing it electronically. Creators of web pages should be careful that they do not use copyright pictures or text, even if they obtained them from the internet. It is not acceptable to cut and paste images from the internet or scan images from print material and then use them in PowerPoint presentations. However, the College holds a [Copyright Licensing Agency](#) Digitisation Licence which allows scanning of copyright texts under certain conditions on payment of charges to the CLA.

Copying with permission of the copyright holder. Copyright may be bought, sold or passed on by the owner when they die. Copyright owners may give permission to copy, but it is advisable to obtain and to keep written permission. The author of a book or journal article may no longer own the copyright of the material they have written since they may have signed it over to a publisher.

How can I obtain permission to use copyright material?

If you want to use copyright material in a way which is not permitted under the exceptions described above or the licences held by the College, then you will usually need to approach the copyright owner and ask for a licence to cover the use you require. Of course, the copyright owner may refuse to give permission for use of their work. A licence is a contract between you

and the copyright owner and it is for both parties to negotiate the terms and conditions, including the payment or royalty for the use. There are no rules in copyright law governing what may be acceptable terms and conditions. Sometimes copyright owners act collectively to license certain uses and collective licensing bodies can be approached for a licence. The Government's [UK Intellectual Property on the Internet](#) site includes a useful list of these bodies.

The HE Licence

Copyright Licensing Agency Comprehensive Licence. This permits staff to digitise material from the RVC's print collections and to use these electronic copies for teaching purposes on Blackboard and in lectures etc.

There are some conditions which staff must adhere to:

1. institutionally owned print material may be scanned (or photocopied) (thus library books and print journals may be copied, but privately owned books and journals may not).
There are limits on what can be scanned (5% or one chapter of a book and 5% or one paper from a journal)
2. Material supplied acquired from The British Library may also be scanned as long as a copyright fee has been paid to The BL (this fee varies depending on the source and number of copies to be made with each student on a course counting as one copy)
3. no copies may be sold, hired out or otherwise disposed of for profit
4. the usual restrictions apply on the amount to be scanned (i.e. in the case of a book, one chapter and in the case of a journal, one whole paper)
 5. Copies may only be made for use in the UK
6. Each scanned copy must include a copyright statement detailing the author and title of the original work

The scanning carried out under the terms of this licence must be carried out by a member of library staff and as we have to account for each scan made there is a form which must be completed for each scan. The form is available at:

<http://intranet.rvc.ac.uk/ASD/LISD/eLibrary/Index.cfm>.

Educational Recording Agency (ERA) Licence. The College pays an annual sum to the ERA to cover any off air recording of terrestrial broadcasts for educational purposes. Open University programmes are covered by a separate licence (see below). Off air recordings may be made by members of the College at work or at home, and tapes may be used in class or catalogued and held for loan in the Library. All video and audio tapes used to record programmes off-air under the ERA Licence must be labelled with the date, time and title of the recording and the statement "This Recording is to be used only under the terms of the ERA Licence".

Other copyright issues

Computer software. All software has one or more authors or creators who own the copyright in the software that they have written. Copyright applies to all software, whether it be commercial or free. The distribution and use of software is subject to a licence which specifies the terms of use. Members of the College should be aware of the [CHEST Code of Conduct for the Use of Software and Datasets](#).

Electronic databases and journals. Printing and copying from electronic journals and databases is determined by Licence agreements signed by the Library. Users must observe the specific terms and conditions for each service. Contact Alison Shearer (ashearer@rvc.ac.uk) for more details about specific licences.

Government publications. [Parliamentary copyright](#) is waived in some instances. For example, academic institutions may copy the entire text of Command Papers and Reports of Select Committees and provide a single copy to each student. See under [HMSO](#) for other government publications.

Maps. The College does not hold Ordnance Survey or British Geological Survey licences covering multiple copying of maps for teaching purposes. You are restricted to a 'fair dealing' limit of up to four photocopies of a single extract of A4 size from one map at scale (ie not enlarged), for the purposes of research or private study.

Theses. A thesis is an unpublished work, and photographs and other copyright works may be included since it is considered to be the equivalent of an examination. If the thesis is subsequently published permission must be obtained to include copyright material.

Visually impaired. The [Copyright \(Visually Impaired Persons\) Act 2002](#) allows a visually impaired person to make, or have made for them, an "accessible" copy of the whole work - for example: braille, audio, large print or electronic.

Helpful copyright sites

- [JISC Legal Information Service](#)
- [UK Intellectual Property on the Internet](#)
- [The Copyright in Higher Education Workgroup](#)