

Overseas Campuses & Partnerships



Kate Vasili – Copyright Officer

Advances in Technology and Methods of Delivery Across International Boundaries

- E-resources ~ E-books, E-Journals, Databases
- Internet/Intranet
- VLEs
- Software
- Web 2.0 and Web 3.0 – Social Networking
- Cloud

Changes in Study and Teaching

- Attending University
- Correspondence
- Distance Learning and E-Learning
- Collaborative Partnerships
- Overseas Campuses
- MOOCS

Collaboration Agreements

Promises were made that students would:

- Receive a UK University education and qualification
- Receive an education and experience mirroring that of their UK counterparts.
- Have access to all University and Library online resources

HESA

- Overseas campus based students not captured in the main body of student numbers by licences, unlike Distance Learners.

Publisher Concerns

Rights owners and publishers became concerned that their content was being made available:

- to numerous Institutions under a single licence or subscription thereby harming their economic interests
- in overseas territories that may or may not:
 - a) have adequate copyright protection legislation in place
 - b) be contrary to the original foreign distribution intentions
 - c) Interfere with international market possibilities.
 - d) conflict with existing RRO agreements (Reproduction Rights Organisations e.g. CLA, CCC, CAL,)

So the O/S and Partnership exclusions started creeping into the new terms on renewal.

UK Copyright Law

Copying performed within the UK is subject to UK Copyright Law i.e.

Copyright Designs and Patents Act 1988 and Regulations

- Exceptions are UK specific only
- Some educational exceptions still overridden by contract i.e. licence Terms & Conditions e.g. S.36
- Licence terms may permit actions restricted by law (mandated by Rights Owners)

Copying performed overseas is subject to the laws of the country where act took place.

International Copyright Law

- EU Copyright Directive – Harmonisation?
Terms of protection and exceptions differ across EU states
- International IP Agreements – Berne, WIPO, Marrakesh
Varying protections and provisions from state to state.
- Not all countries are WIPO members

Exceptions for Education

- UK Fair Dealing

Exceptions limited

- US Fair Use

More generous but recent cross state disputes have had an adverse impact, leading to more restrictive limits in guidelines i.e. Cambridge University Press, Oxford University Press and Sage v Georgia State University (2009)

Although the judge has since found the majority of instances in this case were actually within 'fair use' (see 2016 Judges Opinion: <http://www.arl.org/focus-areas/court-cases/106-cambridge-press-v-georgia-state-university#.V46xUhKgbK1>)

- International States with no limits

Copying of whole works permitted for education or private study/ research .

What's the difference? They're still our students.

- **Distance Learners**

Enrolled with UK Institution but studying remotely and independently anywhere in the world i.e. not taught “in a classroom scenario” (CLA clarification)

- **Overseas Campus Students**

Enrolled with UK Institution but taught and studying at Overseas Campus location e.g. Dubai, Mauritius and Malta

N.B. Middlesex O/S Campus Students are enrolled in UK and now reported in HESA stats as 'Aggregate Offshore'. Other institutions may do things differently for various reasons. E.g. foreign government requirements or restrictions, or partnership agreement terms etc.

- **Overseas Regional Offices**

No teaching or course provision. Guidance and support for prospective and enrolling students.

- **Collaborative Partnerships**

A bit more complicated.....

Can be UK or Overseas Institutions and a combination of various types of programme e.g. validated, funded, joint, accredited, franchised....

See: QAAs Chapter B10 on Partnerships

<http://www.gaa.ac.uk/publications/information-and-guidance/uk-quality-code-for-higher-education-chapter-b10-managing-higher-education-provision-with-others1#.V5ejHBKgbXA>

Is it a Campus or a Partnership?

Opinions can differ as to what HEI's, publishers and providers perceive as a Partnership or a Campus

- JISC 'Decision Tool' – Time/difficulty gathering data about partners, then lack of clarity when using the tool as to where the answers lead
- Many publishers and providers -inconsistent approach to determine 'authorised user' status
- How the campus was set up, independently or in collaboration?
- What were the arrangements with foreign governments and organisations and were they compulsory?
- Who owns what e.g. land, buildings?

Reality

- Governments do not always allow foreign institutions to purchase property or set up campuses/business enterprises independent of any domestic organisation or educational institution.

Therefore a partnership is usually unavoidable.

Location, specific arrangements and student numbers will determine the copyright and licensing status.

There are so many variations of agreements across all UK HEI's that it's difficult for the providers and rights owners to comprehend and reach an overall blanket decision.

Hence the huge disparity on pricing and permissions

Licensing in General

All UK based students currently registered in the UK and included in HESA total population headcount are covered under all Licences and subscriptions.

All UK based staff currently employed by the UK Institution are covered under all licences and subscriptions (except ERA depending on location)

Alumni are excluded

- **CLA** – All registered students and staff plus DL anywhere
- **NLA** – All registered students within UK and *“those countries in relation to which the NLA does not have a licensing agreement with a foreign collecting society or publisher”* But where is this info?
- **ERA plus** – All registered students and staff accessing within UK only
- **Electronic Resources** – Varies by Licence
- **VLE** – All registered students with University network login.
- **Software** – e.g. Microsoft, Pebblepad, Refworks, Adobe Varies
- **Other Services** – e.g. Janet - worldwide

E-Resource Licences

- NESLI2 licensing agreements and discounts negotiated by JISC for all UK HE Institutions
- Eduserv agreements
- Individual publisher agreements vary

O/S and Partnership access and provision depends entirely on the terms of each institutions individual arrangements and licence agreement.

MU conducted an exercise in 2010 contacting all E- Resource providers to confirm limits.

Spreadsheet was colour coded to show results:

Majority	allowed access to UK Reg. Students anywhere
Few	required additional payment dependent on numbers
Very Few	No to certain countries or absolute No but mainly Film, Sound & Broadcast
Some	never replied

Useful Questions to Ask

- Which country is the Campus/Partnership?
- Are the students registered with the UK Institution and reported to HESA?
- How many students require access?
- What % do our students represent of the partners whole student population?
- Who recruits the students? Home institution or partner?
- Do students have a UK network Login and password?
- Where is the VLE hosted and populated UK or locally?
- Which of the above do these students have access to and how?
- Do only these students have access to the e-resources and which?
- Does the publisher already supply the database and/or any other of that publisher direct to the partner?
- Are the staff employed by your institution or a partner?

What we are doing to help partners and comply with licences?

- 2011 'Bolt on' licenses extended where possible for overseas campuses or partners. Varies by publisher/provider.
- 2013 Separate modules/reading lists for the Overseas Campuses set up using country specific suffixes
- 2014 Purchased Proquest Discovery Service 'Consortium Edition' -allocates resources to campuses/controls Summon links - not authentication
- 2014 New 'Transnational Library Liaison Manager' post created within Library team to manage the E-Resource Licences and agreements for Partnerships and O/S Campuses and to co-ordinate with the Academic Partnerships Team.
- 2015 Bespoke 'portlets' developed for overseas campus libraries with bespoke lists of resources and links, catalogue interfaces
- 2015 Project looking at resources for franchises
- 2015 Meeting with JISC to discuss challenges of extending access – to be continued...

External Solutions

- KB+ (Knowledge Base Plus) JISC database of e-resource licence agreements across UK HEIs.
- Ideally we would like as much as possible to fall under JISC or Eduserv agreements (JISC are on the case)

CLA OCBS Licence - Overseas Campus Based Students

OCBS Licence launching August 2016

(Price per FTE to be agreed with UUK/Guild HE CWG)

- All Overseas Campus and/or Partnerships covered provided students are registered with the UK HEI.
- Overseas based networks and VLEs can be supported, provided CLA are given access to audit as required.
- Student numbers, location and any scanning/digital copying must be reported annually.

Can be:

- a total sum of students per campus/partnership
 - or
 - broken down by programme/course/module requiring coverage.
- Scanning/copying must be performed and uploaded in the UK.

LIS-PERL@JISCMAIL.ac.uk

Partnerships – E-Resources - Licensing

- New partnerships group for library staff dealing with overseas campuses and partners
- Aims:
 - To share experiences/knowledge
 - To influence publishers and providers to help streamline e-resource negotiations/payments/admin.
- Meeting – 16th September 2016
at Middlesex University, Hendon

Thank You

Kate Vasili

k.vasili@mdx.ac.uk

Telephone: 0208 411 3508