

Chris Morrison  
Copyright and Licensing Compliance Officer  
University of Kent

# LIS Copyseek Colloquium University of Greenwich 22 July UUK/GuildHE Copyright Working Group



# Copyright in the higher education sector

## Copyright Working Group



Since the introduction of the [Copyright Designs and Patents Act 1988](#), Universities UK and [GuildHE](#) have convened a Copyright Working Group responsible for negotiating copyright licences on behalf of the higher education sector, where this is considered to be in the interests of the sector. The group offers advice to Universities UK and GuildHE on EU and UK copyright initiatives, including consultations on draft legislation.

The membership of the group consists of librarians, academics and copyright officers from higher education institutions.

The current members are:

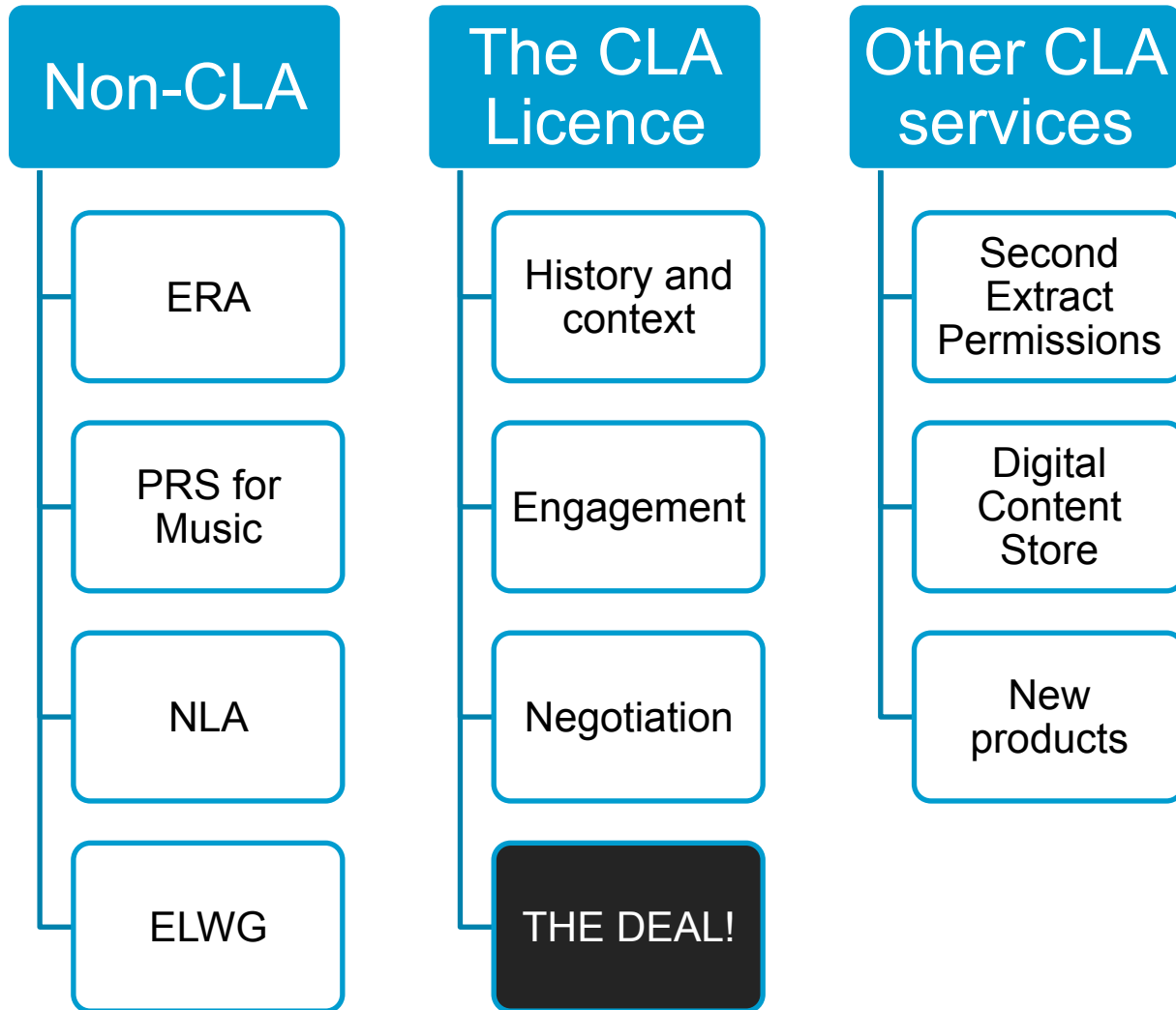
- [Mr David Anderson-Evans \(chairman\)](#)
- [Mr David Farley](#)
- [Ms Sarah Hall](#)
- [Mr Chris Morrison](#)
- [Ms Monique Ritchie](#)
- [Mr Sam Roseveare](#)
- [Dr Jane Secker](#)
- [Ms Kate Vasili](#)
- [Mr Ralph Weedon](#)

Corresponding members:

- [Mr Toby Bainton](#)
- [Professor Sol Picciotto](#)

Licensing coordinators can contact any member of the group about any licensing issue about which they have concerns. All communications are treated in confidence and the names of individual licensing coordinators or institutions are never referred to.

# Today's presentation



# Tariff for HE to remain at current rates for a further two years

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8th June 2015

ERA is pleased to announce that, following discussions with UUK and Guild HE for publication of a tariff to apply from 1 August 2015, the current tariff for students of HE will remain at the current level (agreed from 1 August 2014) for a further two years from 1 August 2015.

The agreed tariff will therefore remain at £2.35 for each full-time and full-time equivalent student. A Higher Education student who is not on a full time or sandwich course will be treated as 0.35% of a “full-time equivalent” for calculating fees due against the £2.35 tariff. Full details of the agreed tariff can be found [here](#).

# PRS for Music



*PRS for Music*  
Tariff 'UC' University colleges and other  
institutions of higher education

## Customer Consultation

Published: September 2015



*PRS for Music*  
Tariff 'UC' University colleges and other  
institutions of higher education

## Response Summary

Published: June 2016






## NLA EDUCATION ESTABLISHMENT LICENCE

Higher Education  
Licensing Services

You are here: **Higher Education licensing services** > **Higher Education Licensing Services** > NLA Education Establishment Licence

### About the Education Establishment Licence

NLA media access has appointed CLA as its exclusive agent for all UK education licensing. From August 2014, institutions will be able to manage their news content copyright licence through CLA.

Read  [joint CLA-NLA FAQs](#)

This licence is suitable for further and higher education establishments, such as universities and colleges, that copy from both printed and online NLA media access publications for classroom and study use. The offering consists of the Basic Licence, which covers copying for teaching and learning, along with various additional opt-in services designed to complement the other content requirements of the institution.



### News and blog

Keep up to date with everything that's new for Higher Education

### Check Permissions

Not sure whether or not the resource you want to reproduce is covered.

CLA Higher Education  
Licence

Second Extract  
Permissions Service

PackTracker and  
HERON services

Enhanced Higher  
Education Supply  
Service (EHES)

Overseas Campus-  
Based Students Pilot

# Education Licensing Working Group

The group is working with the Copyright Hub to support clarity, reduced bureaucracy and transparency in copyright licensing for schools, colleges and universities. The Group is taking forward the work commenced following publication of the report by Richard Hooper and Ros Lynch, who had been appointed by the Government to investigate the feasibility of establishing a Digital Copyright Exchange – now the Copyright Hub – as recommended in the Hargreaves report on modernising copyright law.

# Education Licensing Working Group Members

Alan Rae – Copyright Scotland

Andrew Yeates – ERA

Helen Nicholson – ERA

David Churchyard – CCLI

Simon Culm – Filmbank

Christine Dickson – Centre for Education and Finance Management

Stephen Edwards (chair) – Reed Smith

Julian Gravatt – Association of Colleges

Steve Hills – PRS for Music

Jo De Vito – CLA

Mat Pfleger – CLA

Chris Morrison – University of Kent (UUK)/Guild HE

David Mason – NEN

David Taylor – MPLC

Richard Flower – Independent Association of Prep Schools

Richard Stewart – PPL

Mark Steel – PPL

Jennifer Crewe – NLA Media Access

Tony Jardine – Ordnance Survey

Mark Waugh – DACS

Dominic Young – Copyright Hub



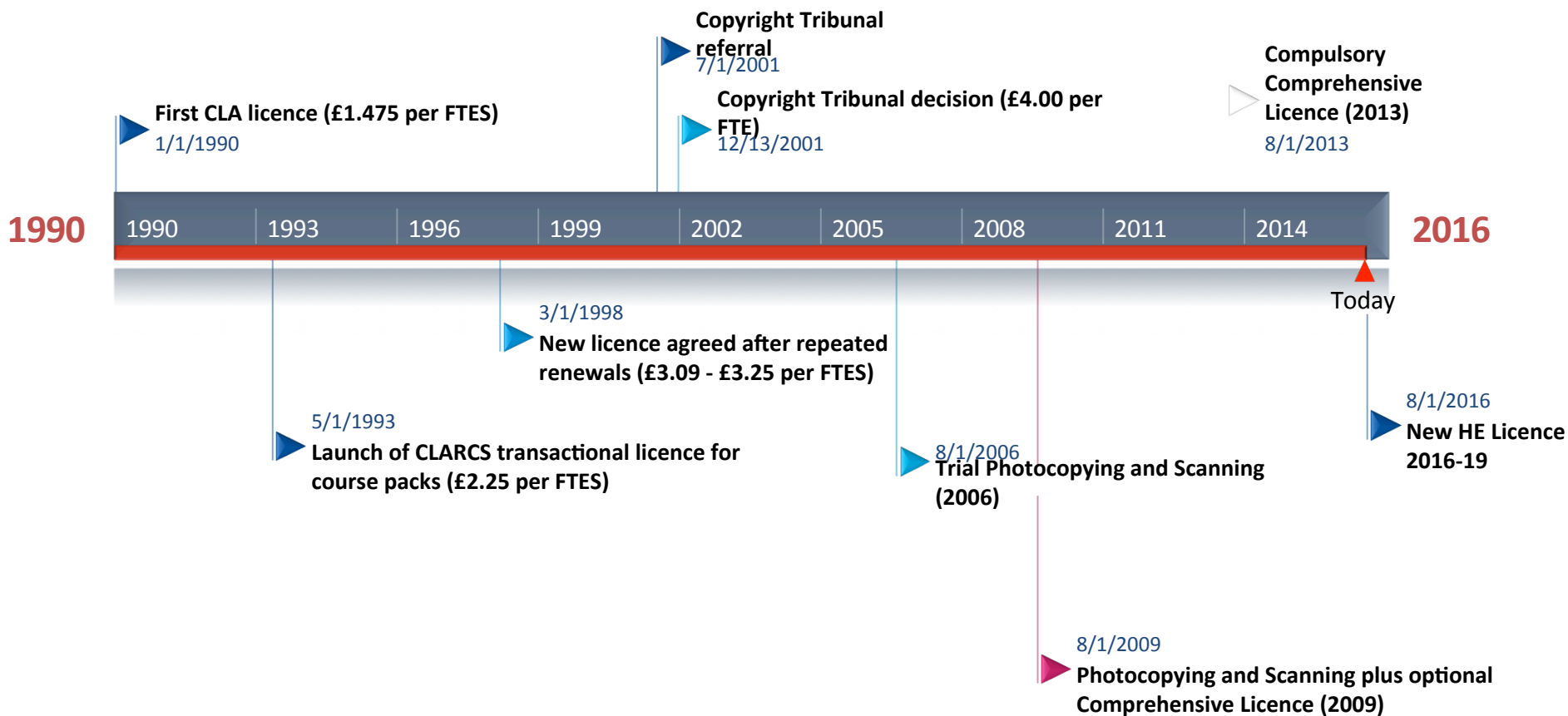
# CLA Higher Education Licence

Higher Education Institutions that hold the CLA Higher Education Licence can, subject to the terms and conditions, copy and re-use extracts of text and still images from printed books, journals and magazines, and from digital publications (including some websites that are free-to-view but not free-to-copy). You can find the full terms and conditions of the Licence at [he.cla.co.uk](http://he.cla.co.uk).

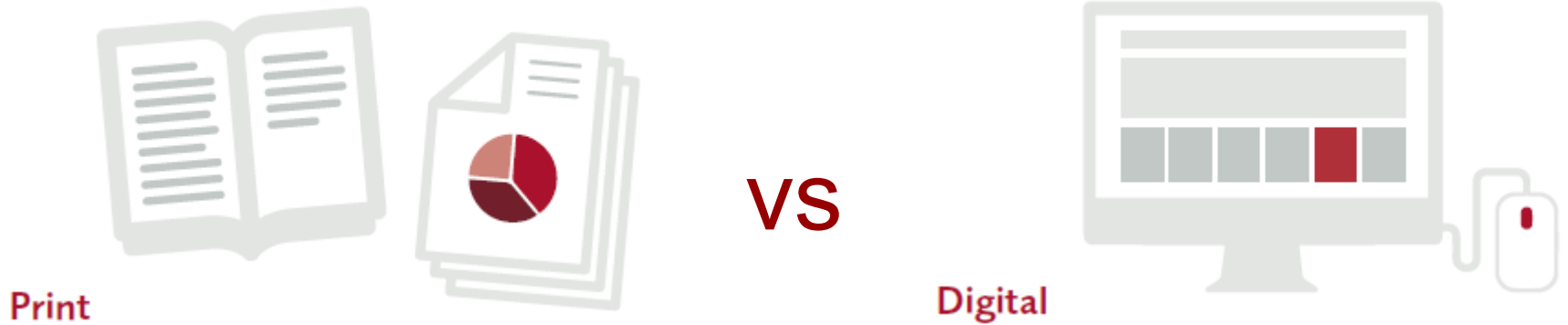


The Copyright  
Licensing Agency

# History and context



# The CLA's conundrum



HOME

HIGHER EDUCATION  
LICENSING SERVICES

COMPLYING WITH  
YOUR LICENCE

COPYRIGHT AND  
HIGHER EDUCATION

CHECK PERMISSIONS

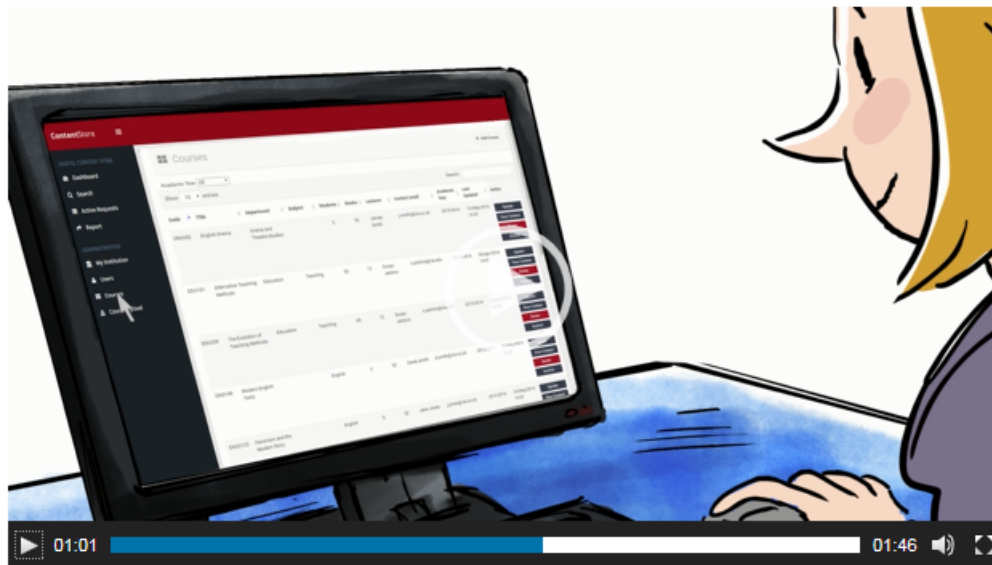
GET IN TOUCH

# DIGITAL CONTENT STORE

You are here: **Higher Education licensing services** > **Higher Education Licensing Services** > Digital Content Store

## About the Digital Content Store

**We've modernised the Higher Education Licence.** Working with higher education institutions (HEIs), publishers and technology partners we have developed an optional innovative cloud platform that combines a searchable repository of digitised book and journal extracts with an online workflow management tool.



## News and blog

Keep up to date with everything that's new for Higher Education



## Check Permissions

Not sure whether or not the resource you want to reproduce is covered.



Higher Education  
Licensing Services

CLA Higher Education  
Licence

Second Extract  
Permissions Service

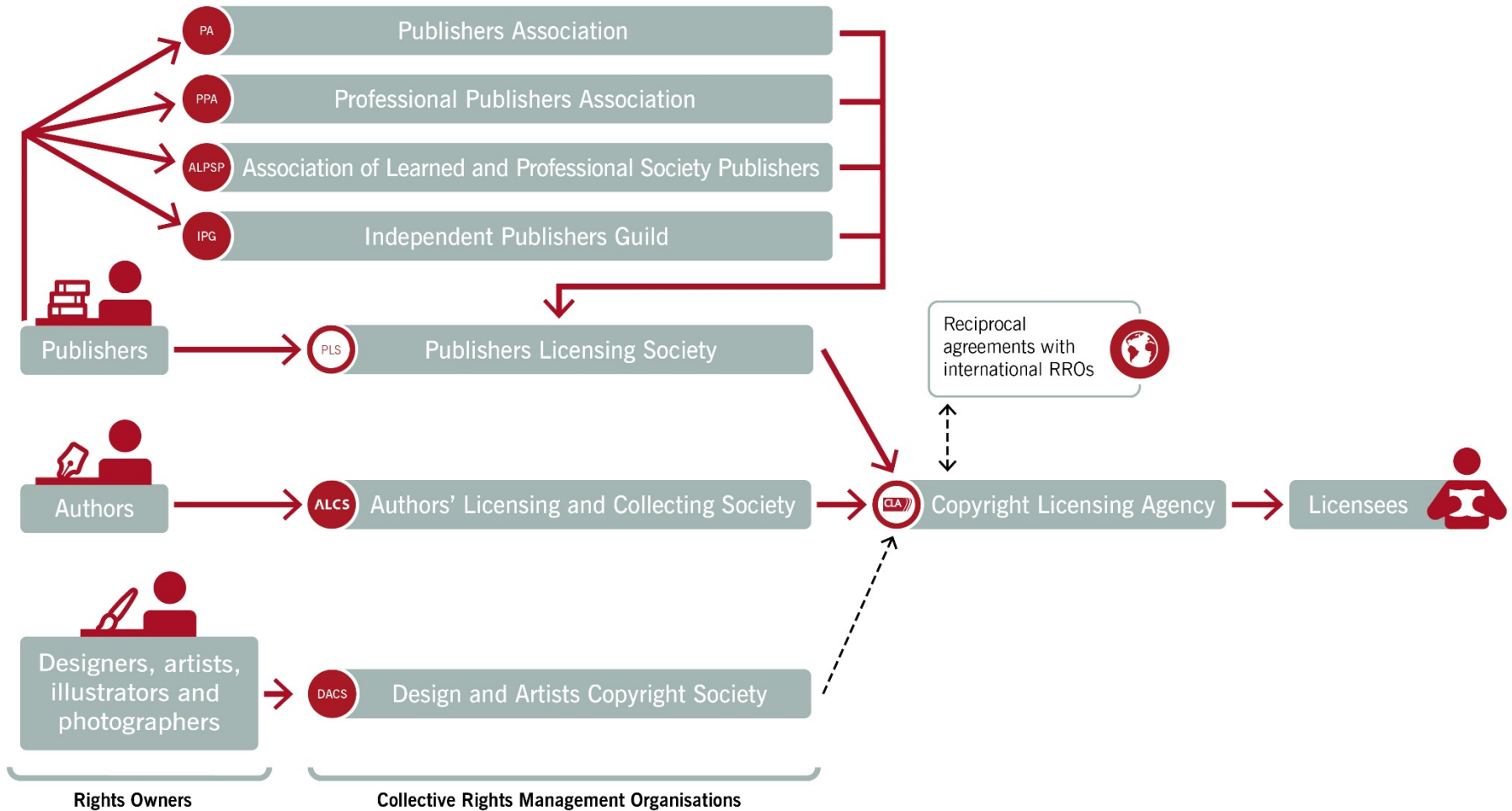
PackTracker and  
HERON services

Enhanced Higher  
Education Supply  
Service (EHSS)

Overseas Campus-  
Based Students Pilot

Digital Content Store

## Blanket Licensing: Where do the rights come from?

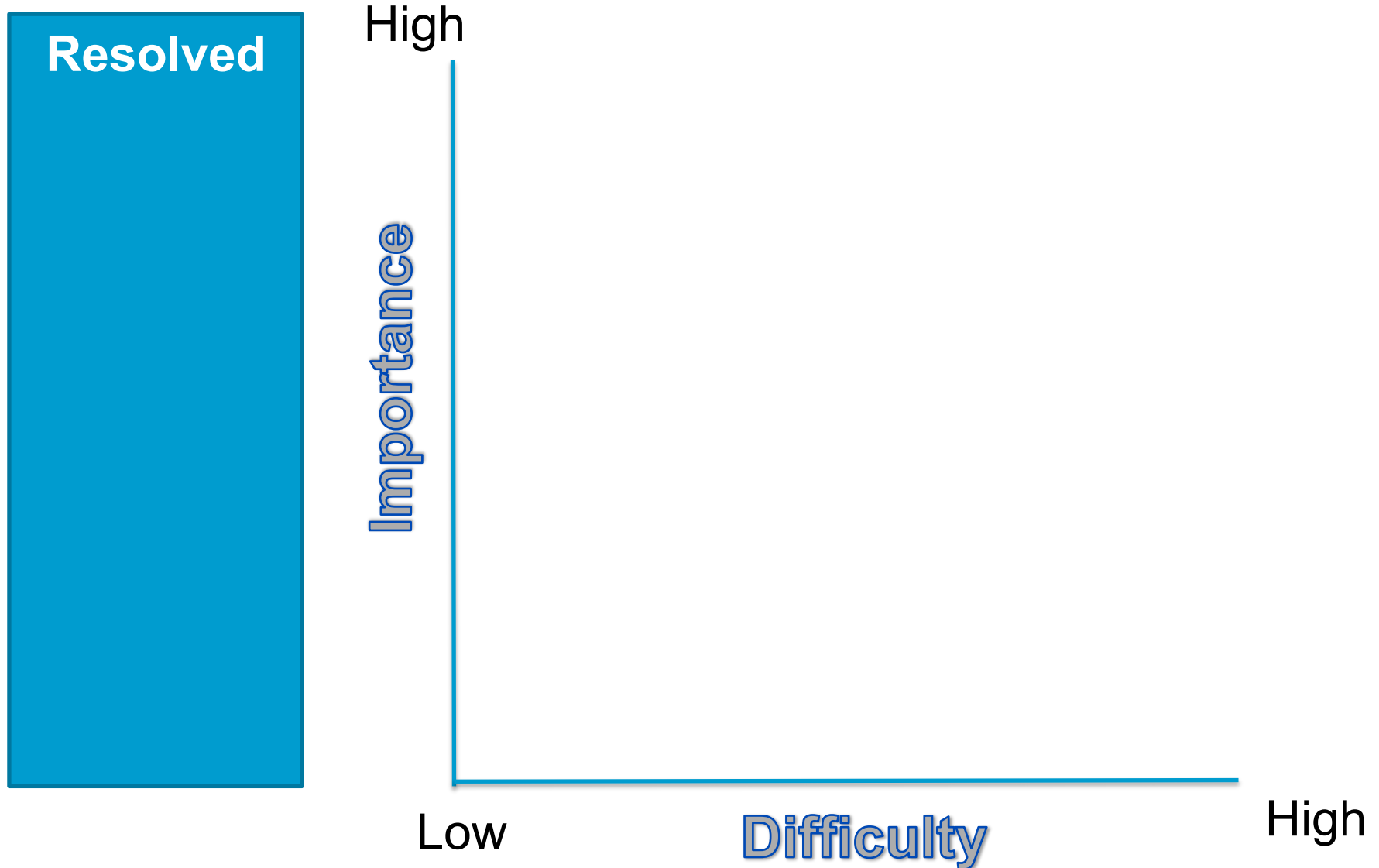


# Engagement

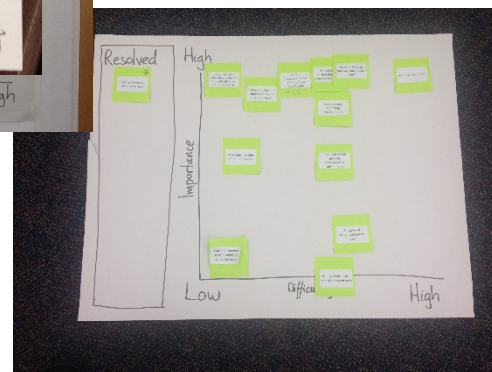
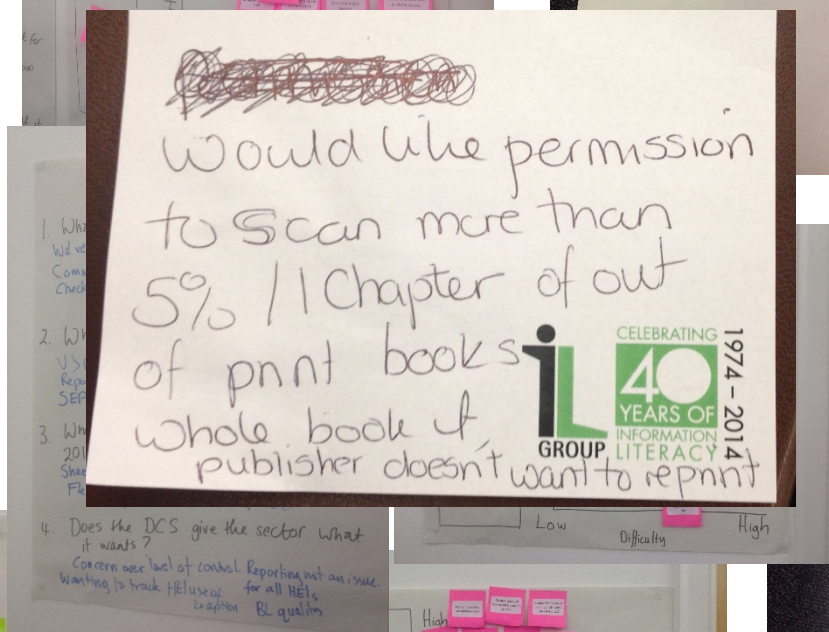
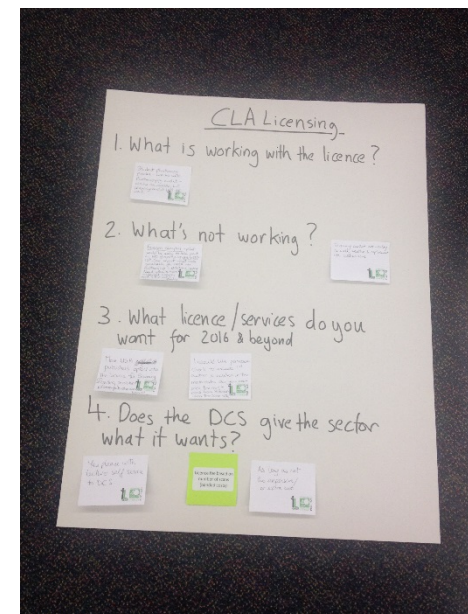
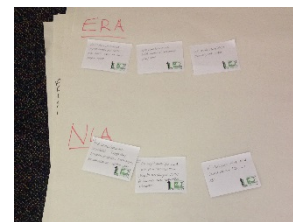
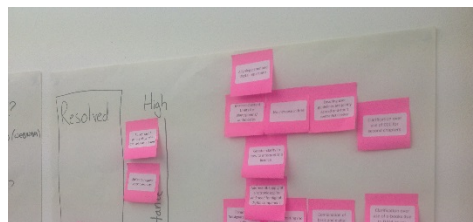
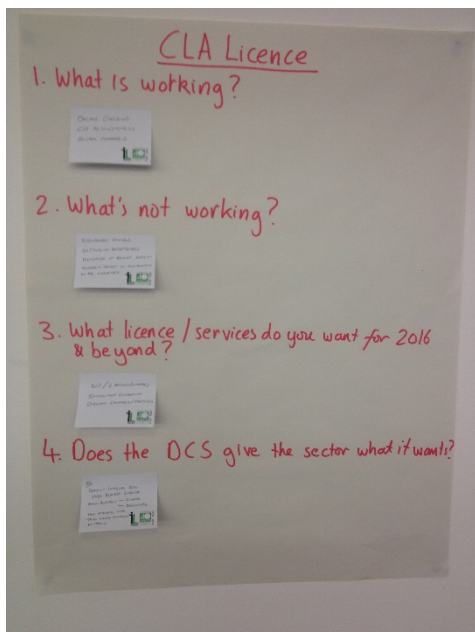




# 2016 CLA Licence wish list



# Outputs from July 2015 event



## HE Requests

### Increased Extent Limits

- 15% or one chapter from a book whichever is the greater;;
- 15% or two articles from a journal issue (especially where they are on the same subject), whichever is greater.
- for anthologies, poems and short stories
- Greater limits for out of print or hard to obtain publications

Reduction in the licence fee.

No RPI or CPI annual increase over the term of the licence or at all.

Flexible pricing models for low users.

Repertoire to be better aligned (paperback/hardback – print/digital)

Remove the requirement to own print items and allow copying from Library ILL's or other legitimate source.

Remove the requirement for assigning designated person roles.

Remove the requirement to retain course readings for the duration of a course of study (e.g. module) only.

## What didn't work

Reduction of  
fee

Repertoire  
alignment

Flexible two  
tier model

Rewrite  
licence  
agreement

# The Deal – what we got

Extent limit  
increase

Result on costs

Removal of RPI /  
CPI increases

Retention of  
readings for  
duration of  
course

Designated  
persons

Update user  
guidelines

Data sharing

Reduce reporting  
overheads

Information on  
audits

## How much can I copy?

You can copy up to the following amount for each course:

1

or

10%

of the total publication

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

or

**Whichever is the greater**



## Cost of licence for 2016-19

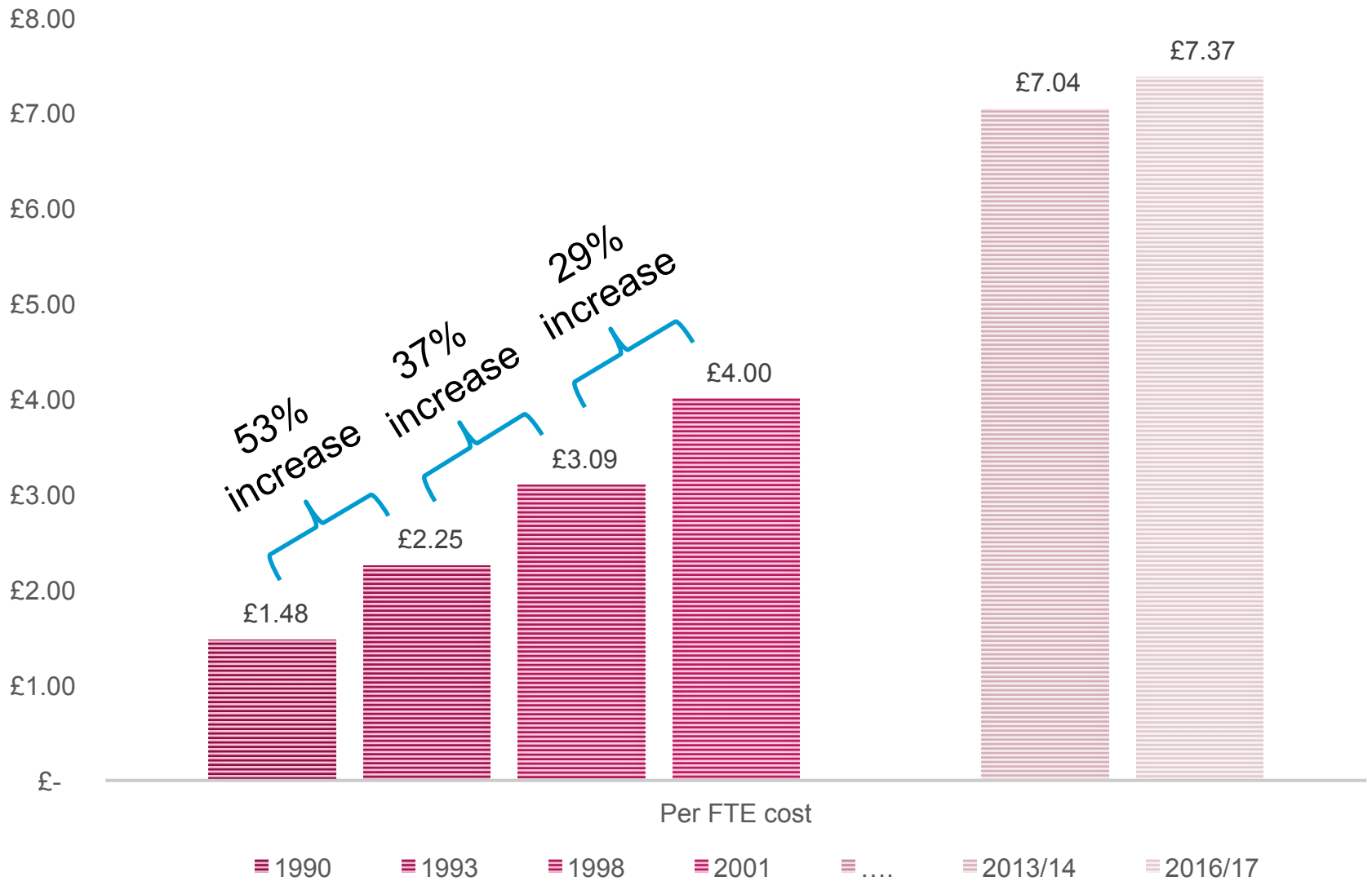
£7.37 per FTES

2.1% increase

## Cost of licence for 2016-19

**No RPI Increase**  
£7.37 per FTE  
2.1% increase  
( $>2\%$   $<4\%$ )

# PER FTE COST OF HE LICENCE



# Mid-term consolidations

Retention of  
excluded readings  
until end of  
academic year

No need to use  
latest edition

# What's still on the table

Non Credit  
Bearing  
courses (NCB)

New products  
and services

Sheet music

Arrangement  
for low users

Overseas  
Campus Based  
Students fee

Requirement to  
own original

# Non Credit Bearing Courses (NCB)

University of Kent  
Account Code: [REDACTED]

Dear Mr Morrison

## Renewal of CLA Managed Licence(s) August 2016-July 2017

We write to inform you of the Licence arrangements for the period 01 August 2016 to 31 July 2017 and to request/confirm the data which will be used to calculate the CLA Higher Education Licence and the NLA Education Establishment Licence fees.

### CLA Higher Education Licence

As you may already be aware, a new set of CLA HE licence terms and conditions will be in effect from 01 August 2016 to July 2019. We have outlined the key changes to the Licence [here](#) but you will also shortly receive an email linking to the new Licence and asking you to review and e-sign it. In order to expedite the renewals process, we also now wish to communicate the rates and data which will inform your subsequent licence fee for this year.

The rates for the CLA HE Licence for 2016-2017, are as follows:

Product	Price (+VAT)
Full Time Equivalent Student (FTES), Distance Learner (DL) and Non Credit Bearing (NCB) FTES	£7.37
Staff FTES - Commercial Research <i>This mirrors the Band A Business rate. This is linked to CPI.</i>	£46.55

In order to process your Licence invoice, we also need to confirm data from the academic year 2014-2015 for 2016-2017 invoicing.

	Product	Total	Price (+VAT)
This data has been obtained from HESA (the Higher Education Statistics Agency)	FTES	[REDACTED]	[REDACTED]
	DLs	[REDACTED]	[REDACTED]
	Staff FTES - Commercial Research	[REDACTED]	[REDACTED]
As part of the new Licence, UUK/Guild HE and CLA have agreed that NCB FTES should be re-counted and declared for this year	NCB FTES	In order to calculate your total NCB FTES divide total NCB contact hours by 300 <a href="#">see here.</a>	-

### Other CLA services

- Enhanced Higher Education Supply Service (EHES)

If you are a current customer of this service, please note a fee change. See [this page](#) for further details.

- Second Extract Permissions Service

If you are a current customer of this service, your institution should have been contacted regarding the changes to the Second Extract Permissions Service agreement. See [this page](#) for more information.

### NLA Education Establishment Licence

The following information and table should be read in conjunction with the documents available on our dedicated [NLA Education Establishment Licence page](#), particularly the [Price List and Guidance document](#).

The Licence Terms and Conditions from August 2016 have been amended so that clause 9.3, regarding the 28 day deletion of Digital Copies, has been removed. It should be noted that clause 4.4 has been added, outlining that the creation of a library/archive is not permitted. Please also note that there is a price increase on the foreign element of any Digital Additional Cover, detailed in the Price List & Guidance.



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University of Kent  
Account Code: [REDACTED]

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[CLA Higher Education Licence](#)

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NCB FTES

In order to calculate your total NCB FTES divide total NCB contact hours by 300 [see here.](#)

	Product	Total	Price (+VAT)
This Licence covers the following Education Establishments:	FTES	[REDACTED]	[REDACTED]
	DLs	[REDACTED]	[REDACTED]
	Staff FTES - Commercial Research	[REDACTED]	[REDACTED]
	NCB FTES	In order to calculate your total NCB FTES divide total NCB contact hours by 300 <a href="#">see here.</a>	-

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# Non Credit Bearing Courses (NCB)

## Notes

1. The NCB figures you provide should reflect the participation of each student on any type of course or module you deliver that is **not** included in your annual return to HESA (in either the Student Record or in the Aggregate Offshore Return) for students on credit bearing courses.
2. Examples of Non Credit Bearing courses include 'Courses for the Public', Continuing Professional Development, (CPD), Executive Short Courses etc.
3. The sum total Contact Hours should reflect each student's participation in each Non Credit Bearing course delivered – notwithstanding that an individual student might be enrolled on both a credit and on a Non Credit Bearing course.
4. Where an individual student is enrolled on more than one NCB course, the sum total headcount should reflect participation on each course (i.e. same student takes two NCB modules counts as 2)
5. Estimated figures should not be provided.
6. For the purpose of your licence fee calculation, the FTES-based figure is derived by dividing the total NCB contact hours by 300.

# Other CLA services

The screenshot shows the CLA Higher Education website. The header includes the CLA logo (The Copyright Licensing Agency) and the text 'HIGHER EDUCATION'. A navigation bar contains links: HOME, HIGHER EDUCATION LICENSING SERVICES, COMPLYING WITH YOUR LICENCE, COPYRIGHT AND HIGHER EDUCATION, CHECK PERMISSIONS, and GET IN TOUCH. A search bar is located on the right. The main content area is titled 'DIGITAL CONTENT STORE'. A sidebar on the left lists services: Higher Education Licensing Services, CLA Higher Education Licence, Second Extract Permissions Service, PackTracker and HERON services, Enhanced Higher Education Supply Service (EHESS), Overseas Campus-Based Students Pilot, and Digital Content Store. The main content area includes a breadcrumb trail: 'You are here: Higher Education licensing services > Higher Education Licensing Services > Digital Content Store'. Below this is a section titled 'About the Digital Content Store' with the text: 'We've modernised the Higher Education Licence. Working with higher education institutions (HEIs), publishers and technology partners we have developed an optional innovative cloud platform that combines a searchable repository of digitised book and journal extracts with an online workflow management tool.' An illustration of a person using a computer is shown. A video player at the bottom shows a video titled 'About the Digital Content Store' with a duration of 01:46.

<http://he.cla.co.uk/your-he-licence/your-he-licence/digital-content-store/>

The screenshot shows the CLA Higher Education website for the Second Extract Permissions Service. The header includes the CLA logo and the text 'HIGHER EDUCATION'. A navigation bar contains links: HOME, HIGHER EDUCATION LICENSING SERVICES, COMPLYING WITH YOUR LICENCE, COPYRIGHT AND HIGHER EDUCATION, CHECK PERMISSIONS, and GET IN TOUCH. A search bar is located on the right. The main content area is titled 'SECOND EXTRACT PERMISSIONS SERVICE'. A sidebar on the left lists services: Higher Education Licensing Services, CLA Higher Education Licence, Second Extract Permissions Service, Existing Customers, Prospective Customers, PackTracker and HERON services, Enhanced Higher Education Supply Service (EHESS), Overseas Campus-Based Students Pilot, Digital Content Store, and NLA Education Establishment Licence. The main content area includes a breadcrumb trail: 'You are here: Higher Education licensing services > Higher Education Licensing Services > Second Extract Permissions Service'. Below this is a section titled 'A TIME-SAVING SERVICE FOR OUR CUSTOMERS' with the text: 'If you wish to copy beyond the limits of the Licence, why not follow the steps below to find out more about our Second Extract Permissions Service.' A quote from Sharon Cocker, Learning Resources Section, University Library, University of Sheffield, states: 'We have found the CLA Second Extracts Permission Service very easy to use. The 'traffic light' system clearly shows whether a second extract is available and it is useful to be able to check the price before committing to the purchase.' Below the quote is a section titled 'What is the Second Extract Permissions Service?' with the text: 'Currently, with a CLA Higher Education Licence a university can copy a limited extract from a published work – the 'first extract' – e.g. a single chapter from a book or 5%. The Second Extract Permissions Service is a new service that offers universities the option to buy permission to copy and use an additional amount – a 'second extract' – e.g. another chapter from the book or another 5%. Up to now, additional permissions such as this were available via often costly third-party agents or by dealing with the publisher directly which can be a time-consuming process with uncertain results. We have worked with rightsholders to be able to offer this streamlined service that helps university staff to use additional content as and when they need it.' Below this is a section titled 'Now we have made the Service even better' with the text: 'We are delighted to announce that subject to the successful conclusion of the trial period in August 2016 we have been able to make some further improvements to the Service.' A list of improvements is provided: 'Service to continue following end of trial period', 'Extent limits to increase from 5% to 10% of the publication', and 'Existing customers will need to re-sign for the new service'.

<http://he.cla.co.uk/your-he-licence/your-he-licence/second-extract-permissions-service/>

# CLA Licence 2016

HE Requests	CLA Response
<p>Increased Extent Limits</p> <ul style="list-style-type: none"> <li>• 15% or one chapter from a book whichever is the greater; ,</li> <li>• 15% or two articles from a journal issue (especially where they are on the same subject), whichever is greater.</li> <li>• for anthologies, poems and short stories</li> <li>• Greater limits for out of print or hard to obtain publications</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum of 10% or.....whichever is the greater for all publications.</li> <li>• Publishers not prepared to increase number of articles, the 10 page limit or limit for copying out of print or rare publications at this time, but CLA will continue to negotiate</li> </ul>
Reduction in the licence fee.	£0.15 per FTE fee increase agreed based on improvements to the licence (approx. 2.1%).
No RPI or CPI annual increase over the term of the licence or at all.	Agreed no RPI or CPI annual increases (which varied from 2-4% p.a).
Flexible pricing models for low users.	CLA and HE DCRWG continue to meet to explore solutions.
Repertoire to be better aligned (pbk/hbk – print/digi)	CLA will continue to negotiate new mandates with Rightsowners.
Remove the requirement to own print items and allow copying from Library ILL 's or other legitimate source.	No agreement this time.
Remove the requirement for assigning designated person roles.	Assignment of designated persons no longer required (although all staff scanning under the licence must be trained in and agree compliance with the licence terms and requirements).
Remove the requirement to retain course readings for the duration of a course of study (e.g. module) only.	Course reading may be retained/available for the duration of the course/degree programme.