

# COPYRIGHT THE CARD GAME



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# **OPYRIGHT THE CARD GAME**

Copyright the Card Game v3.0

by Chris Morrison & Jane Secker

Full instructions available at  
[copyrightcardgame.com](http://copyrightcardgame.com)

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v3.0 graphic design by Steve Roberts

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## Risk

(5 cards – turquoise)

R1: 0, R2: 1, R3: 2, R4: 3, R5: 4, R6: 5

# Instructions

Thank you for choosing Copyright the Card Game,  
we hope you like it!

Copyright the Card Game is an open educational resource for introducing people to UK copyright law. It explores the relationship between licences and copyright exceptions with a focus on education, libraries and the cultural heritage sector. However, it is also suitable for playing with anybody who has an interest in understanding copyright in practice.

It is a team game, playable with up to 6 teams of 2-8 players (i.e. a comfortable maximum of 48 in total) and it takes between 1.5-3 hours to play depending on the size of the group (larger groups take longer) and amount of time for discussion.

The game uses five suits of cards, which are listed on the Index card for reference. The game is played in four rounds and the facilitator uses a set of PowerPoint slides to structure the game which can be downloaded from [copyrightcardgame.com](http://copyrightcardgame.com). The slides contain a series of scenarios presented to the players, who then select from the cards those which they think apply. Rounds 1-3 use just one corresponding suit of cards, whereas Round 4 requires the team to use all 5 suits of cards to identify the copyright work, the usage that is taking place, if there is a licence or exception that applies and the associated level of risk.

# Instructions

**Round 1: Works.** This round requires several props (such as books, DVDs, musical scores) which each team are given in order to identify the type of copyright work. Each team is given a different prop in this round and asked in turn to explain their selection of cards.

**Round 2: Usages.** Teams are asked to decide from the scenario on the slide what type of use is taking place and use their Usage cards to select the correct answer.

**Round 3: Licences.** Teams are asked to decide from the scenario on the slide which type of licence might be suitable for the activity being undertaken. They use the Licence card to select the correct answer.

**Round 4: Exceptions.** Teams are given all five suits of cards and a more complex scenario where they identify the works, usages, licence and exception that apply and the level of risk.

**Scoring:** points are awarded at the end of each round to the team that most accurately answers the question by selecting the right cards. Model answers are provided on the PowerPoint slides, however points can also be awarded at the discretion of the facilitator for answers that display a good understanding of copyright. The facilitator should keep track of team's progress on a scoreboard and award a small prize (e.g. a box of chocolates) to the winning team.

# Literary



**Protects:** The creative 'ordering of words'.

**Examples:** Books, journals, poems, lyrics, letters, diaries, legal documents, oral histories, emails, blogs, software.

**Duration:** Published – usually 70 years following death of author; Unpublished – either 70 years from death of author or 31 Dec 2039 (whichever is later).

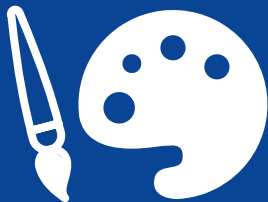
W1

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# W Works

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# Artistic



**Protects:** Creative 'visual' works.

**Examples:** Paintings, drawings, sketches, sculptures, photographs, maps, logos, charts, graphs.

**Duration:** Published - usually 70 years following death of author; Unpublished - either 70 years from death of author or 31 Dec 2039 (whichever is later)  
Photographs from 20th century - differing durations.

W2

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# Musical



**Protects:** The creative ordering of musical notes, or 'combination of sounds for listening to'.

**Examples:** Pop songs, symphonies, jingles, film scores, arrangements of folk songs.

**Duration:** Published - usually 70 years following death of author; Unpublished - *either 70 years from death of author or 31 Dec 2039 (whichever is later).*

**Note:** The copyright in a piece of music is separate from the copyright in a sound recording of that music.

W3

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# W Works

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# Dramatic



**Protects:** Dialogue and stage directions in a performed work, or an act of dance or mime.

**Examples:** Plays, film scripts, ballets, revues.

**Duration:** Published / performed - usually 70 years following death of author;  
Unpublished/unperformed - *either* 70 years from death of author *or* 31 Dec 2039 (whichever is later).

W4

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# W Works

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# Broadcast



**Protects:** The broadcasting of audio and audio-visual material. This is a separate right from the copyright in the film or sound recordings that are being broadcast.

**Examples:** Any radio or television transmission made by electronic means, but not an internet transmission.

**Duration:** 50 years from the year when first broadcast.

W5

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# W Works

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# Sound Recording



**Protects:** Recording of sound in any 'fixed form'.

**Examples:** Musical recordings, film and TV soundtracks, oral history, recordings, recordings of public speeches.

**Duration:** 70 years from the year of release, or 50 years from the year of creation (if unreleased).

**Note:** Many sound recordings include underlying musical, dramatic or literary copyright works.

W6

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# W Works

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# Film



**Protects:** Audio-visual recordings.

**Examples:** TV programmes, movies, home videos, filmed animation.

**Duration:** 70 years following the death of the last to die from:

- the director
- author of the screenplay
- author of the dialogue or
- composer of music specifically created for the film.

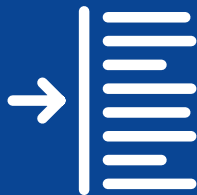
W7

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# W Works

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# Typography



**Protects:** The typographical layout of a published edition.

**Examples:** The typeset appearance of published books, newspapers and journals.

**Duration:** 25 years from publication.

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# Public Domain



When copyright in a work expires, or has been waived by the copyright owner, it passes into the 'public domain', and it can be used without permission.

**Protects:** No copyright protection applies to the work.

**Examples:** Any published, creative work where the author died more than 70 years ago. Any work where the author has waived their copyright with a Creative Commons Zero (CC0) dedication.

W9

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# W Works

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# Database



**Protects:** Databases can be copyright literary works, or protected by EU database rights (known as *sui generis*).

**Examples:** Directories, commercial databases, scientific research datasets.

**Duration:** 15 years from the year of creation, or the last time the database was updated.

W10

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# W Works

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# Moral Rights



**Protects:** The author's rights in a work as his or her 'spiritual child'. Includes the right to be named as author and not to have the work treated in a derogatory manner.

**Examples:** The assertion in the front of a book - e.g. "JK Rowling has asserted her right to be identified as the author of this work"

**Duration:** In the UK moral rights have the same duration as the copyright work, except for the right of false attribution which lasts for 20 years after the person's death.

W11

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# W Works

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# Performance



**Protects:** Musical or dramatic performances as fixed in a film or sound recording.

**Examples:** Acting, musical performance, lecture, public recital or presentation.

**Duration:** 70 years from the year of release or 50 years from the year of performance (if unreleased).

**Note:** Although it is open to debate, many educational establishments assume it is likely that recordings of lectures qualify as performances.

W12

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# W Works

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# Non Qualifying



**Protects:** There is no copyright protection for something that is not a 'fixed' expression of human creativity.

**Examples:** An idea that is not written down, a natural occurrence, a matter of fact, an abstract concept (e.g. love)

**Duration:** There is no copyright, so no duration of copyright.

W13

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# W Works

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# Crown Copyright



**Protects:** Copyright material created under direction or control of His/Her Majesty or a government department.

**Examples:** Acts of Parliament, government reports, databases produced by government agencies.

**Duration:** Various durations apply\*, but typically copyright of published works lasts 50 years from publication and unpublished last for 125 years from creation.

**Note:** Contrasts with situation in the US where government works pass immediately into the public domain.

\* See [nationalarchives.gov.uk](http://nationalarchives.gov.uk)

W14

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# W Works

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# Copying



**Definition:** Reproduction of a substantial part of a copyright work in any material form including by electronic means.

**Examples:** Making a photocopy, downloading a copyright work, copying to a digital storage device, making a hand-drawn facsimile, reproducing recordings of a musical work, taking photographs of certain types of copyright work (e.g. a photograph of a painting).

U1

 COPYRIGHT  
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U

Usages

# Issuing copies to the public



**Definition:** Putting tangible copies of products containing copyright works into circulation. Largely synonymous with 'publishing'.

**Examples:** Publishing a book or journal, distributing sound recordings, selling copies of a film.

**Does not include:** Making digital copies of works available online (see Communication to the Public).

U2

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U

Usages

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# Rental or lending to the Public



**Definition:** Making copies of most type of copyright work temporarily available to the public for either economic or non-economic advantage.

**Examples:** Renting computer games, lending books from a library.

**Does not include:** Making available for the purpose of performing, playing or showing in public.

U3

 COPYRIGHT  
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U

Usages

# Performing, Showing, Playing in Public



**Definition:** The performance or showing of certain types of work in public.

**Examples:** Delivery of lectures, addresses, speeches or sermons, musical performances, dramatic performances, playing of sound recordings and films.

**Note:** The exhibition of artistic, literary or musical works (e.g. putting a book or musical score on display at a museum) is not a public performance.

U4

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U

Usages

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# Communication to the public



**Definition:** Communication of copyright works to the public by electronic transmission. It means that both broadcast and online transmissions are subject to copyright law.

**Examples:** Use of copyright works in broadcasts, websites, podcasts, social media services, blogs, VLEs.

**Caution:** The definition of 'public' does not necessarily have to be the general public. E.g. making material available on a closed intranet still involves a 'public' communication.

U5

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U

Usages

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# Adaptation



**Definition:** Adapting a pre-existing copyright work and recording it in writing or other 'fixed' format.

**Examples:** Translating a literary work, altering a photograph, remixing a sound recording or film, 'porting' computer software from one language to another.

U6

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Usages

# CLA Licence



**Usages Covered:** Provision of multiple copies (digital and print) of extracts from published books.

**Repertoire:** The majority of published books and journals, magazines, digital publications, conference and legal proceedings. Artistic works embedded within these.

**Exclusions:** Titles specifically excluded, sheet music, maps and charts, newspapers, workbooks.

**Note:** Licences are available for different sector\* organisations.

*\*See [cla.co.uk](http://cla.co.uk) for more details on licences and exclusions.*

L1

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# NLA\* Media Access



**Usages Covered:** Copying of newspaper and magazine articles for authorised users in paper or digital form.

**Repertoire:** Articles published by participating newspaper and magazine publishers.

**Exclusions:** NLA do not licence journals and magazines in education (see CLA licence). Some newspapers do not participate in the NLA scheme e.g. Financial Times.

*\*NLA stands for Newspaper Licensing Agency - see [nlamediaaccess.com](http://nlamediaaccess.com)*

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ERA\*



**Usages Covered:** Educational use of broadcast recordings within the UK.

**Repertoire:** Recordings of Free-to-air broadcasts and copyright material within them.

**Exclusions:** Content that is not free to air. Users based outside the UK.

**Note:** The ERA licence covers use of Box of Broadcasts and Planet eStream

*\*Educational Recording Agency - see [era.org.uk](http://era.org.uk)*

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# Filmbank / MPLC\*



**Usages Covered:** Public performances of Films not covered by educational exceptions.

**Repertoire:** Some, but not all feature films. The majority of films are not covered by blanket licence schemes.

**Note:** Screening films for educational purposes does not usually require a licence. Check whether usage is covered under exceptions.

*\*Motion Picture Licensing Company*

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# Library E-resources



**Usages Covered:** Dependent on licence agreement – usually allows access by authorised users.

**Repertoire:** Specific to the licence agreement.

**Examples:** Jisc Collections, NESLi2, EBCSCO and Proquest licences. Direct deals with publishers.

**Exclusions:** Although e-resource licences restrict certain usages, there may be exceptions which allow them. Check the exception has a contract override.

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# Creative Commons\* Licences



**Usages Covered:** Allows free copying and distribution of content, and depending on the nature of the licence may allow users to adapt or commercialise the work.

**Repertoire:** By 2017 there were 1.4 billion Creative Commons-licensed works.

**Caution:** Anyone can apply a CC licence to a work - check your sources.

*\*See [creativecommons.org](https://creativecommons.org)*

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# 'Bespoke' Permission



**Usages Covered:** It is sometimes possible to negotiate a bespoke arrangement directly with the rights holder. This is particularly relevant in cultural or educational digitisation projects.

**Repertoire:** The content needs to be specified at the point of negotiation.

**Caution:** Negotiating rights clearance is often time consuming and costly. Ensure this is factored into any project you undertake.

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# Website Terms & Conditions



**Usages Covered:** This depends on the website.

**Repertoire:** This depends on the website and its terms and conditions – there is unlikely to be a single owner of all content on one site.

**Caution:** It is unwise to copy or reuse material taken from a website on the basis that the terms and conditions are unclear or non-existent. It remains the end user's responsibility to clear copyright and assess risk.

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# IPO Orphan Works Licence



Intellectual  
Property  
Office

**Usages Covered:** Range of commercial and non-commercial uses for 7 years (UK Government scheme).

**Repertoire:** All orphan works subject to diligent search.

**Caution:** The orphan works licence requires a 'diligent search' on a work by work basis so is not suitable for mass digitisation projects.

**Note:** see [www.gov.uk/guidance/copyright-orphan-works](http://www.gov.uk/guidance/copyright-orphan-works)

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# You own the copyright



**Usages Covered:** As owner of the copyright in the work you are permitted to make any use of it that you see fit.

**Caution:** You should check whether anybody else has a claim to the copyright in the work. If you have created the work as an employee, your employer will own the work. If you have used material created by others (e.g. a chart or image) it is likely you will need permission from the owner. Always discuss copyright with any collaborators early on.

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# You made it as an employee



Under UK law, employers own copyright in anything you create as part of your job.

**Usages Covered:** Whatever has been agreed as part of your employment or partnership arrangement.

**Example:** Training materials you create as part of your day job.

**Caution:** Disputes arise when parties look to use copyright material in ways not agreed with employers / partners.

L11

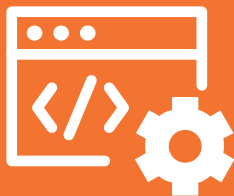
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# Software Licences



**Usages Covered:** Allows software to be installed and run on authorised devices by authorised users.

**Example:** Operating systems, maths and stats packages, algorithms behind self-driving cars.

**Caution:** Free to download software may not be free to use within an organisation - check the licence.

**Note:** Some software is open source meaning the code can be shared, some is 'proprietary' meaning it is locked down and controlled.

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# Open Govt Licence\*



**Usages Covered:** Any kind of use and re-use, both commercial and non-commercial, provided the source is acknowledged. Compatible with CC-BY, the most permissive Creative Commons Licence.

**Repertoire:** Most Crown Copyright works of all kinds with some exclusions such as material used for commercial purposes (e.g. Ordnance Survey maps).

**Exclusions:** In addition to excluded works, does not apply to re-use of Royal Arms, official logos or insignia unless they are integral to the material being used.

*\*See [nationalarchives.gov.uk](http://nationalarchives.gov.uk)*

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# PRS *for* Music and PPL



**Usages Covered:** Copying, public performance, communication to the public and distribution of musical works and sound recordings. E.g. broadcasting, playing music in a bar, running online music services, pressing music CDs.

**Repertoire:** PRS for Music represent composers and song writers (musical works). PPL represent music producers and performers (sound recordings).

**Note:** Although they are separate organisations with different memberships, PRS for Music and PPL have started working together to simplify music licensing in a number of areas.

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## S.29 Research or Private Study



**Definition:** Allows individuals to make fair dealing copies such as limited extracts of copyright works for non-commercial research or private study.  
No contractual override.

**Types of work:** All copyright works including sound recordings and films.

**Examples:** A researcher makes a single copy of a chapter from a book at her institutional library for her own reference.

E1

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E

Exceptions

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# S.29A Text & Data Mining



**Definition:** Allows computational analysis of lawfully acquired digital content for the purposes of non-commercial research.  
No contractual override.

**Types of work:** All copyright works including sound recordings and films.

**Examples:** A researcher runs algorithms against lawfully subscribed-to databases to determine the relationship between a particular gene and a particular type of cancer.

E2

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E

Exceptions

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# S.30 Quotation



**Definition:** Allows 'fair dealing' usage of quotations for any purposes including 'criticism and review'. Also covers news reporting. No contractual override.

**Types of work:** Any copyright work which has been made publicly available, except photos cannot be used for news reporting.

**Examples:** A student quotes from the published works of a 20th century playwright on whom she is writing an essay.

E3

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E

Exceptions

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# S.30A Caricature, Parody or Pastiche



**Definition:** Allows 'fair dealing' use of existing works in a spirit of mockery, humour or social commentary. No contractual override.

**Types of work:** Any copyright work

**Examples:** A film maker creates a mashup video using parts of political speeches for satirical effect.

**Note:** It is possible to use the parody exception to satirise the work itself, as well as use the work to satirise something else.

E4

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E

Exceptions

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## S.31 Incidental Inclusion



**Definition:** Allows copyright works to be incorporated in artistic works, sound recordings films or broadcasts if the use is 'incidental'.

**Types of work:** Any copyright work can be used, but deliberate use of musical works is not regarded as 'incidental'.

**Examples:** A TV news report shot on location in an art gallery. A radio interview recorded on the street where a car drives past with the radio on.

**Note:** This exception was found not to cover reproduction of team logos on football strips in a sticker album.

E5

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E

Exceptions

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# S.31A-F

## Accessible Copying



**Definition:** Allows copying to provide equal access to copyright works for users with any type of physical or mental disability. No contractual override.

**Types of work:** Any work which which needs to be converted to a suitably accessible format.

**Examples:** A university scanning textbooks for a visually impaired student and retaining them in a 'closed' repository for future use.

E6

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E

Exceptions

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# S.32

## Illustration for Instruction



**Definition:** Allows limited, non-commercial 'fair dealing' use of copyright material for the purposes of teaching and examination. Applies to both teachers and students. No contractual override.

**Types of work:** All copyright works.

**Examples:** Insertion of copyright images into educational PowerPoint slides. 'Fair' access these via a Virtual Learning Environment (VLE).

E7

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E

Exceptions

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# S.34

## Educational Performance



**Definition:** Allows any copyright work that can be performed, played or shown in an educational setting, to be performed, played or shown.

**Types of work:** Literary, dramatic or musical works can be performed. Sound recordings can be played and films can be shown.

**Examples:** Screening of film in lecture, playing music recording in class, performance of play within educational institution (i.e. not for external audience).

**Note:** This exception does not cover screening of films by film societies.

E8

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E

Exceptions

# S.35 Recording of Broadcasts



**Definition:** Allows recording of broadcasts by or on behalf of educational establishments for non-commercial purposes. Only applies where no licensing scheme (i.e. ERA) available.

**Types of work:** Free to air broadcasts and the copyright material within.

**Examples:** Recordings made on video recorders and retained for educational purposes.

E9

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E

Exceptions

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# S.36 Educational copying of Extracts



**Definition:** Allows copying and use of multiple copies of extracts from copyright works. Only applies where no licensing scheme (i.e. CLA) is available.

**Types of work:** Up to 5% of a work (other than a broadcast or standalone artistic work) per institution within a 12 month period.

**Examples:** Use of works not in CLA repertoire in a VLE.

**Caution:** It can be difficult to track institutional compliance with this exception.

E10

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E

Exceptions

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# S.40B Dedicated Terminals



**Definition:** Allows libraries, educational establishments, museums and archives to digitise collection items and make them available on site for research via 'dedicated terminals'.

**Types of work:** Any copyright work, subject to purchase or licensing terms.

**Examples:** Fragile collection of correspondence made available digitally at a library.

E11

 COPYRIGHT  
THE CARD GAME

E

Exceptions

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## S.41 Library to Library Copying



**Definition:** Allows supply of copies of the whole or part of any published work from one library to another non-profit library.  
No contractual override.

**Types of work:** Either:

- a) single journal articles, or
- b) the whole or part of another publication, on condition that the librarian cannot find the rights holders.

**Examples:** A library requesting replacement copies from other libraries to add to their collections.

E12

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THE CARD GAME

E

Exceptions

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## S.42 Library Preservation



**Definition:** Allows libraries, archives and museums to make copies of items in their permanent collection. No contractual override.

**Types of work:** All types of copyright work as long as they are not publicly accessible or available on loan to library/archive users.

**Examples:** Oral histories recorded on reel to reel tape can be digitised and backed up in multiple locations.

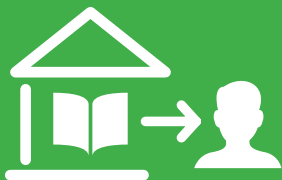
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Exceptions

# S.42A Library Copying for Users



**Definition:** Allows libraries to make a single copy of reasonable proportions of copyright works for their users for non-commercial research and private study. Users must make a declaration in writing. No contractual override.

**Types of work:** All copyright works, but 'reasonable' proportion difficult to judge for non-textual material.

**Examples:** Interlibrary document supply.

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Exceptions

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## S.43 Library Copying of Unpublished Works



**Definition:** Allows librarians to make a single copy of whole or a part of an unpublished work for their users for non-commercial research and private study.

**Types of work:** Any work as long as it was not published prior to deposit in the library and the rights holder has not prohibited copying. Library users must make a declaration in writing.

**Examples:** A librarian makes copies of archival material available to a researcher.

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# S.44B Orphan Works



**Definition:** Allows non-commercial, online use of orphan works by cultural and educational organisations subject to a diligent search. Searches must be recorded on the EU Intellectual Property Office orphan works database.

**Types of work:** All text and audio-visual works, but not artistic works unless embedded in a larger textual or audio-visual work.

**Examples:** Museum makes a small number of archival documentary films available on its website.

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# S.45-50 Public administration



**Definition:** Allows copyright works to be copied for the purposes of Parliamentary or judicial proceedings including royal commissions or statutory inquiries.

**Types of work:** All copyright works whether published or unpublished.

**Examples:** A government library is asked to supply an entire copy of a company annual report relevant to new legislation being considered in Parliament.

**Note:** Multiple copying is allowed but once the court proceedings or public inquiry ends no further copies can be made.

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