



# The Educational Recording Agency



*enhancing the learning experience*

## CNAC Copyright Summer Event

9<sup>th</sup> September 2019

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# The basics of the ERA Licence

- University licences run annually from 1 August to 31 July
- Tariff agreed with the Higher Education Copyright Negotiating and Advisory Committee (CNAC) and published on ERA's website
- Tariff for 2019-20 set at £2.40 per full-time student. This has remained fixed since 2017/18
- Part-time students charged at 35% of full tariff
- Licence fees calculated using student data supplied by HESA

# What does the ERA Licence allow?

- Showing copies of clips or whole programmes for educational purposes
- Accessing recordings via an approved third party such as BoB, ClickView or Planet eStream
- Using clips from broadcasters' websites and on-demand services
- Sharing programmes on VLEs
- Embedding clips in presentations
- Accessing ERA licensed material on or off-site in the UK

# Enhancements to the ERA Licence

- ERA is working to increase the volume of broadcast content produced by its Members that can be readily accessed by its licensees by:
  - Supporting plans by cultural heritage institutions such as the BFI and British Library to digitise and make available their archives of broadcast content for educational use as approved third parties
  - Working with the BBC to facilitate wider access to its vast programme archives
  - Extending the ERA Repertoire to recordings of programmes and clips that pre-date the ERA scheme
- ERA is also helping facilitate access, recording and storage of broadcast materials for those institutions that do not subscribe to approved third party services by:
  - Offering curated links to thousands of broadcast resources through the ERA website ([www.era.org.uk](http://www.era.org.uk))
  - Exploring ways of ensuring programmes of significant educational value are accessible on a permanent basis

# ERA currently operates within a number of constraints

- ERA was set up by rightsholders in response to the educational exception created under s35 of the Copyright, Designs & Patents Act (1988) allowing for copying of television and radio broadcasts by educational establishments for educational use but requiring a licence where a licensing scheme exists
- ERA's Members mandate their rights for use under the terms of s35
- ERA thus operates within very clear parameters as to what constitutes ERA Recordings and how they can be used:
  - Broadcast programming only
  - Recordings made only in the UK
  - UK access only
- We recognise that some of these limitations can be frustrating for our licensees

# ERA is adapting to overcome these constraints

- ERA Members recognise that ERA is operating in a rapidly changing audio-visual market place and a globalising higher education sector. They understand that to better meet the needs of licensees ERA should seek to extend licensing beyond s35 of the CDPA
- The Board is currently reviewing ERA's governance documents and the rights Members mandate to ERA with a view to enabling it to license the recording of a wider range of audio-visual materials for a broader range of educational purposes

# Allowing offshore access to the ERA Repertoire

- ERA fully recognises that the value of the ERA Licence to the HE sector would be enhanced by allowing access to ERA Recordings by:
  - UK-based students while travelling overseas
  - Off-shore students studying for a qualification from a UK HEI
- The ERA Board has agreed in principle to allow access on condition that:
  - Recordings cannot be made overseas but only in the UK
  - Access to recordings is through secure UK-based university networks
  - A pilot study in 2019-20 organised by Learning on Screen with the overseas campus of a British university does not raise any unforeseen challenges
- Agreement has been reached with CNAC that:
  - The cost of the licence shall remain at £2.40 per FTE for a further three years
  - If during this period ERA is able to extend the licence terms to include students registered for qualifications of UK HEIs but based outside the UK, the tariff will increase to £2.45 per FTE

# Other extensions of licensing beyond s35

Areas where ERA is exploring extending access to audio-visual content beyond s35 include:

- BBC World Service programmes broadcast outside the UK
- Podcasts and streamed content
- Licensing cultural heritage institutions to make out-of-commerce work available to the public to enable them to make their archives more widely available for private study and research



# Contact details

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