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L

Licences

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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 for more details on licences and exclusions.*

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*

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*

Filmbank / MPLC*



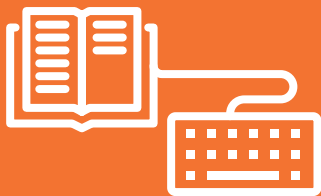
Usages Covered: Public performances of Films not covered by educational exceptions.

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*

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.

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*

'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.

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.

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

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.

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.

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.

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*

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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Exceptions

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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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

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.