

# **The Copyright Licensing Agency Higher Education Photocopying and Scanning Licence (1 August 2008 to 31 July 2011)**

## **Background**

With effect from 1st August 2008 the University of the West of England has signed a licence agreement with the Copyright Licensing Agency. The new Photocopying and Scanning Higher Education Licence permits the University to make multiple photocopies, and scan extracts from printed books, journals and magazines for delivery to a cohort of students enrolled on a UWE course of study/module, as follows:

- Multiple photocopies of limited extracts sourced from printed books, journals and magazines (paper-to-paper).
- Digital Copies of limited extracts scanned from printed books, journals and magazines that may be stored in a course repository, downloaded and printed out (paper-to-digital-to-paper).

The full licence agreement can viewed on the CLA's website as follows:  
[http://www.cla.co.uk/assets/357/he\\_uuk\\_photo\\_scanning.pdf](http://www.cla.co.uk/assets/357/he_uuk_photo_scanning.pdf)

## **Who is covered by the Licence**

All University of the West of England staff and students are covered by the Licence (including Distance Learning Students). The University must report all items scanned under the terms of the licence on an annual basis to the CLA. For this reason Library Services will be administering the reporting of digital copying and collect the relevant information from those faculties and services undertaking their own scanning.

## **Conditions applying to photocopying**

The licence permits the making of multiple paper copies for class use, and on-copying from paper copies. The following limitations apply:

- i. The licence covers original published editions of books, loose-leaf works, law reports, periodicals and journals in which copyright subsists published in the mandating territories which include: UK, USA, Canada, many countries in Europe etc. The full list is available on page 5 of the Licence on the CLA web site [http://www.cla.co.uk/assets/357/he\\_uuk\\_photo\\_scanning.pdf](http://www.cla.co.uk/assets/357/he_uuk_photo_scanning.pdf)
- ii. Material itemised on the Excluded Categories and Works List [http://www.cla.co.uk/licenceinformation\\_listofexcludedcategoriesandexcludedworks.php](http://www.cla.co.uk/licenceinformation_listofexcludedcategoriesandexcludedworks.php) is not covered by the licence.

- iii. The University of the West of England must own an original published version or at least a copyright fee paid copy of the item being copied
- iv. The number of copies made must not exceed the number required for every student on a course of study and each person teaching it to have a copy.
- v. The amount copied from a publication, for a particular course of study/module, must not exceed the following limits, either separately or over the period that the course is being taught:
  - o 5% of the whole publication OR
  - o One chapter from a book
  - o One article from a serial, issue or paper from a conference proceedings
  - o One story or poem (not exceeding 10 pages in length) from an anthology of short stories or poems
  - o One report of a single case from an issue of published law reports

Whichever is the larger.

## **Conditions applying to scanning**

The licence permits the scanning of an extract from an original work, and making it available to students enrolled on a particular course of study, for the duration of that course of study. The following limitations apply:

- i. For the purposes of scanning, the licence only covers items published in the UK and USA. Some American publishers are excluded from the licence and these are listed on the CLA web-site [http://www.cla.co.uk/us\\_excluded\\_publishers.php](http://www.cla.co.uk/us_excluded_publishers.php)
- ii. Material itemised on the general Excluded Categories and Works List (see above as for photocopying) and the Works Excluded from Scanning under the Terms of HE Licence List [http://www.cla.co.uk/licenceinformation\\_he\\_scanning.php](http://www.cla.co.uk/licenceinformation_he_scanning.php) is not covered by the licence.
- iii. Digital copies must only be accessible via secure authentication and only students enrolled on the course of study for which it was made are permitted to download or print a copy.
- iv. The amount being scanned should not exceed the amounts as for photocopying above
- v. The digital copies created must carry a cover sheet (available from the Library) with a Copyright Notice and attribution to the Licence.
- vi. Details of all items scanned must be submitted to the CLA on an annual basis. For this reason only certain staff (designated employees) are authorised to undertake scanning under the licence. Faculties/Services scanning copyright material must report all scanned items to the Library for inclusion in the CLA return.
- vii. Any item infringing the terms of the licence must be deleted from institutional servers as soon as we are notified by the CLA.

# **What the Licence allows**

## **Academic staff**

Within the limitations detailed above, staff can make enough photocopies for each student on a particular course of study, and anyone teaching it, to have a copy.

Alternatively, having received permission from the people designated under the license, Academic staff can make digital copies of Licensed Material and place them in a Course Collection on a secure network, for students on a particular course of study. Access to the secure network should be controlled by a process of authentication that identifies each user at the time of login. This definition would include mounting a scan of a licenced extract in a module on Blackboard. A back-up digital copy can also be held on the Secure Network so that it can be retrieved for addition to another Course Collection for another course of study/module. Staff wishing to digitise eligible copyright material should use the Library Digitisation Service, <http://www.uwe.ac.uk/library/info/academic/digitise.htm>

## **Designated Person**

This means any employee designated by the Licensee for the purposes of making, or causing the making of, Digital Copies and placing them on Course Collections; such designation need not be by name but may be by specifying the person or persons holding an office or status, which may extend to categories such as all permanent teaching staff, or all persons responsible for convening a Course of Study. In effect this means that any member of staff can scan copyright material under the terms and conditions of the licence.

## **Students**

Users registered on the course of study/module for which the material is intended can download a digital copy, print it out and retain an electronic copy for the duration of the course.

## **Overseas Students**

Copies made under the terms of the Licence may be sent outside the United Kingdom to Distance Learners based overseas provided that these copies are not on-copied further. Each overseas Distance Learner is responsible for complying with all local laws.

## **Visually Impaired People**

An accessible copy of part or whole of an original work may be made for the benefit of a visually impaired person. Such an accessible copy may be in digital or audio format, large or small print or may be in an embossed format such as Braille or Moon. Accessible copies made in digital format may also include navigation facilities and any other changes such as enlargement, reduction or colour selection of text or illustrations to facilitate access by the person for whom it is intended.

## What the Licence does NOT allow

- Licenced copies must not be sold or hired except that a charge can be made to recoup but not exceed the cost of making a paper copy.
- The limits described above must not be exceeded for a particular course of study/module by aggregation.
- A copy should not be made by scanning where a digital copy is already available and reasonably accessible commercially.
- Except where permitted under law and by Clause 10 of the Licence for the purposes of assisting access by a visually impaired person, the structure, layout, authenticity and integrity of the original must not be altered in the making of the digital copy.
- Digital copies must not be made publicly accessible on the Internet but must only be accessible with Secure Authentication.
- The Licence does not authorise scanning by staff or students for their own private study or research or any purpose other than making Digital copies available to Course Users. While there are exceptions to the law that permit student photocopying/scanning for private research and study, this type of copying cannot fall under the CLA licence (which permits copying only with specific reference to a course of study).
- Digital copies may not be stored, or systematically indexed, with the intention of creating an electronic library or similar educational learning resource with the exception of a Course Collection made available via authenticated access to a secure internet.

## Data Monitoring and Reporting

Bibliographic and Course details of each **Digital** Copy made under the terms of the Licence must be compiled centrally and sent to the CLA on an annual basis on the 1st August. This will be administered by Library Services. Academic staff requiring digitised eligible copyright material for mounting on Blackboard should use the Library Digitisation Service <http://www.uwe.ac.uk/library/info/academic/digitise.htm> Students are **not** permitted to scan copyright material under the terms and conditions of the licence.

Further CLA guidelines can be accessed via the following link: [http://www.cla.co.uk/assets/169/uukguildhe\\_userguidelines.pdf](http://www.cla.co.uk/assets/169/uukguildhe_userguidelines.pdf). Please be aware that the University has now signed up for the CLA Comprehensive Licence which includes digital copying rights.