

GUIDELINES ON COPYRIGHT (FIN 018)

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INTRODUCTION

- 1 The Copyright, Designs and Patents Act 1988 came into effect on 1 August 1989. It replaces or updates parts of earlier Acts; makes entirely new provisions; and contains transitional provisions which apply to copyright in works which already existed on 1 August 1989. The following Guidelines set out the main aspects of the Act in relation to copyright in works created after 31 July 1989, but are not intended to be an exhaustive summary. If you require advice on any point which is not dealt with here, or about the rules relating to works created before 1 August 1989, please address your enquiry to the Administrative\Advisory Officer, Financial Services.

COPYRIGHT - Types of Work

- 2 Copyright is a property right that does not require to be registered. It can subsist in the following nine types of work.
 - a) Literary works ie. any work, other than a dramatic or musical work, which is written, spoken or sung. It could include a table or compilation or a computer program and need not be aesthetic;
 - b) Dramatic works, which may include dance or mime;
 - c) Musical works ie. a work consisting of music exclusive of any words or actions intended to be sung, spoken or performed with the music;
 - d) Artistic work ie. graphic work, photograph, sculpture or collage irrespective of artistic quality, a work of architecture being a building or a model for it, or a work of artistic craftsmanship;
 - e) Sound recordings: a recording of sounds from which the sounds may be reproduced or a recording of the whole or any part of a literary, dramatic or musical work from which sounds reproducing the work or part may be produced, films, broadcasts or cable programmes;
 - f) Film: a recording on any medium from which a moving image may by any means be produced;
 - g) A broadcast or cable programme: a transmission by wireless and telegraphy of visual images, sounds or other information which is capable of being lawfully received by members of the public or is transmitted for presentation to members of the public;
 - h) The typographical arrangements of published editions.

N.B.

- Copyright can only subsist in a literary, dramatic, musical or artistic work if it is original and recorded in writing or otherwise. An idea by itself cannot be the subject of copyright.
- Copyright is separate from the ownership of the work itself.
- Several different copyrights can exist in respect of one work.

DEFINITIONS OF AUTHORS

- 3 The author of a work means the person or persons who created it. A work of joint authorship is the work produced by the collaboration of two or more authors in which the contribution of each author is not distinct from the other author or authors. In the case of literary, dramatic, musical or artistic works this should be fairly clear. In the case of other types of work, it may not be self-evident. The following are the authors of the works indicated:-
 - a) Sound recording or film: the person by whom the arrangements necessary for the making of the recording or film are undertaken;
 - b) Broadcast: the person making the broadcast;

- c) Cable programme: the person providing the cable programme service in which the programme is included;
- d) Typographical arrangement of a published edition: the publisher;
- e) Computer generated literary, dramatic, musical or artistic work: the person by whom the arrangements necessary for the creation of the work are undertaken.

FIRST OWNERS

- 4 The "first owner" of a work holds the copyright and has exclusive rights to carry out the "restricted acts" referred to in the Act such as copying, publishing, performing or playing in public, broadcasting or adapting that work.
- 5 The author of a work is the first owner of any copyright subject to the following main exceptions:
 - a) where a literary, musical dramatic or artistic work is made by an employee in the course of employment, the employer is the first owner of any copyright unless there is prior agreement to the contrary. This agreement could be to assign copyright to the employee or elsewhere, for example, in return for external funding to support the work;
 - b) where a work is made by Crown employees in the course of their duties, the Crown is the first owner of any copyright and this constitutes Crown Copyright. Where a non-employee produces work in which copyright subsists, for example as part of a contract with a Government Department, the contract normally stipulates that the Crown shall own the copyright;
 - c) Where a work is made by or under the direction or control of the House of Commons or the House of Lords, if the work qualifies for copyright protection, the House by whom or under whose direction or control the work is made is the first owner of the copyright, and if made under the control of both Houses they are joint first owners. This constitutes Parliamentary Copyright.

DEALINGS WITH RIGHTS IN COPYRIGHT WORKS

- 6 An author who is the first owner may consent to transfer the copyright to another person, for example, in exchange for financial assistance. Where this is done, there should be a formal agreement on the terms and conditions of the transfer in advance to safeguard the rights of the author and of the new owner.
- 7 Copyright can be transmitted by assignment or by operation of law as personal or moveable property. A copyright owner can also licence someone to use the work, either exclusively or not, without losing control of it.

DURATION OF COPYRIGHT

- 8 Copyright subsists for the period indicated according to the works concerned:
 - a) literary, musical, dramatic or artistic works: 70 years from the end of the calendar year of the death of the author;
 - b) computer generated works: 50 years from the end of the calendar year in which they were made;
 - c) sound recordings: 50 years from the end of the year in which they were made, released or broadcast.
 - d) films: 70 years from the end of the calendar year in which the death occurs of the last to die of the principal director, author of the screenplay, author of the dialogue or composer of music specially created for and used in the film;

- e) printed editions: 25 years from the date of first publication.
- f) Crown copyright lasts 125 or 50 years from the end of the year of first commercial publication, whichever is earlier.

QUALIFICATION FOR COPYRIGHT PROTECTION

- 9 A work can qualify for copyright protection as long as it is original and not a facsimile copy of another work.
- 10 It is not essential for works to be marked as copyright protected in order to qualify under the Act. It is, however, advisable for them to bear the conventional symbol of "C", plus the date on which they were created and the name of the first owner, since:
 - a) this serves as a warning that they may not be used without the permission of the first owner and makes it difficult for an infringer to plead certain deficiencies;
 - b) it records the time from which copyright subsists; and
 - c) it gives protection in certain countries which require it.

FAIR DEALING

- 11 The Act permits the use of copyright material by way of "fair dealing". An **individual** may make a **single** copy of a literary, musical, dramatic or artistic work for the purpose of **private study or research**. However the amount of copyright material which can be copied is restricted to whichever is the greater of:
 - (a) Up to 5% or one chapter of a book;
 - (b) Up to 5% or one article of a journal issue;
 - (c) Up to 5% or one paper of one set of conference proceedings;
 - (d) Up to 5% or one case of one report of judicial proceedings;
 - (e) Up to 5% of an anthology of short stories or poems, or one short story or one poem of not more than 10 pages.
- 12 Fair dealing with the typographical arrangement of a published work for private study or research is also permissible.
- 13 Copying by a person other than the researcher or student himself is not fair dealing if it is intended to supply substantially the same copy to more than one person for the same purpose.
- 14 Fair dealing with a work for the purpose of **criticism or review** of that or another work or of a performance of a work does not infringe any copyright in the work provided that it is accompanied by a **sufficient acknowledgement**.
- 15 Fair dealing with a work (**other than a photograph**), for the purpose of reporting current events does not infringe copyright provided it includes a sufficient acknowledgement. No acknowledgement is required in connection with reporting current events by means of a sound recording, film, broadcast or cable programme.

- 16 Copyright in a work is not infringed by its **incidental inclusion** in an artistic work, sound recording, film, broadcast or cable programme. For example, a film could be shot of students carrying out practical project work in a street in which, quite independently, a band was playing. Since the music is not included in the film deliberately, copyright is not infringed.

COPYING IN THE COURSE OF INSTRUCTION OR PREPARATION FOR INSTRUCTION

- 17 Copyright in a literary, musical, dramatic or artistic work is not infringed by its being copied **in the course of instruction or preparation for instruction** provided the copying is done **by the person giving or receiving instruction** and it is **not by means of a reprographic process**.
- 18 Copyright in a sound recording, film, broadcast or cable programme is not infringed if it is copied in making a film or film soundtrack **in the course of instruction or preparation for instruction** in the making of a film or film soundtracks provided the copying is done **by the person giving or receiving instruction**.

PERFORMING A LITERARY, DRAMATIC OR MUSICAL WORK

- 19 A permission is given to educational establishments to perform a literary, dramatic or musical work or to play or show a sound recording, film or video, broadcast or cable programme to audiences of lecturers and students in the activities of the establishment or for the purposes of instruction. Permission must be sought from rights holders if a performance is to be public.

EXAMINATIONS

- 20 Copyright is not infringed by anything done **for the purpose of an examination** ie. setting papers, communicating them to candidates or answering questions. Copies of a recording of a performance can be made for the purpose of setting or answering questions in an examination but a musical work cannot be reprographically copied for use by an examination candidate in performing the work. Copies which are made initially for use in examinations cannot subsequently be used for other purposes which would infringe copyright.

LIBRARIES

- 21 Under specific conditions, there are exceptions for:
- a) the supply, to people needing them for their own research or private study, of copies of periodical articles, copies of part of a literary, dramatic or musical work, or deposited unpublished works;
 - b) inter-library copies
 - c) copying a work in need of preservation or replacement;

Please see <http://www.uwe.ac.uk/library/info/copyright/> for further details on library copyright regulations.

VIDEO RECORDINGS OF TV PROGRAMMES

- 22 You do not infringe copyright if you record a sound or TV programme for **domestic or private purposes**. This concession does not apply, however, to programmes which are recorded under the ERA or the Open University licences.

ACTS RESTRICTED BY COPYRIGHT

23 The owner of the copyright in a work has the exclusive right to copy the work; issue copies of the work to the public; perform, play or show the work in public; broadcast the work or include it in a cable programme service; make an adaptation of the work or do any of the foregoing with an adaptation. These are "acts restricted by copyright".

24 Copying means:

- (a) Literary, musical, dramatic or artistic works: reproducing the work in any material form including storing the work in any medium by electronic means;
- (b) Film, television broadcast or cable programme: includes making a photograph of the whole or a substantial part of any image forming part of the film etc;
- (c) Typographical arrangement of a published edition: making a facsimile copy of the arrangement.

INFRINGEMENT AND SECONDARY INFRINGEMENT

25 Work is infringed by someone who, without licence from the first owner, copies, issues copies to the public, performs, plays or shows in public, broadcasts or adapts a work or authorises another to do so.

26 Copyright is infringed if a person:

- (a) possesses in the course of business;
- (b) sells or lets for hire or offer or exposes for sale or hire;
- (c) in the course of a business exhibits in public or distributes;
- (d) distributes otherwise than in the course of business to such an extent as to affect prejudicially the owner of the copyright,

an article which is, or which he has reason to believe is, an infringing copy.

27 Copyright is infringed by a person who, without licence:

- (a) makes;
- (b) imports into the U.K.;
- (c) possesses in the course of a business, or
- (d) sells or lets for hire or offers or exposes for sale or hire,

an article specifically designed or adapted for making copies of that work knowing or having reason to believe that it is to be used to make infringing copies.

28 It is an offence to possess and use an infringing copy made by another person without licence or authority or to supply apparatus or a copy knowing that either will be used to infringe copyright. Therefore, any person who causes a work to be performed or copied or shown is guilty of an offence if s/he knows or has reason to believe that copyright will be infringed.

29 A person infringes copyright if he imports an article, other than for private or domestic use, which he knows, or has reason to believe, is an infringing copy.

30 A person commits an offence who, without the licence of the copyright owner:

- (a) makes for sale or hire;
- (b) imports into the U.K otherwise than for his private and domestic use;

- (c) possesses in the course of a business with a view to committing any act infringing the copyright or
- (d) in the course of a business:
 - (i) sells or lets for hire, or
 - (ii) offers or exposes for sale or hire or
 - (iii) exhibits in public or
 - (iv) distributes or
- (e) distributes otherwise than in the course of business to such an extent as to affect prejudicially the owner of the copyright, an article which is, and which he knows or has reason to believe is an infringing copy of a copyright work.

PENALTIES AND REMEDIES

- 31 Where an offence is proved, damages can be awarded and infringing copies seized. Innocence may be a partial defence. If the defendant did not know and had no reason to believe that a work was copyright protected, the plaintiff is not entitled to claim damages but has other remedies including an injunction. Where there has been flagrant infringement, however, and the defendant has benefited materially by it, the court may award additional damages.
- 32 Where a licensing scheme exists (see paragraphs 40-81) and the defendant undertakes to hold a licence on agreed terms, no injunction is granted against him/her, no order for delivery up of infringing copies is made and the amount of damages to be recovered from him/her will not exceed double the amount which s/he would have paid if s/he had been licensed before the offence.
- 33 Making, importing and distribution of copyright material without permission is a criminal offence. The penalty on conviction is an unlimited fine or imprisonment for not more than two years.

MORAL RIGHTS

- 34 There are new rights created by the 1988 Act. They last only for the duration of the period of copyright, are personal to the author (ie. they cannot be assigned to anyone else), but they can be enforced after the author's death. Action cannot be taken in respect of acts occurring before 1 August 1989.

PATERNITY

- 35 Authors normally have the right **to be identified** as the author, even if they no longer own the copyright, provided they have asserted that right either generally or in relation to any specified act.
- 36 There are exceptions to this right such as: a computer programme or any computer generated work; the design of a typeface; anything done by or with the authority of the copyright owner where the copyright was originally vested in the employer; examination question papers; newspapers, journals, magazines or collective works of reference; works in which Crown or Parliamentary copyright subsists.

INTEGRITY

- 37 The author of a copyright literary, musical, dramatic or artistic work or the director of a copyright film has the right in certain circumstances not to have his work subjected to **derogatory treatment**. This right does not apply, however, to a computer programme or computer-generated work or work made for the purpose of reporting current events. It does not apply also to the publication in a newspaper, magazine or similar periodical, or an encyclopaedia, dictionary, yearbook or other collective work of

reference of a literary, musical, dramatic or artistic work made for the purposes of such a publication or made available with the consent of the author.

THE COPYRIGHT TRIBUNAL AND LICENSING SCHEMES

- 38 The Tribunal established under the 1956 Act has been renamed the Copyright Tribunal. It deals with proposed and approved licensing schemes. It considers applications from prospective Licensing Agencies to set up licensing schemes and hears appeals against the terms of any scheme, eg. its coverage or royalties payable. The Tribunal may make an order entitling an applicant to a licence after s/he has successfully appealed to the Tribunal on the grounds that the licensing agency or copyright holder has acted unreasonably in refusing one. The Tribunal may set the terms and conditions of that licence which is available as of right.
- 39 The Copyright Tribunal is an essential safeguard since Licensing Agencies are monopolies. Once a licence scheme comes into operation covering a particular category of copyright material, reproducing from the category of material even for education purposes will be illegal without a licence.

COPYRIGHT LICENSING AGENCY (CLA)

- 40 The CLA is owned by the members of the Authors Licensing and Collecting Society and the Publishers Licensing Society. The scheme does not provide comprehensive rights since some owners are not included. In addition, the following categories of work are excluded:
- (a) Printed music, maps, charts or books of tables, photographs, illustrations and diagrams.
 - (b) Texts of examination question papers;
 - (c) Privately owned documents issued for tuition purposes and limited to clientele who pay fees;
 - (d) Newspapers (apart from most French, German and Spanish newspapers);
 - (e) House and other free publications for employees; and
 - (f) Any works which have been excluded from the licence by the copyright owner.
- 41 For information on the Copyright Licencing Agency please see their website, <http://www.uwe.ac.uk/library/info/copyright/>. Copying is permitted in any buildings owned or used by the University for the purposes of teaching or research or for any purpose connected with them. Persons authorised to copy are "recipients of instruction individually or collectively and all staff".
- 42 The Licence gives the non-exclusive right for authorised persons to make or receive (or permit the making or receiving of) multiple copies of the same copyright material or to do so when, for the purpose of a lecture or seminar, tutorial or other formal class, groups of students are required by a member of staff to obtain copies of copyright material covered by the licence including copies from loan collections.
- 43 The copying limits regarding supplying students enrolled on a course of study are restricted to whichever is the greater of:
- (a) Up to 5% or one chapter of a book;
 - (b) Up to 5% or one article of a journal issue;
 - (c) Up to 5% or one paper of one set of conference proceedings;
 - (d) Up to 5% or one case of one report of judicial proceedings;
 - (e) Up to 5% of an anthology of short stories or poems, or one short story or one poem of not more than 10 pages.

- 44 Under the agreement, the Copyright Licensing Agency is responsible for negotiating the settlement of any claims for copyright infringement of reprographic material or for the conduct of the defence against any copyright owner whether a participant in the scheme or not. The CLA indemnifies the University against any reasonable costs, expenses and damages and will consult the University before settling a claim. In return the University has agreed that it will not use the copyright material of any owners who are not included in the scheme unless it first obtains permission from them. **This is a condition of the licence and failure to observe it will infringe the agreement.** For further information please see the University Library's copyright web pages at <http://www.uwe.ac.uk/library/info/copyright/>.

THE CLA LICENCE AND STUDY PACKS

- 45 Photocopying for course/study packs is now included in the in the cost of the University's blanket CLA copyright licence. This applies to reprographic copying only. The restrictions and limits remain on the amount of work that may be copied (please see paragraph 44).
- 46 Study packs can no longer be held in the reserve\short loan collection. The blanket CLA licence permits making photocopies from original published editions already held by the University for inclusion in the short loan collection and for the on-copying by students. However, copies may not be put in this collection if they are intended to form part of a study pack as defined by the CLA. It is not possible, by placing the materials in the short loan reserve for systematic on copying, to evade the course pack definition. Study packs or course readers may be sold to students in order to recover the production costs. They must not be sold for profit.

ELECTRONIC COPYING AND DIGITAL USE OF COPYRIGHT MATERIAL

47 The CLA and Electronic Copying

The University's blanket Copyright Licensing Agency photocopy licence includes a digitisation extension to allow scanning for the purpose of distributing digital copies. Please see http://imp.uwe.ac.uk/imp_public/displayEntry.asp?URN=2595&rp=listEntry.asp (Financial Regulation FIN 018a) for the terms and conditions relating to both photocopying and scanning. The licence allows the scanning of copyright print material into digital format for distribution to students on a particular module, via a secure network.

48 Digitisation/Scanning of Print Material

The University's CLA photocopying and scanning licences permits **designated** UWE members of staff to digitise (scan and store on computer) extracts from certain UK published books, journals and conference proceedings, and then to use them by making them available to students and staff over a network. Under the terms of the licence students on a particular module may access and download a digital copy to print out or retain for the duration of the module for which it has been provided (please see CLA User Guidelines at: http://www.cla.co.uk/support/he/HE_TrialLicence_UserGuidelines.pdf)

- 49 Records of every digital copy made under this licence must be recorded and sent to the CLA. The Library provides a service whereby it will deal with the scanning or, if the faculty's designated employee wishes to undertake their own digitisation, co-ordinate the reporting of all scanning undertaken in accordance with the licence. Please see details of this service on the following Library Services web page: <http://www.uwe.ac.uk/library/info/academic/digitise.htm> .

50 **The Internet**

Material from books, journals, magazines or periodicals must **not** be posted on the Internet without the written consent of the copyright holder.

NEWSPAPER LICENSING AGENCY (NLA)

- 51 The University holds a NLA licence which allows the copying of articles and pictures from the following newspapers:

The Times, The Sunday Times, The Sun, News of the World, Daily Mail, The Mail on Sunday, Evening Standard, The Daily Express, The Sunday Express, Daily Star, Daily Star Sunday, Financial Times, The Guardian, The Observer, The Independent, The Independent on Sunday, Daily Mirror, Sunday Mirror, The People, The Daily Telegraph, The Sunday Telegraph, The European and all local newspapers.

The licence allows the copying of any one article, up to the limit of 250 copies, for educational and normal internal management purposes. In addition staff and students may make single copies for the purposes of research or private study.

Each copy made by the University as part of its internal management, or for its students should be prominently endorsed with the following:

"With permission, copied from (*title of the relevant newspaper*) dated"

The licence only allows copying on to plain paper or by facsimile transmission. Staff wishing to disseminate the text or the images of cuttings electronically for display on computer screens should discuss this with the newspaper publisher.

EDUCATIONAL RECORDING AGENCY (ERA)

- 52 ERA has been authorised by the Secretary of State for Trade and Industry to operate a national scheme which covers copyright works owned by:

- (a) Authors' Licensing and Collecting Society Ltd (ALCS)
- (b) BBC Enterprises Ltd
- (c) Channel Four Television Company Ltd
- (d) Design and Artists Copyright Society Ltd (DACs)
- (e) the British Phonographic Industry Ltd (BPI)
- (f) Independent Television Association (ITA)

- 53 The scheme covers all terrestrial programmes apart from the Open University. This means "educational recordings" as well as general programmes. The licence which the University holds from ERA permits it:

- (a) to record all cable and broadcast programmes for educational purposes;
- (b) to make copies of those recordings also for educational purposes;
- (c) to hold the recordings indefinitely for use at any time;

(d) for teaching staff to record programmes at home for educational purposes.

54 All recordings made under licence must be marked with the date and title of the recording and with a statement in clear, bold lettering, "This recording is to be used for educational purposes only".

55 The ERA licence does not authorise the performance of recordings in front of private or public audiences which have paid to see the performance. Commercial tapes, records and videos bought in from outside cannot be copied under the ERA licence. Works contained in cable and broadcast programmes cannot be adapted or modified under this licence but the recording of an extract from a programme for educational purposes is permitted. Open University programmes which are subject to a separate licensing scheme are not included in the ERA licence.

OPEN UNIVERSITY (OU)

56 The licence from Open University Educational Enterprises Ltd requires the University to keep a record of all programmes recorded. An annual return has to be made of new titles recorded and old programmes retained for which fees are charged. Log sheets are returned via the Library but the arrangements for the renewal of the licence and the payment of the annual fee are made by the Administrative\Advisory Officer who will provide full details of the scheme on request.

PERFORMING RIGHT SOCIETY (PRS)

57 The Society acts for a number of composers and owners of copyright music and can claim fees when the music is performed in public, by whatever means. The Society should not be confused with the Phonographic Performance Society which acts for the owners of recorded music which cannot be played in public without a licence.

58 The PRS issues copyright music licenses and collects royalties on behalf of the owners. The University holds a licence on an annual basis and makes a return of events organised by itself or by customers to whom it lets its premises at which copyright music is expected to be performed. A royalty is paid, in advance, which is adjusted if the actual events exceed or are less than those forecast.

59 The licence does not cover eleven categories of work, details of which can be supplied on request. They include dramatico-musical works (ie. operas, operettas, musical plays, revues or pantomimes) or dramatic excerpts from them unless performed on film made for public exhibition, or on radio/TV used for the public performance of a broadcast programme; the performance of any musical work accompanied by words other than those published or associated with it by the copyright owner; and the performance by means of any disc, cinefilm, tape or other recording of any musical work if the making of such a recording infringed the copyright in that work.

60 Private University events could come within the definition of "public events" if the audience is not confined to staff and students (see paragraph 19) and a fee must be paid if music is played, the copyright of which is held by members of the Performing Rights Society.

61 The Students' Union makes a separate return to PRS to cover the events which it organises.

PHONOGRAPHIC PERFORMANCE LIMITED (PPL)

62 PPL acts for the copyright owners of recorded music. The Company's licence is required before a record, tape, etc, can be played in public. University events open to the public (staff and students are excepted, see paragraph 19) constitute public events for the purpose of the PPL scheme.

MECHANICAL COPYRIGHT PROTECTION SOCIETY LIMITED (MCPS)

- 63 MCPS issues licences on behalf of composers and publishers for the making and copying of sound recordings and should be approached if the copying of a commercial sound recording or film is required. For further details please contact Administrative\Advisory Officer.

ORDNANCE SURVEY (OS)

- 64 The University holds a licence authorising it to reproduce OS maps which are Crown Copyright. Maps must be reproduced only on University premises from copies purchased by the University. Reproductions must be made only for teaching, lecturing and research purposes.
- 65 Work which is to be distributed free or sold to the public is not covered by the licence and must be dealt with by a separate application to OS.
- 66 Facsimile copies are limited to 625 square centimetres at the scale of 1:25 000 and smaller. This size limit does not apply to OS large scale maps, for example 1:10 000, 1:5000, 1:2500 and 1:1250 scales, nor to copies which have been redrawn or substantially amended, nor to black and white copies of small scale maps.
- 67 Permission has been given for the use of digital mapping for teaching, lecturing and research projects only. Any other use requires the prior permission of OS.
- 68 The transfer by digitising or scanning of OS mapping material onto computer media is not included in the licence and requires the prior permission of OS. Permission will normally be granted subject to such data not being available from OS who must be informed of the area involved and the specifications for the digitising and the supply to OS, if required, of a copy of the digital area.
- 69 The digitising or scanning of OS based maps and the copying of OS digital data by an outside firm or computer bureau are not covered by the licence and must not be commissioned without prior permission from the Copyright Branch of OS.
- 70 Each authorised reproduction must bear an acknowledgement in the following terms:
- "Reproduced from the Ordnance Survey's (scale) map of(year) with the permission of the Controller of Her Majesty's Stationery Office (C) Crown copyright". (The scale and the year of the map should be inserted).
- 71 It must also bear the name and address of the Licensee and the date.
- 72 Where the reproduction is not solely confined to OS material, the words "Based upon" should be substituted for "Reproduced from" in the acknowledgement. The note "(C) Crown Copyright" will be sufficient for a finished reproduction of less than 200 square centimetres.
- 73 Transparent copies of OS maps exceeding 1250 square centimetres must bear the additional imprint "Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings".
- 74 Reproductions undertaken on the Licensee's behalf by outside printing firms are not covered by the licence and additional royalties may be collected. Reproductions may not be commissioned from unlicensed printing firms without prior permission from the Copyright Branch of Ordnance Survey who will supply a list of licensed printers.
- 75 The reproduction of mapping for distribution outside University premises is classed as publication and is not covered by the licence. Applications should be made to the Copyright Branch of Ordnance Survey prior to the production of mapping to be included in a publication. Permission will not be unreasonably

withheld but the maps produced and the royalties charged will be subject to the terms and conditions set out in OS leaflet No 23.

- 76 Applications for special permission to make copies outside those permitted by the University's licence should be channelled via the Administrative/Advisory Officer.
- 77 The Licence does not give authority to include in the maps any information the publication or reproduction of which would be an offence under the Official Secrets Acts.

CROWN COPYRIGHT (HMSO) "CLICK USE" LICENCE

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THE UNIVERSITY AS THE EMPLOYER

- 83 Under the Education Reform Act, all rights and liabilities transferred to the University from the County Council of Avon on the incorporation of the University so that the University is now the owner of any intellectual property which derived from the work of the University prior to 1 April 1989.
- 84 Copyright in material produced by a lecturer is governed by Clause 20 of the UWE lecturer's standard form of contract of employment. The full text may be referred to in the staff handbook held by Personnel Services, but briefly, unless there is an agreement with the Dean to the contrary, (1) copyright in all records relating to the finance and administration of UWE belongs to the University; (2) copyright in scholarly work belongs to the lecturer; (3) copyright in personal lecture notes and teaching aids belongs to the lecturer; (4) copyright in course materials belongs to the University; (5) copyright in the outcomes of research funded or supported by the University, belongs to the University.
- 85 Where a research assistant is also registered as a full-time student for a higher degree, care must be taken to safeguard the rights of the employer to exploit any intellectual property arising from the research in view of the dual status of the research assistant as employee/student. (See paragraph 92).
- 86 Where the employer owns copyright material, members of staff must comply with relevant guidelines and procedures in force from time to time. Where a member of staff owns copyright material which has been produced in his or her own time which is similar to work produced as a member of staff, he or she is advised to give some thought as to what measures to take in order to safeguard the property. If the work is similar to that carried out as an employee, it may, for example, be wise to inform the Administrative/Advisory Officer that the work is being undertaken so that there will be no subsequent difficulty in its being recognised as non-University work.
- 87 The Vice-Chancellor may give approval to staff for the use of copyright material owned by the University on application.

SOFTWARE

- 88 Copyright law makes no distinction between duplicating software for sale or for free distribution. In an effort to control piracy, some software publishers use technical means to copy protect their software but other firms have manufactured products designed to circumvent copy protection systems. Section 296 of the Act states that any person selling such devices **or publishing information on removing copy protection is breaking the law.**
- 89 Unless a special arrangement has been made between the University and the software publisher, staff must follow the one software package/one computer rule. An equivalent number of software packages must be purchased for every piece of hardware in use. If it is proposed to use the software on a Local Area Network, the publishers' guidelines on the use of the software on the LAN must be followed. It is contrary to copyright law and to most licence agreements to place a single copy version on a LAN for simultaneous access to more than one user.
- 90 Making extra copies for use in the office or for staff who wish to use them at home is illegal and exposes the staff concerned to the risk of prosecution. The Federation Against Software Theft has established a free telephone number to receive reports of copyright misuse and has helped to prosecute several individuals and companies engaged in the unauthorised duplication of PC software.
- 91 Making or use of unauthorised copies of software, like most other copyright material, in the course of or for the purposes of a business (including education) is a criminal offence.

STUDENTS AND COPYRIGHT

- 92 Since there is no employer/employee relationship between students and the University, students are the first owners of work produced as part of their course, eg. theses or dissertations, graphic work or

paintings, even if they have used the University's facilities for doing so. This legal right is expressly mentioned in the University's Student Regulations. The University must therefore seek permission of students before any of their work is reproduced or adapted or used for purposes other than for the requirements of the course which they are following. Exploitation by staff for their own purposes of students' work is regarded by the University as a serious matter. If the staff so act, whether or not in the course of their employment, such an act will be regarded as seriously unprofessional and a breach of the employee's contract of employment. However, under the Student Regulations, students' work which is produced as part of the course can be **retained** if and to the extent that the University requires.

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