University of St Andrews

Copyright

This is designed to give a brief overview of Copyright for students and contains sources of more detailed information together with the University's Copyright Compliance Officer's contact details should further guidance be required.

Using Someone Else's Material

The University recognises the importance of respecting and protecting the rights of authors and creators. To this end, the University expects its staff and students to comply with the legal restrictions on the use of other people's intellectual property. Responsibility lies with the person wishing to do the copying.

What is Copyright?

Copyright legislation gives **copyright owners** the exclusive right to:

- Copy the work;
- Rent, lend or issue copies of the work to the public;
- Perform, show or play the work in public;
- Broadcast the work;
- Make an adaptation of the work.

Types of Work Protected

- Literary, dramatic, musical or artistic works
- Sound recordings, films or broadcasts
- Typographical arrangements of published editions

Third Party Copyright

'Third Party content' is the phrase attributed to material contained within a piece of work not belonging to its creator. For example, Course packs produced by lecturers for their students may contain extracts of literary quotations or images from other sources for teaching purposes.

When third party material of any kind is used for any purpose, this should always be correctly referenced and acknowledged, observing any specific citation requirements of the copyright-holder.

Alterations can only be made to work if permission has expressly been given to do so from the copyright owner. In the event that alterations are made in any way, care should be taken to state that the work has been altered from the original.

How long does copyright last?

Copyright lasts for fixed periods of time depending on the category of work. A few examples are provided in the table below:

Copyright Category	**Expiry of Copyright**
Literary, dramatic, musical or artistic works	70 years from end of calendar year in which the last remaining author dies. 70 years from end of calendar year in which work created or first made available to the public for anonymous works.
Sound Recordings	50 years from end of calendar year of creation or first publication/ release
Films	70 years from the death of whoever is the last to survive from: principal director, author of dialogue, composer of film music. 70 years from end of the calendar year in which the film was created or first made available to the public for anonymous works.
Published editions	25 years from end of the calendar year of first publication.

Copying within an Educational Establishment

There are some exceptions permitting a limited amount of copying for educational purposes and the one of most relevance to students in relation to the use of third party material in work produced for assessment is as follows:

- **Copying for examination purposes i.e. setting, communicating and answering the questions.**

It should be noted that while the above exception permits the use of third party material in the hard copy version of a student's thesis this is not the case for the electronic version submitted into the University's digital Repository as this will be made widely available via the internet.

Fair Dealing

There is a concept in UK copyright legislation referred to as 'Fair Dealing' which permits, to a certain degree, the use of copyright-protected material in specific

circumstances without infringing the rights of the copyright holder. Fair Dealing covers copying for the following purposes:

- Private study;
- Non-commercial research;
- Criticism or review; and
- News reporting;

To qualify as fair and reasonable, only an insubstantial amount can be copied. There is no clear definition of what constitutes 'insubstantial' and what is acceptable will vary from one work to another. When deciding whether or not to use the Fair Dealing exception consideration should be given to the quality of the work being used as well as the quantity.

It is worth noting that Fair Dealing is **not a right** and any copying under this exception is subject to challenge. There is also no Fair Dealing exception that can be used for unpublished material.

Using Third Party Material in an Electronic Thesis

Third Party material can be included in the electronic version of your thesis if:

√ It is work you have created yourself in which case it is your copyright. (If using work you have previously had published, you may need to check that rights haven't been assigned to the publisher).

√ Written permission has been obtained from the copyright owner.

√ Work has been shared under a Creative Commons licence - proposed use must be in line with the Terms and Conditions of the licence and any specified citation requirements are met.

√ You consider you have a legal defence to do so, for example 'fair dealing for criticism and review.

Third Party material cannot be used if:

X You don't have any of the above i.e. permission, a licence or a legal defence.

Solutions:–

- seek permission; or
- provide an edited version of the thesis for submission in the electronic repository.

Guidance available at: http://www.st-andrews.ac.uk/library/resources/collections/theses/ or email Digital-Repository@st-andrews.ac.uk .

Seeking Permission

In the event that you wish to ask for permission to use a particular piece of work the first thing you need to do is to determine who you think owns the copyright in the material. If unsure, the easiest thing to do is write to the publisher requesting details of the copyright owner.

When seeking permission be:

- clear about the purpose for which you are using the work;
- specific about exactly which part of a work you want to use;
- helpful and courteous - i.e. make it easy for the copyright owner to reply (for instance, include a self-addressed envelope for the permission slip to be sent back to you; provide your email address to enable the copyright owner to contact you for clarification);
- patient, as it can take some time to get a response.

There is a standard permission seeking letter on the University website which you may wish to use: http://www.st-andrews.ac.uk/students/policy/Copyright/ .

You should keep copies of all correspondence and of any written permission granted. If you do not receive a response from the copyright owner the only safe way to interpret this is negatively.

Creative Commons Licence

The internet has opened up universal access to all sorts of information. Creative Commons provides a way of licensing work allowing work to be shared but at the same time protecting the rights of copyright-holders in the online environment. Creative Commons allows the creator of a work to choose specific rights to assign and reserve. An individual Creative Commons licence will normally be made up of a combination of the following rights:

Attribution - you let others use your work (and derivative works based upon it) but only if they give credit to you in the way you request.

Non-commercial – you let others use your work (and derivative works based upon it) but for non-commercial purposes only.

No Derivative Works – you let others use only verbatim copies of your work, not derivative works based upon it.

Share Alike – you allow others to distribute derivative works only.

Some Common Misconceptions

X – Wrong

All information available on the Internet is free to use.

- The same rules apply regardless whether in paper or electronic environment.
- Although publicly accessible still can be copyright protected.
- Need to check Terms and Conditions of websites for any restrictions and/or conditions of use.

I have only used a small extract and properly referenced the source.

- The law does not specify what it considers to be a substantial amount.
- The quality of the material is as important as the quantity.
- Copying a single paragraph considered to be key to the central theme of the overall work can constitute an infringement.

Copyright law only applies if I copy the work word for word.

Copyright legislation also gives the copyright-holder exclusive rights to:

- Reproduce
- Adapt
- Create derivative works
- Distribute work by any means
- Perform or display work in public

There isn't a Copyright symbol or notice displayed so shouldn't be a problem to use it.

- Copyright is automatic
- A symbol or statement <u>does not</u> have to be displayed.
- Work just has to be original and recorded in some way to attain the protection of copyright in the UK.

It's almost impossible to prove copyright infringement.

- Copyright is a civil law meaning it carries a lower burden of proof than criminal legislation making it actually easier to prove infringement.
- Internet also makes it much easier for copyright owners to track the use of their work.

CLA Licence

The University has a licence with the Copyright Licensing Agency which covers the photocopying activities of students for private study for their course of study from material owned by the University. Under the terms of the CLA licence, copies made by students shall not during one course of study exceed either singly or in aggregate the greater of 5% of any published edition or in the case of:

- A book – one complete chapter
- An article in an issue of a serial publication or in a set of conference proceedings – one whole article;
- An anthology of short stories or poems – one short story or poem not exceeding 10 pages in length;
- A set of conference proceedings – one paper;
- A published report of judicial proceedings – the entire report of a single case.

The full Terms and Conditions of the CLA licence can be accessed on the CLA website at: http://www.cla.co.uk/data/pdfs/he/uuk_basic_he_licence_specimen_copy_dec09.pdf .

Useful Addresses, Contacts and Sources of Information:

For further guidance and support:

Copyright Compliance Officer
University of St Andrews
Email: copyright@st-andrews.ac.uk
Tel: 01334 462776

If you have any questions or concerns about an e-thesis, or need help in deciding how to organise material for which you do not have copyright clearance please contact Digital-Repository@st-andrews.ac.uk

Other helpful Sources of Information:

- The University Website – http://www-st-andrews.ac.uk/students/rules/Copyright
- The UK Copyright Service at: http://www.copyrightservice.co.uk/about/
- Office of Public Sector Information (Copyright, Designs and Patents Act 1998) – http://www.opsi.gov.uk/acts/acts1988/48/contents .
- Copyright Licensing Agency: http://www.cla.co.uk
- Creative Commons: http://creativecommons.org/

JUNE WEIR
Copyright Compliance Officer