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?

The **Copyright, Designs and Patents Act, 1988** 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 literary quotations or images from other sources for teaching purposes.

When third party material of any kind is used for any purpose, it should **always** be correctly referenced and acknowledged.
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:

<table>
<thead>
<tr>
<th>Copyright Category</th>
<th>Expiry of Copyright</th>
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</thead>
<tbody>
<tr>
<td>Literary, dramatic, musical or artistic works</td>
<td>70 years from the end of the calendar year in which the last remaining author dies.</td>
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<td></td>
<td>For anonymous works, 70 years from the end of the calendar year in which the work was created or first made available to the public.</td>
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<tr>
<td>Computer-generated works</td>
<td>50 years from the end of the year in which the work was made.</td>
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<tr>
<td>Films</td>
<td>70 years from the death of whoever is the last to survive from: principal director, author of the screenplay, author of dialogue, composer of film music. For anonymous works, 70 years from the end of the calendar year in which the film was created or first made available to the public.</td>
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<tr>
<td>Sound Recordings</td>
<td>50 years from the end of the year in which it was made, or, if published or made available to the public during this time, 70 years from the end of the year in which it was first published or made available to the public.</td>
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<tr>
<td>Broadcasts</td>
<td>50 years from the end of the year of broadcast.</td>
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<tr>
<td>Published editions</td>
<td>25 years from the end of the calendar year of first publication.</td>
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</table>

Fair Dealing

UK copyright legislation provides the concept of ‘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 (provided the work has been made available to the public and it is accompanied by sufficient acknowledgement);
• News reporting;
• Illustration for non-commercial instruction and examinations.

Fair Dealing requires that you only copy as much of the work as is necessary for the purpose, and that copying does not impact on the rightsholder’s legitimate exploitation of his/her work. When deciding whether or not to use the Fair Dealing exception consideration should be given to the quality of the extract 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.

CLA Licence

The University holds a licence with the Copyright Licensing Agency which covers the photocopying activities of students and staff when using material owned by the University.

Under the terms of the CLA licence, any copies made may not exceed either singly or in aggregate the greater of 10% of any published edition, or:

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

If using any more than the CLA limits specified above, permission would need to be sought. See the CLA’s User Guidelines at: https://www.cla.co.uk/higher-education-licence-docs
The CLA Licence also allows the digitisation, subject to the above limits, of copyright materials from books and journals for delivery to students through the VLE (MMS). In order to adhere to the terms of the Licence and meet the CLA’s reporting requirements, the digitisation of any journal articles or book chapters should be carried out by the Short Loan Department in the Main Library. Detailed information on the process is available on the website at: http://www.st-andrews.ac.uk/library/information/furtherhelp/copyright/#copy2

The main provisions of the CLA Licence can be summarized as follows:

- The institution must own a copy of the original work or have purchased a copyright fee-paid copy from the British Library Document Supply Centre or similar service;
- Multiple copies are distributed only to registered students and members of staff with strict reference to a Course of Study i.e. the number of copies of any one item of licensed material shall not exceed the number needed to ensure each student and teacher has one paper copy.
- No systematic or repeated copying of the same licensed material or part thereof for any one Course of Study beyond the specified limits is permitted.
- The work has not been excluded from the licence by the copyright owner – this can be checked using the CLA’s Check Permissions Tool: http://he.cla.co.uk/check-permissions/.
- The integrity of the original material is respected.

Course Packs

The CLA Licence allows for the production, within the provisions summarized above, of ‘course packs’ or compilations of materials for distribution to students for their use on a specific course. These may contain copyright extracts taken from a variety of different sources. The CLA’s Good Practice Guide for the creation of course packs can be consulted at: https://www.cla.co.uk/higher-education-licence-docs
Material CLA Licence Does Not Cover

The following categories of publication are not included in the provisions of the licence:

- printed music (including the words);
- maps and charts;
- newspapers;
- any work where the copyright owner has expressly and prominently stipulated that it may not be copied under the CLA licence.

Recordings

- **Educational Recording Agency**
  The University has an [ERA Licence](https://era.org.uk/the-licence/frequently-asked-questions/) with the Educational Recording Agency which permits recordings of broadcasts to be made for non-commercial educational use. See: [https://era.org.uk/the-licence/frequently-asked-questions/](https://era.org.uk/the-licence/frequently-asked-questions/)

- **BUFVC**
  The University is also a member of the British Universities Film & Video Council (BUFVC) which enables staff and students to record and view TV and radio programmes online via the [BoB (Box of Broadcasts)](http://bobnational.net/) **National Service**. See: [http://bobnational.net/](http://bobnational.net/)

Newspapers

The University has a separate Licence from the [Newspaper Licensing Agency](https://cla.co.uk/NLA-education-establishment-licence) permitting copying for teaching purposes from UK national newspapers within certain limits. See: [https://cla.co.uk/NLA-education-establishment-licence](https://cla.co.uk/NLA-education-establishment-licence)
Seeking Permission

There may be times when you need to ask for permission to use a particular work. First you need 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/staff/policy/Copyright/

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

Useful Addresses, Contacts and Sources of Information:

Mr Sean Rippington
Copyright Officer
copyright@st-andrews.ac.uk
Tel: 01334 461729

Other helpful Sources of Information:
University Website: http://www.st-andrews.ac.uk/staff/policy/copyright/
University Library: Use of copyright materials for teaching and learning: http://www.st-andrews.ac.uk/library/information/furtherhelp/copyright/
The UK Copyright Service: http://www.copyrighthelp.co.uk/about/
Copyright Licensing Agency: http://www.cla.co.uk
Education Recording Agency: http://www.era.org.uk
Creative Commons: https://creativecommons.org/
Some Common Misconceptions

X – Wrong

- All information available on the internet is free to use.
- I have only used a small extract and properly referenced the source.
- Copyright law only applies if I copy the work word for word.
- There isn’t a Copyright symbol or notice displayed so shouldn’t be a problem to use it.
- It’s almost impossible to prove copyright infringement.

- The same rules apply regardless of 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.

- 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 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

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

- 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.

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