



University of St Andrews

Copyright

This document is designed to give a brief overview of Copyright for students and contains sources of more detailed information together with the University Copyright 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?

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 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 a work if permission has expressly been given to do so by 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 the end of the calendar year in which the last remaining author dies. 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.
Computer-generated works	50 years from the end of the year in which the work was made.
Films	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.
Sound Recordings	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.
Broadcasts	50 years from the end of the year of broadcast.
Published editions (typographical arrangements)	25 years from the end of the calendar year of first publication.

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; and
- 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 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.

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 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.

The full Terms and Conditions of the CLA Licence can be accessed on the CLA website at: <https://www.cla.co.uk/higher-education-licence-docs>

Using Third Party Material in a PhD Thesis

Please note that there is an important difference between using Third Party material in the **print and electronic versions** of your thesis.

Third Party material can be included in the **print** version of your thesis since the print copy is considered to be an examination script (CDPA s.32) and the Illustration for Instruction exception applies.

The **electronic** version of your thesis, however, is considered to be published when it is submitted to the University's Digital Repository, so Third Party material can only be included in this version if:

- > it is work you have created yourself, in which case you own the 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.
- > the work has been shared under a [Creative Commons licence](#) – the proposed use must be in line with the Terms and Conditions of the licence and any specified citation requirements must be 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 is available at: <http://www.st-andrews.ac.uk/library/resources/collections/theses/>
or email St Andrews Digital Research Repository at digirep@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 to 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/rules/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 Licences

The internet has opened up universal access to all sorts of information. [Creative Commons](#) provides a way of licensing work allowing it 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.

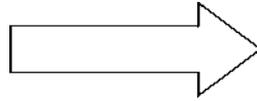
No Derivative Works – you let others use only verbatim copies of your work, not derivative works based upon it.

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

Some Common Misconceptions

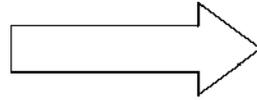
X – Wrong

All information available on the internet is free to use.



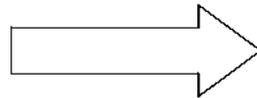
The same rules apply regardless of whether in paper or electronic environment. Although publicly accessible can still be copyright protected. Need to check Terms and Conditions of websites for any restrictions and/or conditions of use.

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 may constitute an infringement.

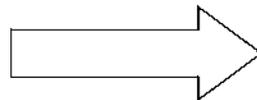
Copyright law only applies if I copy the work word for word.



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

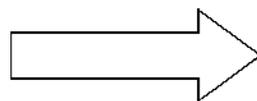
- Reproduce
- Adapt
- Create derivative works
- Distribute work by any means
- Perform or display work in public

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 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.

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.

Useful Addresses, Contacts and Sources of Information:

For further guidance and support please contact the University Copyright Officer at copyright@st-andrews.ac.uk. (Tel: 01334 461729)

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 St Andrews Digital Research Repository at digirep@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 1988): <http://www.legislation.gov.uk/ukpga/1988/48/contents>
- Copyright Licensing Agency: <http://www.cla.co.uk>
- Creative Commons: <http://creativecommons.org/>

Mr Sean Rippington

Copyright Officer

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