



University of
St Andrews

Copyright overview

Document type	Guidance
Scope (applies to)	Staff and students
Applicability date	08/06/2022
Review / Expiry date	31/12/2023
Approved date	09/06/2022
Approver	User Experience & Communications Manager
Document owner	Digital Archives and Copyright Manager
School / unit	University Library
Document status	Published
Information classification	Public
Equality impact assessment	None
Key terms	Library and museum services
Purpose	This guide helps you to understand copyright and its relevance to your work and study at the University of St Andrews.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.1	Updates		Sean Rippington, Copyright Officer, University Library	29/06/2022

1. Introduction

Copyright is relevant whenever you are creating, copying, or sharing creative work. This guide helps you to understand copyright and its relevance to your work and study at the University of St Andrews.

2. What is copyright?

Copyright is one of the Intellectual Property Rights, and protects the rights of the creators of original work to be associated with and profit from that work. These rights are defined in the UK by the [Copyright, Designs and Patents Act, 1988](#) (often called the CDPA).

All original work is automatically protected – registration is not necessary. The absence of a copyright symbol (©) or statement claiming copyright does not mean that copyright does not apply.

3. What is protected by copyright?

Copyright subsists in:

- Original literary, dramatic, musical or artistic works (including photographs and graphic works).
- Sound recordings, films, broadcasts and webcasts.
- The typographical arrangement of published editions.

Works in electronic format are also protected, and include:

- Databases
- Tables or compilations
- Code
- Preparatory design material for a computer program

4. Who owns copyright?

The first owner of copyright is usually the author or the producer of the work, although if you create something as part of your job your employer will typically own the copyright.

The exception to this at the University of St Andrews is if you create what are called “materials of a scholarly nature” such as essays, journal articles, books., or data underpinning publications. If you create a scholarly work it is likely that you will own the copyright in it.

Copyright ownership can also be assigned to other people or organisations. For more information on ownership of copyright at St Andrews please contact copyright@st-andrews.ac.uk

5. Activities covered by copyright

Copyright law gives the copyright owner certain "exclusive rights". This means that:

- nobody else can use your copyright work in certain ways without your permission
- you need permission to use someone else's work.

The following activities are all defined in copyright law as “restricted acts” which only the copyright owner or their representative has the right to authorise:

- copying
- issuing copies to the public (i.e. publishing and distributing physical copies of works)
- renting or lending

- publicly performing (i.e. showing, playing or performing copyright works in a public space)
- communicating to the public by means of electronic transmission (ie broadcast and online communication)
- adapting (e.g. making a film adaptation of a book)

If you're doing any of the above with a copyright work, you need to make sure that you either have a licence or that a copyright exception applies.

6. Copyright licences

If you own the copyright in a work you may want others to use it according to certain conditions. The permissions you give to others will come in the form of a copyright licence. Similarly, if you want to make use of copyright material created by others you will find that much of it comes with licences attached.

Digital content

The terms of use you accept when you access digital resources such as websites, social media services, databases and electronic library resources all contain copyright licensing terms.

Collective licences

Other types of "collective licence" are available to university staff and students which cover entire classes of copyright work.

For example, the Copyright Licensing Agency (CLA) licence covers the majority of published books and journal articles. This licence allows us to copy up to 10% or a chapter/article from a qualifying book or journal, whichever is the greater.

Creative Commons

[Creative Commons licences](#) are also widely used in research and education. These licences are designed to promote sharing of copyright material with as few barriers to use and reuse as possible.

They allow use of the copyright works without payment and may also allow others to create new works based on the original work.

The most commonly encountered licences at the University are summarised below:

Type of licence	What's covered
CLA (Copyright Licensing Agency)	Copies of up to one chapter/article of 10% (whichever is the greater) from most printed books, journals and magazines
ERA (Educational Recording Agency)	Recordings from UK TV and radio broadcasts (provided by BoB - On Demand)
NLA Media Access (Newspaper Licensing Agency)	Links and copies of articles from newspapers
Filmbank/MPLC	Public screenings of feature films not linked to educational activity
Creative Commons	Allows open sharing of copyright work as Decided by the copyright owner who may

Type of licence	What's covered
	restrict commercial use or adaptations, or require any adaptations to be licensed on the same terms
Digital library resources	Allows you to access e-books, journals and other databases for your non-commercial study or research

7. Copyright exceptions

Although licences can provide you with explicit permission to use copyright works in certain ways, there are times when licences are unavailable or inappropriate.

For example, if you're quoting extracts from a large number of different works in a piece of academic work, it may be impossible to get permission from every copyright holder. The law therefore includes "exceptions" to copyright which allow use of copyright works without the copyright holder's permission in certain contexts. These are called "permitted acts" in the legislation, which is the [Copyright, Designs and Patents Act 1988 \(CDPA\)](#).

Summary of relevant UK copyright exceptions

Name of exception	Purpose	Activities covered	CDPA section
Research or private study	Allows students and researchers to make copies of copyright works for non-commercial research or private study.	Making personal copies of extracts from books and journals. Copying images to use as stimulus in research study.	Section 29
Quotation	Allows anyone to reproduce copyright works for the purpose of quotation where it is fair	Includes presenting extracts from books, journals and musical works to students.	Section 30
Accessible copying	Allows individuals or institutions to provide equal access to copyright works for users with any type disability	Digitising print material Format shifting text to audio Creating subtitles for videos	Sections 31A-F
Illustration for instruction	Allows teachers or students to use copyright work in teaching or study where the use is fair	Including text, images, music or video in teaching slides and lecture recordings. Adding content to examination papers	Section 32
Educational performance	Allows any copyright work that can be performed, played or shown in an educational setting to be performed played or shown	Screening a film in a lecture, playing musical sound recordings in class, performance of a play in class (i.e. not for an external audience)	Section 34
Recording of broadcasts	Allows educational establishment to record TV and radio broadcasts and make them available to students	Underpins the University's use of BoB Online TV streaming service	Section 35

Name of exception	Purpose	Activities covered	CDPA section
Making multiple copies	Allows educational institutions to copy up to 5% of a copyright work and supply multiple copies to students	Copying of book extracts not covered by the CLA licence Copying up to 5% of a film or sound recording and making it available to students on Moodle	Section 36
Copying by Librarians	Allows library staff to supply limited copies of a work to users	The Library's ' Scan and Deliver ' service	Section 42A

8. Fair dealing

Many copyright exceptions involve a test of "fair dealing". This means you need to think about whether your use of someone else's work is fair, for example:

- have you used it in a way that stops them from selling the work, or making use of it in the way they want to?
- have you used more of the work than you need to for your purpose?
- Have you credited them?

Deciding on whether something is fair will always need to be done on a case by case basis - we can [help](#).

9. How long does copyright last?

Copyright will expire after a certain period of time – at that point it is said to be in the 'public domain' and can be used freely without restrictions. In the UK, copyright lasts for the following:

- Literary, dramatic, musical and artistic works: the lifetime of the author plus 70 years from the end of the calendar year in which the author died.
- Computer-generated works: 50 years from the end of the year in which the work was made. A work is deemed to be computer-generated where there is no human author.
- Films: 70 years from the end of the calendar year in which the death occurs of the last to die of: the principal director; the author of the screenplay; the author of the dialogue; the composer of the film music. Where the identity of such persons is unknown, copyright expires at the end of 70 years from the end of the 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.
- Typographical arrangement of published editions: 25 years from the year of first publication.

10. Copyright risk

Because many elements of copyright law are subjective, particularly whether an activity is "fair", you may need to take a risk management approach.

This means you might use a copyright work even if you can't be 100% sure that the activity is non-infringing. To assess copyright risk you'll need to consider the following:

- what is the likelihood that what you are doing infringes copyright?
- will the content be made available outside the university?

- how likely is it that the copyright holder will object to your activity?
- what is the impact (both financial and reputational) if the copyright holder was to take action against you or the University?

Read the relevant sections of this copyright guidance to minimise the risk of legal action and avoid financial and reputational damage. You can contact copyright@st-andrews.ac.uk if you have questions about how copyright risk management relates to your work.

11. Training

Training on copyright issues is available through [CEED](#), including ‘Copyright for E-Theses’ and ‘Copyright for Teaching and Research’.

12. Related Documents

[Copyright for Teaching](#)
[Copyright for Researchers](#)
[Copyright for Students](#)
[Copyright and Theses](#)

13. Bibliography

[‘Copyright: What you Need to Know’](#) by Chris Morrison and Angela Groth-Seary

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0			Sean Rippington, Copyright Officer, University Library	02/10/2020
1.1	Updates		Sean Rippington, Copyright Officer, University Library	09/06/2022