

E-Copyright

In brief

- Storing copyright materials in any electronic medium is currently a restricted act under the *Copyright, Designs and Patents Act, 1988*.
- It is illegal to make a copy of a copyright item (e.g. by scanning, downloading, copying from disk, etc.) unless one of the following holds:
 1. You have the specific permission, in writing, of the copyright holder.
 2. The copying is for research or private study and would count as 'Fair Dealing'
 3. You or the University have a license permitting you to copy this item.
- Fair Dealing does not apply to film, video and sound recordings. They may NOT be copied, even for research or private study. Just because you have bought a copy of a CD, does not make it legal to copy a track from that CD.
- Peer-to-peer filesharing is prohibited on the University network (unless specific permission sought from and granted by DIT).

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1. Specific permission

Seeking permission from the copyright holder can be a difficult and time-consuming task but, if you wish to use an electronic copy of copyright materials within your on-line or in-class teaching materials or on a University web site, then you must first ensure you have permission to do so. This applies to materials delivered through password-protected applications, such as MyAberdeen, and to materials you reproduce within a PowerPoint display.

Approval must be obtained in writing; e-mail is not sufficient. When seeking permission, you must be very explicit about what you intend to do with materials. Unless you obtain blanket permission initially, permission must be obtained on each and every occasion the material is used. Copyright permission is more likely to be approved if you can promise that access to the copied items will be restricted to 'your' students, for example through MyAberdeen.

If you want to copy material from the web by downloading it to your computer (as oppose to simply viewing it on screen), then you must check the copyright notice on the web site. If there isn't one, then you must assume that copying is restricted and contact the managers of the web site to seek permission to copy the material.

Take care: Just because a web site offers a download, doesn't mean that it is legal. There are many sites out there offering illegally copied material. You must assure yourself that the managers of the site either own the copyright or have permission from the copyright holder to make this material available to others.

2. Fair Dealing

The *Copyright, Designs and Patents Act (1988)* allows limited copying without express permission under the concept of 'Fair Dealing'. Alas, there is no precise definition but here's some key points:

- applies only to copying for the purposes of
 - private study with no direct or indirect commercial benefit
 - non-commercial research
 - criticism or review, provided the work in which the criticism or review appears is made public
- does NOT apply to copying for the purposes of teaching;
- applies principally to literary, artistic, dramatic and musical works;
- does NOT apply to films, videos and sound recordings;
- only permits copying of a restricted portion of the item (up to 5% or one chapter of a book; one article from one issue of a periodical);
- multiple copies are not permitted;
- the source of the work must be acknowledged.

For further information, see the JISC Legal Information Service section on Fair Dealing [www.jisclegal.ac.uk/ipr/fairdealing.htm?name=lis_fair].

TV, Film, Video and Audio

Unlike literary, dramatic, musical and artistic works, films and sound recordings may NOT be copied, even for research or private study. It is not legal to make a copy of a CD track just because you have bought the CD. You must not make any copies or edit such material, even if it is for teaching purposes. There are only two exceptions to this rule

- films may be copied in the process of instruction in the techniques and processes of film-making (mainly applicable to practical work in film schools).
- copying is permitted for examination purposes if used in the course of setting, communicating and answering questions.

3. University Licenses

3.1 Printed materials, including photographs, illustrations and other images

Copyright Licencing Agency (CLA)

The CLA licence permits limited photocopying of printed materials for teaching purposes. See the Library Guide *Photocopying and Copyright - Your Responsibilities* for further details [www.abdn.ac.uk/library/guides/gen/qggen008.pdf].

Scanning

Scanning of library material for inclusion on a secure space e.g. MyAberdeen is available, under the CLA Photocopying and Scanning Agreement as an alternative to creating photocopies. The conditions are similar to those for photocopies above, with the further provisions in that while the digital copies may be viewed by all University users, the material must be made available via secure authentication to course users and only they may download and print from the digital copy for the duration of the course. When the course is not running the files should be disabled from the course site, but may be stored in a secure backup location for future use. If a course is unlikely to be repeated in a future teaching session, digital copies for the course must be removed from the secure area (e.g. MyAberdeen). A check must be done annually.

If a digital version is commercially available but not used, a reason must be reported.

All digital copies must have a copyright notice displayed in a prominent place with bibliographic details of the item. Digital copies may not be stored or

systematically indexed with the intention of creating an electronic library or similar educational learning resource.

Details of any materials scanned for inclusion on MyAberdeen should be notified to Mary Mowat, University Copyright Officer using the form available on the Library web site at www.abdn.ac.uk/library/copybind.shtml#scanning – alternatively, you may complete an online form at www.abdn.ac.uk/library/scanning_record_sheet.

3.2 Electronic Information Resources

The University holds licences for a large number of electronic information resources but this doesn't mean you can download as much as you like from these collections. See the Library's guidelines on [Downloading from electronic resources](http://www.abdn.ac.uk/library/download.shtml) for guidance on what is and is not permitted [www.abdn.ac.uk/library/download.shtml].

3.3 TV and Radio programmes

ERA (Educational Recording Agency) Licence

The University holds the ERA licence for recording TV and radio programmes ('broadcasts') for non-commercial educational purposes. It is a blanket licence allowing reasonably free use of TV material for teaching, based on the number of FTE students at the institution.

You can record feature films, advertisements, documentaries, dramas, etc, but not Open University programmes, which are covered by a separate agreement. The purpose must be for educational, not promotional or recreational use, and the (non paying) audience must be registered students, and staff involved with the teaching.

ERA requires all recordings and copies to be accompanied by details (a label for example) of date, name of broadcaster, time and title of the recording and the statement "This Recording is to be used only under the terms of the ERA Licence".

For further information, contact the Audio Visual Unit – av@abdn.ac.uk, ext. 4484.

Open University Licence Scheme

The University also holds a licence permitting staff to record Open University programmes for use in teaching. You have to declare programmes individually and pay an annual fee for their retention. The records are held and administered by Audio Visual Unit.

3.4 Computer software

The licences held by the University for computer software are many and varied. Some are site licences, others are limited to a particular number of copies, others must be paid for individually. Unless advised to the contrary, it should be assumed that the Combined Higher Education Software Team (CHEST) Code of Conduct [www.eduserv.org.uk/chest/general/conduct] covers all the software installed on the central computing systems and on all desktop systems in classrooms and in public cluster areas. Unless directed otherwise, the right to copy and distribute this software applies only to the DIT Computing Centre.

Some software is made available for download over the University network. The instructions accompanying the download files will explain any copyright restrictions. Other items of software are available from the Computing Centre. For more information about downloading or purchasing software, see the DIT web site – www.abdn.ac.uk/dit

4. Commercial download services

There are a growing number of commercial services offering legitimate downloads of music on payment of a fee. Files that you obtain in this way are for personal use only; they must NOT be copied and given to others, nor distributed to others over the network. Remember also, that all personal use of the University network is subject to the *Personal Use Guidelines*.

5. Peer-to-peer filesharing

The use of peer-to-peer (P2P) filesharing software (such as BitTorrent, eDonkey, Kazaa, etc.) is prohibited on the University network, unless you have specific permission from DIT. Many of the files distributed via P2P are illegal copies. Further, the P2P software works in such a way that copies of files on your PC are automatically distributed to others using the same P2P software, thereby compounding the breach of copyright.

Note that this ban extends to personal PCs connected to the University network, as well as to University computers.

Permission to use P2P software will only be given if the use is for education or research and where we can be sure that the users of the software are sufficiently competent and responsible to ensure that no breach of copyright (neither accidental or deliberate) takes place.

6. Links to further information

- University of Aberdeen publications
 - [Code of Practice for the Publication of Information in Electronic Format](#)
 - [Downloading from Electronic Resources](#)
 - [Library Guide QG GEN008: Photocopying and Copyright - your responsibilities](#)
 - [Conditions for Using IT Facilities](#)
- JISC Legal Information Site
 - [Overview of Intellectual Property Rights](#)
 - [Intellectual Property Rights Publications](#) - this includes details of recent changes to copyright law and a guide for e-learning developers
 - [Useful links](#) on Intellectual Property Rights
- [Copyright, Designs and Patents Act 1988](#)