Copyright and course materials on MyAberdeen
- your responsibilities
Mary Mowat, June 2016
QG GEN024  [https://www.abdn.ac.uk/library/documents/guides/gen/qggen024.pdf]

MyAberdeen
This library guide concerns all areas of The University's Virtual Learning Environment (VLE) including MyAberdeen, MyMBchB, MyBDS etc.

Staff members are reminded that many of the items they may wish to include as course materials will be subject to copyright and/or licensing restrictions.

This guide explains what you need to do to ensure that your course materials on MyAberdeen do not contravene current UK copyright legislation or licensing restrictions.

CLA Higher Education Licence
The University of Aberdeen holds a Copyright Licensing Agency (CLA) Higher Education Licence. This allows university staff to make scans of limited extracts from published books, journals and magazines and to make these available to registered students on MyAberdeen. The CLA licence also covers copying from certain digital materials including e-books and certain websites.

The licence covers most UK publications and a number of European, US and international publishers. Details of countries and publishers covered by the licence can be found on the CLA website. Materials not covered by this or any other licence can only be included in MyAberdeen with the rightsholder’s permission unless it is (a) out of copyright (b) you own copyright in the material or (c) your use is covered by a Copyright Exception as laid down in the Copyright Designs and Patents Act 1988 (CDPA). (See section on ‘Scanning materials outside a licence’ below)

To check whether a specific title is included in the licence, use the Permissions Checker function from the CLA website. The licence covers photocopying and scanning from printed and some paid-for digital materials, plus the right to copy and re-use free-to-view (but not free-to-copy) website content.

Before scanning from a print copy, you must check the Library Catalogue to determine whether the University already subscribes to or owns a digital copy of the work; if so, then provide a link to the item.

The best way to do this is via a stable URL. You can also use the DOI (Digital Object identifier) which is unique to each article. You can convert a DOI into a web link by appending it to the URL of a “DOI resolver”. Please note that not all publishers use DOIs. For example, JSTOR, Westlaw and Lexis Library do not use DOIs.

DO NOT upload a pdf copy of an article from an electronic journal directly onto MyAberdeen unless you have the publisher's permission to do so.

A few things to bear in mind when providing links to online articles:
- Always provide a full reference.
- Pay particular heed to any specific terms and conditions listed on individual websites.
- Set links to open in a new window.

Where the University does not have electronic access to a specific resource, you may scan from a print copy.

During any one course of study, the licensee shall ensure that licensed copies do 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 or in a set of conference proceedings, one whole article
- in the case of an anthology or short stories or poems, one short story or poem not exceeding 10 pages in length
- in the case of a published report of judicial proceedings, the entire report of a single case.

The materials scanned may be text only, text with embedded image(s) or images disembedded from text. Where endnotes and/ or references integral to a specific chapter or article are given at the end of a book or journal issue, they can be treated as forming part of that chapter or article. You may make minor changes to the material copied provided this is done for purely pedagogical reasons and your chances are in no way detrimental to the moral rights of the author/creator. You may for example abbreviate the text of an article, chapter or other extract provided this does not affect the meaning of the text. All omissions should be clearly marked.

You may also annotate an image to include a narrative text or commentary, or disimbed an image from its accompanying text. You may also re-order text and images independently from the layout of the printed original.

The CLA have recently introduced The Second Extract Permissions Service which offers universities the option to buy permission to copy and use an additional amount – a ‘second extract’ – e.g. another chapter from the book or another 5%. Use the Check Permissions tool to check whether the title is included in the service.
The cost of the additional extract will vary depending on the number of students in the class and the price-per-page set by the publisher. The cost of using this service must be borne by a discretionary budget, and may in some instances far exceed the cost of purchasing additional copies of the original text.

Some classes of material are excluded from the photocopying and scanning licence. These include newspapers, printed music and maps, photographs, theses and other unpublished materials. There are also certain publishers and certain countries whose published output is excluded from the licence. A complete list of excluded works and excluded territories can be found on the CLA website.

For each digital copy there are specific obligations:

- The copy from which the scan is made must be owned by the University – this excludes personal or review copies. If the item is covered by the licence, but the University does not own a copy, you will need to obtain a Copyright Fee Paid (CFP) copy from the British Library. Library staff will be able to assist you in obtaining such a copy. There will be an additional charge for a CFP copy beyond that of the standard Inter Library Loan fee. Library staff will advise on the cost of the item at the time of ordering the copy. If a CFP copy cannot be sourced or if the item is not covered by the licence you will need to contact the rightsholder to obtain (or purchase) permission to use the material.

- **A Copyright Notice must be appended to each item scanned under the licence.**

- The copy can be made from any published edition of the work, however you must not attempt to circumvent the extent limits by scanning excerpts from different editions of the same work.

- Materials must be made available on a secure server and only to students registered on the relevant course of study, and only for the duration of the course. Course readings from previous sessions may be made available to students for the full duration of their degree programme (or equivalent programme of study) unless a work subsequently becomes excluded from the licence in which case it must be removed from MyAberdeen. (See ‘Licence Exclusions’ section below).

Other requirements related to the CLA Licence

**Licence Exclusions**

Permitted works that become excluded during an academic year may be made available until the end of that academic year, however it is the responsibility of the course co-ordinator to ensure that all material intended for use in future iterations of the course is still covered by the licence by checking each item against the Check Permissions tool at the time of the annual roll-over of course material on MyAberdeen.

**Textbook substitution**

Staff should be aware that the course materials selected for inclusion in MyAberdeen must not inadvertently create a collection of items which cover substantially the same material as a standard textbook for a given course. This could happen when individual extracts on a particular topic from a number of different books are gathered together as course readings which, when taken together, form a ‘virtual textbook’. This form of textbook substitution is not considered best practice under the terms of the licence.

**Uploading materials covered by other licences**

The CLA licence does not cover all types of material you may wish to use in your teaching.

**NLA (Newspaper Licensing Agency) Licence**

The NLA Licence covers a range of UK and foreign newspapers. This licence allows you to make up to 250 photocopies of an article from these newspapers for distribution to students. Each copy or collation of copies made under the licence must be labelled, in text no smaller than 6 point, “with permission, copied from [title of newspaper(s)] dated (date)”.

You may make copies "with a view to their projection by illumination on to a screen", and you may, where covered by the NLA licence, also upload scanned or digital copies to MyAberdeen. Details of newspapers covered under this licence can be found via the CLA’s Check Permissions tool.

**ERA (Education Recording Agency) Licence**

This licence allows licence holders to record the broadcast output from the BBC (television and radio), and broadcasts from The Open University, ITV, Channel 4, Channel 5, S4C. Broadcasts made under the ERA licence may be shown to students for educational purposes and may also be digitised for use in MyAberdeen provided these are made available to students based in the UK only.

The ERA licence also covers the use of the Box of Broadcasts (BoB) service.

**Scanning materials outside a licence**

Any copying that is not covered by one of the licences outlined above must be done within UK Copyright Law – Copyright Designs and Patents Act 1988.

Copies made under the “Fair Dealing” exemption of the CDPA 1988 (See QG GEN008: Introduction to Copyright – quick guide) must not be placed on MyAberdeen without the explicit, written permission of the copyright owner. If no such permission is forthcoming you must assume you cannot copy, as a lack of response does not indicate consent.
Exceptions to this rule are the following situations:

- where copyright has expired, usually 70 years after copyright owner’s death
- where copyright has been waived by the copyright owner, in writing
- where copyright belongs to you or the University.

A number of amendments to the Copyright Designs and Patents Act 1988 came into force on 1st June 2014. Some of these changes are likely to impact on your use of copyrighted materials for the purposes of education and instruction.

One amendment to the CDPA relates to copying for the purpose of instruction where copying could only be undertaken provided a reprographic process such as photocopying or scanning was not used. The exception has been widened to allow photocopied or scanned materials to be used for teaching purposes; however it is restricted to “fair dealing” which means only a small portion of a given work can be used in this way, and it must be for illustrative purposes and not merely as an embellishment. See QG GEN008: Introduction to Copyright – Quick Guide for further details on the changes to the copyright exceptions.

The new “illustration for instruction” exception covers all types of copyrighted work so you may use excerpts from films, sound recordings and broadcasts as well as textual materials. Materials can be included in MyAberdeen or displayed on interactive whiteboards. Sufficient acknowledgement must be given, as well as due consideration to what constitutes “fair dealing”.

You may also now include PowerPoint presentations containing copyrighted materials in MyAberdeen provide the use satisfies the criteria for “fair dealing” as detailed in QG GEN008: Introduction to Copyright – Quick Guide

Another change since June 2014 relates to copying for examination purposes. Previously, it was acceptable to copy copyrighted materials (with the exception of sheet music) for the purposes of examination; however, this has now been subsumed within the exception allowing copying for the purpose of instruction, which means that any copying or scanning undertaken for the purposes of examination is subject to the fair dealing test.

Using images found on the internet

Images on the internet are subject to copyright, and as such, for any usage which goes beyond the limits of fair dealing you need to obtain permission from the rightsholder before placing them onto MyAberdeen.

Sometimes websites will include a statement of permitted use, or the images may have been made available under Creative Commons or other similar sharing and re-use licences. If you intend to take advantage of such licences, please ensure you are familiar with the terms and conditions attached, including the requirement to include a licence phrase attributing ownership.

As with printed material from the internet, the safest way is to provide a link and always acknowledge the source.

You can also search a number of “copyright free” image databases. These contain images that have been produced under a Creative Commons Licence. Sites such as Flickr (See The Commons for collections of images with no known copyright restrictions) and Scran offer a wide range of images produced under CC licences. You do not have to report your usage of such images, but you should always attribute the source. Please ensure that the type of licence used covers your intended usage.

Reporting and Weeding

Under the terms of our CLA licence, we are required to provide an annual report of all extracts copied under the licence. All staff who scan materials under the licence are required to provide details of the materials used. Please download a copy of the spreadsheet to record details of all items scanned under the licence and remember to include details of the course code, course duration and student numbers for each of the courses covered.

You may use the same spreadsheet to report scanning from multiple classes. You should first add information on the course code, course duration and student numbers to the course code tab on the reporting spreadsheet - you will only need to do this once for each course, then add the details of the materials scanned listed under the CLA_DRF tab. Please note, you can use the same extract for more than one module, but each use must be reported separately.

Please forward the spreadsheet to Mary Mowat by the end of the half-session in which your course is run, and at the latest (for second half-session courses) by 19th May 2017.

Weeding of material

- Digital copies should be removed from MyAberdeen at the end of the academic session unless the course is to be re-run in the next academic year in which case the item can be retained and re-used. Back-up files of scanned items can be created and held in secure storage.
- Scanned items used in a previous academic session should be compliance-checked before re-use in a subsequent session.

Help

The Library website includes a section on Copyright and MyAberdeen.

Further help and guidance is available from the Copyright Officer:

Mary Mowat
E-mail: m.mowat@abdn.ac.uk
Telephone: 01224-438703.

See also QG GEN008: Introduction to copyright - quick guide.