



## Introduction to copyright - quick guide

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QG GEN008 [https://www.abdn.ac.uk/library/documents/guides/qggen008]

### Introduction

This guide is intended as a brief introduction to copyright for staff and students of the university. Copyright law is extremely complex and this guide can only provide general advice. Detailed advice is available on the [copyright pages](#) of the Library website or from the [Copyright Licensing Agency](#). Alternatively, you can contact the [copyright officer](#).

### What is copyright?

Copyright is the means by which economic rights are granted to the creators of a wide range of intellectual, literary, musical, artistic or other works. It operates by means of a system of protections and restrictions whereby creators are granted rights to use their work in ways which enable them to reap the economic rewards of their creative output, whilst at the same time allowing fair and reasonable use of their intellectual property by the imposition of restrictions on how works can be reproduced, re-interpreted or disseminated.

Copyright in the UK is governed by the UK [Copyright, Designs and Patents Act 1988](#).

Aberdeen University members can find revised legislation by accessing the legal database [Westlaw UK](#) through [Primo](#).

### What is covered by copyright?

- Original literary, musical or dramatic works including dance or mime
- Artistic works including paintings, drawings, engravings and photographs, sculptures and collages, maps, charts and plans, architectural and other technical drawings, works of artistic craftsmanship
- Films, sound recordings, television and radio broadcasts or cable programmes
- Electronic works include both material created in electronic form, such as computer software, the structure and design of databases, and material stored electronically, e.g. material available online
- A work may enjoy more than one form of copyright protection, for example a ballet will have both dramatic and musical copyright whilst the libretto of an opera will attract literary copyright in addition to the dramatic and musical copyright.

### How long does copyright last?

Different classes of material enjoy differing periods of copyright protection. In general:

- All literary, dramatic, musical and artistic works are covered for a period of 70 years following the death of the creator.
- There is also copyright in the typographical arrangement of a work, and this lasts for 25 years from the end of the year in which the work was first published.
- Films are protected for 70 years following the death of the last to die of: the author of the screenplay, the composer of the musical score used in the film or, the director of the film.
- Sound recordings, broadcasts and cable programmes are covered for a period of 50 years from the year in which they were originally made, first released or broadcast.
- Databases are protected for a period of 15 years following the most recent major revision.
- Crown Copyright lasts for 125 years from the end of the year in which it was created, or if the work was published commercially, 50 years from the date of commercial publication.
- Parliamentary copyright lasts for 50 years from the date of creation of the work.

The rules for copyright in unpublished works (e.g. typescripts or manuscripts) are more complicated. If the author died on or after 1<sup>st</sup> January 1969, then copyright lasts for 70 years following the death of the author. If however the author died before 1<sup>st</sup> January 1969 then the material will remain in copyright until 2039. For specific advice on copyright in unpublished work, please contact the copyright officer.

### What can be copied

Copyrighted material may be copied freely and without limit **ONLY** in the following circumstances:

- You have the explicit permission of the copyright owner to copy the material for the intended purpose.
- You are the author or the copyright holder of the material.
- The copyright in the work has expired.

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Otherwise, unless you have the copyright holder's permission, you may not:

- Copy the work in any physical format (including electronic format)
- Publish, rent or lend copies to the public
- Perform, show or play the work in public
- Broadcast the work
- Adapt the work (including translation).

However, the Copyright, Designs and Patents Act includes a number of exceptions which allow limited copying to be undertaken in certain circumstances without the explicit permission of the copyright holder. These exceptions have recently been revised and the amendments to the Act came into force on 1<sup>st</sup> June 2014.

## Fair dealing

"Fair dealing" is a legal term which is used in determining whether the use of copyright material is lawful or excessive, and therefore infringing. There is no statutory definition of what constitutes fair dealing, rather it is up to the individual to ask themselves: "How would a fair minded and honest person have dealt with the work?" The accepted criteria for determining whether the proposed usage is compatible with the concept of fair dealing would include:

- The exceptions should be confined to specific cases.
- The use does not conflict with the normal exploitation of the work.
- The use does not unreasonably prejudice the commercial interest of the rights holder (e.g. commercial sales of the item).

The recent amendments focus on the further categorisation of "specific cases" or copyright exceptions. The fair dealing exception is applicable in the following circumstances:

### Fair dealing for non-commercial research and private study

Individuals may make a single copy, or make one copy for another person of a small proportion of a work. Fair dealing does not cover the making of multiple copies. The amount of materials which may be copied has never been categorically defined, and the determination of what constitutes "fair" will depend on the circumstances in each case. As a general rule of thumb the following amounts are generally deemed to be acceptable under fair dealing:

- One chapter or 5% of a book, whichever is the greater
- One complete article from a single issue of a journal
- A maximum of 10 pages of a poem, short story or other short literary work taken from an anthology of poetry or short stories
- Up to 10% (maximum 20 pages) of a pamphlet or report
- One law report from a volume of judicial proceedings

There are similar guidelines available governing the extent of copying from electronic resources that may be undertaken. See "[Guidelines for Fair Dealing in an Electronic Environment](#)" published by JISC.

Individuals may also now copy excerpts from sound recordings, broadcasts or films provided this is for research or private study, the amount is restricted to what is "fair" and due acknowledgement is given in any re-use. Format shifting from one media to another is also now permitted on the same basis.

### Fair dealing for *Illustration for Instruction*

The exception relating to copying for the purpose of instruction in Section 32 of the CDPA has been widened so that copying for the purposes of instruction is no longer limited to copying by non-reprographic (e.g. photocopying, scanning) means. All categories of copyright work may now be copied for the purposes of instruction, so extracts from websites, films, sound recordings and broadcasts may be displayed on interactive whiteboards or in **MyAberdeen**. To comply with the requirements of fair dealing:

- Only as much of the material as is required to make the point to be illustrated should be used.
- The use must be non-commercial.
- The source should be attributed.
- Copying should be carried out by the person giving or receiving the instruction.

The **Illustration for Instruction** exception also covers copying done for the purpose of examination, as the examination exception has now been removed.

### Copying and use of *Extract of Works by educational establishments*

This exception allows 5% of any work to be copied in any one year across an institution. However, where a licensing scheme exists, for example the CLA Higher Education Photocopying and Scanning Licence, this will take precedence over the exception, so this exception is likely to have very limited usage.

Please contact the university copyright officer or your Information Consultant for advice.

### Fair dealing for criticism, review or quotation

Limited amounts of material may be reproduced for the purposes of criticism, review or quotation. As with the exception of *Illustration for Instruction*, you should:

- Use only as much of the material as necessary to make your point.
- Attribute the source.
- Ensure that your usage does not prejudice the rights holder's economic rights.
- Applies to all media, not just text. (Defining "fair use" of images could be particularly problematic.)

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For textual works, to qualify under this exception, the material should have been published and the amount used should not go beyond the minimum required to the critique or review. The Society of Authors has issued the following guidelines on acceptable usage:

- No more than 400 words from any one extract
- Or if using several extracts from a single work, no single extract should contain more than 300 words, with the total amount used not exceeding 800 words.
- Up to 40 lines from one poem provided this does not extend to more than a quarter of the poem

***N.B. Song lyrics are not considered as poetry, and are not covered by fair dealing.***

Points to consider when deciding if your usage is likely to be considered fair dealing are:

- The length and importance of the extract in the context of the work
- The amount quoted in relation to the extent of your commentary
- Whether and to what extent your work competes with the original

### **Fair dealing for parody, caricature and pastiche**

You may reproduce a limited amount of material for the purposes of parody, caricature and pastiche provided the use is fair and does not prejudice the rights holder's economic rights.

### **Fair dealing for text and data mining**

Under Section 29A of the CDPA covering copying for non-commercial research and private study, there is now an exception which allows the use of text and data mining technologies provided you have lawful access to the resource via a personal or institutional subscription.

## **Licences**

In addition to the copying limits allowed under fair dealing, there are a number of licencing schemes available which allow limited copying of protected works without having to seek the permission of individual copyright holders.

### **The Copyright Licencing Agency**

The Copyright Licensing Agency is the UK's largest licensing body. The University of Aberdeen holds a Higher Education Licence which permits the photocopying and scanning of most types of printed material and enables staff and students to make multiple copies of material from publishers who are represented by the scheme.

For the full details of the licence, see the [Copyright Licensing Agency Licence](#). A **Title Search** tool is also available from the [CLA](#) website. A list of excluded works is also available from the [CLA](#) website.

The CLA licence also permits the scanning of materials for use on MyAberdeen. For full details please see guide [QG GEN024: Copyright and course materials on My Aberdeen - your responsibilities](#).

### **Other licences held by the University of Aberdeen**

The [Newspaper Licensing Agency](#) (NLA) licence permits the photocopying of articles from a range of national and regional newspapers.

The [Educational Recording Agency](#) (ERA) licence permits the recording of radio and television broadcasts. The recording of broadcasts by educational establishments is also covered in Section 35 of the CDPA. This now permits recordings made under the terms of the ERA licence to be communicated off the premises via MyAberdeen.

### **Creative Commons**

Creative Commons Licences provide a relatively new approach to the provision of copyright materials. They are free to use and enable rights holders to specify exactly what users can do with their materials. There are six individual Creative Commons Licences, the most common of which is the Creative Commons BY (Creative Commons Attribution Licence) which "lets others distribute, remix, tweak and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of licences offered. Recommended for maximum dissemination and use of licensed materials". More information on the suite of licences is available from the [Creative Commons](#) website.

### **Copying for persons with disabilities**

The university may make a copy of a work for an individual (staff member or student) who requires access to materials in an alternative format provided the institution already owns a copy of the item concerned. The regulations in Section 31 of the CDPA have been extended to cover all impairments which prevent equal access and are no longer restricted to visual impairment.

The material types covered have also been extended to include films, broadcasts and sound recordings and contract terms cannot be used to override this exception. This exception, however, will only apply where an accessible copy is not available commercially at a "reasonable cost", although this is not defined in the Act.

Copies made under Section 31 are for the exclusive use of the person for whom it was made, and cannot be added to the Heavy Demand collection nor bound or edited with other copyright material.

The Copyright (Visually Impaired Persons) Act 2002 also allows the making of a single accessible copy for the personal use of a visually-impaired person. A statement indicating that the copy was made under the provisions of the Act must be added. Again, a large-print format copy must not be commercially available.

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## Commercial copyright within higher education institutions

Photocopying and scanning can be done for the purposes of the university's commercially funded research - a contract or collaborative research project or consultancy.

A single paper copy may be supplied to employees of companies/organisations who have provided research funding to the university on the condition that it is not further copied or reproduced.

A digital copy may only be opened once by the employee of the company/organisation and a single paper copy made. After this, the digital copy must be deleted.

### Your liability

Any copying other than by a librarian which does not have the written permission of the relevant copyright owner, and is not fair dealing or copying under licence as noted above, is almost certain to infringe copyright. An infringement of copyright is **actionable** by the copyright owner/s (**s.96**) and dealing or trafficking in illegal copies may be a **criminal offence (s.107)**.



**You are responsible for your own actions. So please - BE WARNED!**

## For further information

### Contact:

Copyright Officer

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