UNIVERSITY OF ABERDEEN

UNIVERSITY EDUCATION COMMITTEE

COPYRIGHT LITERACY STRATEGY AND COPYRIGHT POLICY

1.   PURPOSE OF THE PAPER

> This paper introduces the recently approved Copyright Literacy Policy and supporting Copyright Literacy Strategy to University Education Committee.
>
> The paper outlines the context and associated benefits of implementing a new Copyright Policy and Strategy in alignment with legislative exceptions for the use of third-party copyright material for research and educational purposes, the University's intellectual property policy, and commitments made in Aberdeen 2040. The paper details the process undertaken to co-create the policy and strategy with academic staff to meet the need for education and research activities.
>
> The implementation of a Copyright Policy and supporting Copyright Literacy Strategy will deliver confidence in institutional copyright management, enabling the widest possible approach to sharing in the context of being 'open to all' while ensuring compliance with the legislation.

2.   PREVIOUS CONSIDERATION BY /FURTHER APPROVAL REQUIRED

	Board/Committee	Date
Previously considered/approved by	Copyright Literacy Project Board	
	Information Governance Committee	3 October
Further consideration/ approval required by	University Research Committee	

3.   RECOMMENDED ACTION

> The University Education Committee is invited to discuss the introduction of the Copyright Policy and implementation of the supporting Copyright Literacy Strategy and recommend appropriate academic and professional services representatives to join the Copyright Literacy Steering Group who will oversee the delivery of the strategy.

4.   INTRODUCTION

4.1   This paper lays out the requirements for a Copyright Policy and supporting Copyright Literacy Strategy and the advantages gained from taking a strategically aligned approach to ensure confidence in copyright management, enabling the widest-possible approach to sharing and reusing copyright material while ensuring compliance with legislation.

4.2   The Copyright Policy and supporting Copyright Literacy Strategy will ensure teaching and research objectives are supported by an approach to risk-management that empowers staff and students to make well-informed and effective decisions on the creation and use of copyright material.

5   BACKGROUND AND CONTEXT

5.1   Currently, the University of Aberdeen has neither a Copyright Policy nor a Copyright Literacy Strategy in place**.** This sets it apart from similar universities, and disadvantages both academic staff and students by failing to provide them with a clear framework within which matters of copyright can be discussed and managed. Currently, the onus is on individual members of the University community to ensure their use of copyright material complies with legislation and the terms of individual and collective licences. Given differing levels of understanding of copyright law, and statutory exceptions in particular, individuals tend either to adopt an ultra-conservative approach to the use of exceptions, or, at the other extreme, use materials in ways which infringe copyright law.

5.2   Copyright policies have been commonplace in universities for a number of years. These have traditionally concentrated on the compliance aspect, including the appropriate use of copyright materials in virtual learning environments and Copyright Licensing Agency requirements. However, universities are now recognising the benefits of having an overarching copyright management strategy which aligns the approach with their wider strategic objectives and policies.

5.3   Managing copyright strategically involves placing it in the wider context of information and digital literacies, recognising that copyright is one type of intellectual property, but one that impacts on the majority of University academic staff and students. The development and implementation of a Copyright Literacy Strategy builds staff and students' confidence through shared understanding of a risk-managed approach to copyright, enabling the widest possible approach to sharing and reusing materials while ensuring compliance with legislation. This approach was successfully taken by the [University of Kent in 2020](.).

5.4   In 2021, a proposal was considered and approved by the University of Aberdeen Information Governance Committee to develop a Copyright Literacy Strategy setting out a five-year vision aligned to the Aberdeen 2040 commitments, creating an environment where all staff and students are able to make informed decisions about the ethical creation and use of copyright material. The proposal sought to develop a framework within which copyright management can be explored and developed in ways that support strategic planning in the context of scholarly publishing, research ethics, the creation and delivery of learning materials, and the management of other types of intellectual property.

5.5   Following the endorsement of the Copyright Literacy Strategy proposal, Library Services recruited a dedicated Copyright Advisor to develop the Copyright Services and initiate a project to co-create with the academic community a Copyright Literacy Strategy aligned to Aberdeen 2040.

5.6   The project was initiated in 2022, under the management of the Copyright Advisor, Tim Riley (an Information Advisor in DIS). The project employed standard methodologies to ensure the right skills and time commitment and effective stakeholder engagement. It also included external consultation, to ensure concordance with national best practice.

6.   COPYRIGHT LITERACY STRATEGY AND COPYRIGHT POLICY

6.1   It is important to note that the Copyright Policy and supporting Copyright Literacy Strategy apply to all members of the University who use or create copyright works in the course of their employment and study. The policy was developed under guidance from the academic community, the Impact and Knowledge Team, and the Centre for Academic Development. The policy and the strategy were co-created by Library Services and the wider University community through a series of three workshops facilitated by Chris Morrison and Jane Secker.

6.2   The Copyright Policy ([Appendix 1](.)) and Copyright Literacy Strategy ([Appendix 2](.)) represent the final draft approved by workshop participants and the Copyright Literacy Project Team. Both documents are designed to be accessible and in plain English, to enable engagement from across whole university community. Definitions are provided for all legal terminology to aid understanding and application of copyright legislation.

6.3   It is anticipated that the introduction of the Copyright Literacy Policy and supporting Copyright Literacy Strategy will result in the following benefits to the University:

- Institution-wide approach to copyright with policies and guidance aligned to strategic objectives and Aberdeen 2040 commitments.
- Increased understanding of open licences to protect intellectual property rights and comply with funding bodies' open-access mandates, maximising the visibility and impact of University research outputs and open educational resources.
- Increased confidence in application of copyright exceptions enabling the reuse of content for education and research which is compliant with legislation and licensing agreements.
- Adoption of a risk-managed approach to copyright through the introduction of consistent practices and procedures for managing copyright across the institution.
- Clarity on roles and responsibilities for copyright management, streamlining the process of making copyright-related decisions, reducing the risk of copyright infringement or the breach of licensing terms and conditions.

6.4   It is worth noting that Digital & Information Services (DIS) will be responsible for implementing the policy and strategy with guidance from the Copyright Literacy Steering Group. The policy and strategy will be reviewed annually to ensure they continue to comply with legislation and best practice, and to report on progress towards the vision, strategic objectives and benefits.

6.5   It is proposed that Aberdeen work towards an announcement of the introduction of the policy and new supporting strategy in spring 2024 and implementation before the start of the academic year 2024-25. The DIS Copyright Advisory Service will ensure the policy is well communicated and will provide additional information, guidance and an on-demand enquiry service so that all staff and students are well-supported, educated and empowered to share and reuse material within legislative frameworks and in alignment with Aberdeen's commitment – 'open to all'.

7.   FURTHER INFORMATION

Further information is available from Simon Bains, University Librarian, simon.bains@abdn.ac.uk and Susan Halfpenny, Head of Research & Learning Information Services, susan.halfpenny@abdn.ac.uk.

25 September 2023

Freedom of Information/Confidentiality Status: Open

University of Aberdeen Copyright Policy

Date of policy approval	
Policy start date	
Date of next review	
Policy guidance	www.abdn.ac.uk/library/support/copyright.php library@abdn.ac.uk
Related policies	Policy for Intellectual Property Exploitation and Revenue Sharing Research Publications Policy Research Data Management Policy

1. Introduction

1.1   Statement of purpose

Using copyright works is fundamental to creating and sharing knowledge and furthering our foundational mission of 'the pursuit of truth' and being 'open to all'. Copyright legislation has profound impacts across the University, including on the core functions of teaching, research, and administration.

This policy outlines how the University community can use copyright works legally and ethically. It aims to empower University members to use copyright works to the full extent permitted by law and licences whilst managing any associated legal and financial risks.

The policy also outlines the University's approach to managing its own institutionally owned copyright.

1.2   Scope

This policy applies to all members of the University who use or create copyright works in the course of their employment or study.

The policy covers copyright works in all formats, including digital and print.

This policy does not cover the ownership of copyright or other forms of intellectual property. This is outlined in other related policies (see *Related policies* above).

1.3 Context

The University is committed to promoting the responsible and ethical use of copyright works in all its activities. It acknowledges the importance of respecting intellectual property rights whilst facilitating the reuse of works to enable knowledge to be created and shared.

As a member of the University, you are expected to use copyright works legally and ethically. This may require you to make an informed judgement in situations where the legal or ethical position is nuanced or ambiguous. The University will provide you with guidance and support to do this. This will enable you to use copyright works appropriately, without unnecessary limitations, whilst minimising any potential risk to you or the University.

The University also recognises the value of its own intellectual property and will take steps to promote and protect it as appropriate.

This policy sits within the context of UK law, specifically the Copyright, Designs and Patents Act 1988 (as amended). Other relevant legislation includes the Database Regulations 1997, as well as any other current or future legislation which affects intellectual property rights.

2. Definitions

For the purposes of this policy, the following definitions apply:

2.1 "Intellectual property" means creations of human intellect which belong to specific rightsholders. This includes works protected by copyright as well as other intellectual property legislation, including trademarks and patents.

2.2 "Copyright work" means any original work that is protected by copyright law, including software, literary, artistic, musical, and audio-visual works.

2.3 "Copyright owner" means the person or entity that holds the exclusive rights to reproduce, distribute, and display a copyright work.

2.4 "Statutory exception" means a provision in copyright law for using copyright works in specific circumstances without requiring permission from the copyright owner.

2.5 "Fair dealing" means the lawful use of a copyright work without obtaining the copyright owner's permission, under a specific statutory exception within the Copyright, Designs and Patents Act 1988. It is important to note that fair dealing is not a specific number of words or percentage of a work, but rather a judgment based on factors like the purpose and character of the use, the amount and substantiality of the portion used, and the effect on the work's potential market.

2.6 "Licence" means a written agreement between the copyright owner and the licensee that grants permission to use a copyright work in a specific way.

3. Responsibilities

3.1 Your responsibilities

You must adhere to UK law and abide by the copyright and Intellectual Property Rights (IPR) clauses in sections 4 and 5 of this policy, and other related University policies (see *Related policies* above).

You must use the appropriate channels to request copies of copyright works for teaching, research, or study if your use is not covered by a statutory exception or individual licence. The University will provide services to enable you to do this, such as the reading list, purchasing, and inter-library loan services available through the University Library.

You are expected to make use of the copyright information and support available and seek appropriate guidance if you have any questions or concerns. The University provides online guidance about copyright in different contexts as well as a Copyright Advice Service which you can contact.

3.2 The University's responsibilities

The University has a designated Copyright Advice Service within the Directorate of Digital and Information Services (DDIS) which will maintain an information resource to provide you with up-to-date advice on copyright best practice. The Copyright Advice Service will also oversee an enquiry service to provide a timely response to any copyright queries you submit to them. In addition, the service will communicate any relevant changes in the legal situation or licensing arrangements to appropriate University groups or individuals.

The University will maintain access to institutionally licensed works and collective licensing schemes where appropriate, keeping accurate records of copying and providing timely reporting where required. The University will provide you with up-to-date information on how to use material under these licences.

4. Using copyright works

You must use copyright works lawfully via one of the following routes:

- A **statutory exception** to copyright law. There are exceptions which cover uses such as quotation, illustration for instruction, pastiche and parody, and text and data mining. Be aware that most exceptions have a 'fair dealing' requirement which you must abide by.
- An existing **licence**. This might include electronic library resources which are licensed for use by University members, material reproduced under a blanket licence, or material supplied under an open licence. You must respect the licence terms. You should contact the Library or relevant administrator if you need material to be obtained under an institutional licence.
- With direct **permission from the copyright owner**. If your use is not covered by a legal exception or a licence, you should request permission from the copyright owner.

At times, you may need to take a risk-managed approach to the use of copyright works. You must follow best practice and use due diligence to minimise the impact of any potential infringement claims. If you need guidance on identifying risk levels and due diligence required, check the advice provided by the Copyright Advice Service or contact the Copyright Specialist.

Any online service, including web pages and social media accounts, hosted by the University, or created by University employees during their employment, which features, or may feature, third-party copyright work should have a 'notice and takedown' mechanism and procedure. This enables an efficient and appropriate response to any infringement claims made by rights holders or other interested parties. Such a response may include taking down material or further dialogue with the claimant. You can obtain further advice by contacting the Copyright Advice Service.

5. Institutional copyright

As stipulated in UK legislation, unless otherwise specified in another policy or contract (see *Related policies* above), the University is the automatic copyright owner of copyright works created by its employees in the course of their employment. Unless permitted by a statutory exception or licence, you must not reproduce the University's copyright works for any purpose which falls outside your normal course of study or duties of employment without first obtaining the necessary permission.

The University will take reasonable steps to promote and protect its copyright works including (but not limited to), applying copyright notices or licences to published material, licensing material to appropriate third parties, initiating takedown procedures for infringing use of material. If you suspect a third party is infringing copyright owned by the University, you should inform the Copyright Advice Service so the situation can be investigated, and appropriate action taken if required.

The University will also provide you with up-to-date guidance on how to manage institutional and employment-related copyright via the Copyright Advice Service.

6. Policy review

The Directorate of Digital and Information Services is responsible for maintaining this policy. The Directorate of Digital and Information Services will review this policy annually to ensure it complies with current legislation and best practice.

The University may also amend this policy at any other time should this become necessary due to changes to the legal context or to the University's operating procedures. Any changes to this policy will be communicated to affected University members.

University of Aberdeen Copyright Literacy Strategy: 2024-2029

Our vision

Our staff and students feel confident in making informed decisions about creating and using copyright material. They understand the role copyright plays in facilitating the pursuit of truth, innovation, and creation of new knowledge, and apply open licences wherever possible to support the University's foundational purpose of being 'open to all'.

Our values

Open

Our approach to copyright fosters openness and the sharing and creation of knowledge. We use open licences where appropriate to maximise the reach and impact of our research and teaching.

Responsible

Our staff and students are expected to behave lawfully and ethically. They are able to question assumptions about copyright law based on a broader understanding of cultural, economic and other contextual factors.

We balance our commitment to openness with appropriate protection of institutional copyright where required for commercialisation to help safeguard our financial sustainability.

Empowered

Our staff and students are supported to make full use of the provisions allowing them to use copyright material, including fair dealing and statutory copyright exceptions in addition to licensed resources.

Our staff and students are empowered to take a risk-managed approach to copyright, making informed judgements which reflect current best practice when working with copyright works.

International

Copyright law operates on an international basis, and good decision-making requires an appreciation of different cultural and legal customs. We empower our community to use copyright works in a way that takes account of differences and commonalities as our members work, study, and collaborate across borders.

Inclusive

We recognise that copyright cannot be looked at in isolation. There are related ethical, legal and compliance issues, such as information security, data protection and accessibility considerations, which often need to be considered alongside copyright.

We are sensitive to the needs of our diverse staff and student members and the different approaches required to respond to their individual needs and contexts.

Our activities

The Directorate of Digital and Information Services will create a Copyright Literacy Steering Group to oversee progress with the strategy.

The Steering Group will:
- Review University policies relating to copyright law to ensure they reflect the institution's strategic objectives.
- Continually update and refine our copyright guidance to support staff and students, following user-experience design principles. This will ensure guidance is concise, in plain English, and easy to access.
- Develop a tailored education and communication programme, supported by a network of staff whose roles involve advising on aspects of copyright.
- Contribute to sector-wide developments in defining and communicating good practice.
- Monitor developments in copyright law and consider whether these require a change to University strategies or policies.

Evaluation

This strategy will empower our staff and students to create, share, and use copyright works.

Evaluation of progress will use a range of measures, which may include:
- Analysis of the number and nature of enquiries sent to the copyright support team.
- Analysis of engagement with online guidance.
- Analysis of numbers of people attending copyright training sessions.
- Case studies demonstrating how the strategy is supporting teaching, research, and engagement at the University, and progress on our aim of openness regarding open educational resources, reading lists, cultural collections, and other areas of activity.
- Survey questions or focus groups measuring confidence in working with copyright.
- The level of engagement of other institutions with the University of Aberdeen's approach.