



Copyright – the effects upon you

All students and members of staff need to be aware of copyright issues in their dealings with print and electronic publications or unpublished work, in any format. The legal position is set out in the Copyright, Designs and Patents Act 1988 (CDPA) and subsequent Statutory Instruments

Responsibility for any infringement of copyright rests with the person making the copy, not with the providers of the information.

Unless you have the copyright owner's permission:

- Copying this material in any way other than for legitimate academic or personal use, is illegal;
- Transmitting copyright material (including over the internet and by email) is illegal;
- You must not put copies of copyright material on the University network or media owned by you (such as memory sticks);
- You must not put copyright material on the intranet or internet; and
- You must not engage in activities such as peer to peer file indexing or transmissions.

Undertaking any of the above can expose you and the University to civil and criminal liability under the copyright law. This applies to all types of copyright material.

Any activities or materials that contravene this policy are subject to disciplinary action. This may include fines of up to £75, suspension or dismissal for both staff and students.

What is covered by the Act?

In broad terms, anything which is printed, written, made or recorded in any form (e.g. video, DVD, CD, academic publications or computer software) is subject to copyright. Copyright exists whether or not it is asserted using the © symbol or not.

Teaching materials, email messages, material on websites and servers and anything put on the internet is copyright.

What does it mean?

Copyright gives the copyright owner (i.e. author, composer, software developer) the exclusive right:

- to copy the work;
- to issue copies of the work to the public;
- to perform, show or play the work to the public;
- to broadcast the work; and
- to make an adaptation of the work.

Who owns copyright?

- The initial owner of copyright is the author, composer or creator of the work, but copyright may be assigned to another party.
- The employer owns the copyright in any work that was produced in the course of employment. Unless a contract specifies otherwise.
- The copyright of most material created by students remains the student's copyright although this may not be the case for research students where a large amount of input is received from University staff or where a body providing funding stipulates that copyright is theirs.
- In many cases the author of a published journal article does not hold copyright in it but has assigned it to the publisher.
- On the author/creator's death, copyright is passed on as part of their estate.

How long does copyright last?

- Copyright in literary, dramatic, musical or artistic works lasts until 70 years after the death of the author/creator.
- Typographic copyright in the printed page lasts for 25 years from publication in that edition, so a recent edition of a long-dead author cannot be freely copied.

What can be legally used or copied?

Reproduction of copyright material is permitted in certain limited circumstances:

By permission: the person holding copyright can give permission, with or without a fee, for any work over which they hold the rights.

'Insubstantial' part of a work: but the term 'insubstantial' is qualitative rather than quantitative. So in many circumstances anything worth copying will be a 'substantial' part of the work even if the amount of copying is small.

Fair dealing: The CDPA 1988 allows you to make a single copy of a 'reasonable proportion' of literary, dramatic, musical and artistic works for your own private study or research. As well as being fair, it must also only be for research or private study, and be for non-commercial research, i.e. there must be no expectation of any income from that copy or that research. If income is expected, you must obtain permission from the owner to make the copies and pay any charge for this.

You may copy for yourself or for another person a single copy of:

- One article from any one issue of a journal (even if that one article is the whole issue) or up to 5%, whichever is the greater;
- Up to 10% of a pamphlet or short book of up to 200 pages;
- One chapter or up to 5% (whichever is greater) of a book or similar publication containing more than 201 pages;
- One poem or short story of up to ten pages from an anthology; and
- The report of one case in law reports.

Fair dealing for 'criticism or review' allows copying within a generally accepted limit of 400 words in one extract, or several extracts of less than 300 words totalling less

than 800 words.

Under fair dealing there has to be an acknowledgement of the source, so that anyone seeing the copy knows its origins and author.

Educational purposes

For the purposes of setting examination questions or providing the answers, anything may be copied except musical scores. Music must not be copied to allow the candidate to perform the work.

The source of material must always be acknowledged. Copied material must be excluded if the exam papers are subsequently published.

Off-air recording of broadcasts where no licensing scheme is offered is allowed for educational purposes.

The Act permits hand-written or typewritten, but not reprographic, copying of literary, dramatic, musical and artistic works for educational use. However, a number of licensing arrangements have been developed to enable academic institutions to make copies of certain printed materials, slides and off-air recordings subject to strict conditions. (See under Licensed copying)

Copies may be included in course packs provided that:

- The source material is either held by ILS or copyright cleared;
- Digitised material is copyright cleared;
- The pack does not contain multiple copies of one article; and
- The 'fair dealing' rules listed above are followed.

If you have any questions about copies in course packs please contact your [Information Specialist](#) within The Library.

Licensed copying

The University of Salford has various special licences under which other copying of certain categories of material is possible, subject in each case to specific conditions.

- **CLA:** Copyright Licensing Agency licence which allows multiple photocopying by or on behalf of students and staff in addition to the above.
 - Material on the CLA list of Excluded Works may not be copied. Copies must be for registered staff or students.
 - There are limits on the amount from any one publication which may be copied for any one module to the extent mentioned above under fair dealing.
 - Commercial copying is not allowed under the CLA licence and this includes any copying done in connection with research sponsored by a private organisation.

The CLA List of Excluded Works, along with other CLA information, is available at all ILS Service Desks. Electronic versions of these documents and further information can also be found on the CLA website: www.cla.co.uk

- **CLARCS (CLA Rapid Clearance Scheme).** This scheme provides a simple way to obtain copyright clearance: www.cla.co.uk

- **NLA (Newspaper Licensing Agency)** licence to copy articles from certain UK newspapers: www.nla.co.uk
- **ERA (Educational Recording Agency)** licence for off-air recording of certain television and radio broadcasts: www.era.org.uk
- **Open University licence** for off-air recording of OU broadcasts: www.open.ac.uk
- **Ordnance Survey licence** for reproduction of maps for teaching and research: www.ordnancesurvey.co.uk/education/pdf/20086a4.pdf
- **Digimap** allows you to view and print maps of any location in Great Britain, at a series of predefined scales, and you may also download map data for use in GIS software running on your PC.

Scanning copyright material

The University now holds a trial licence with the Copyright Licence Agency which allows the right to scan and make digital copies of books, journals and magazines as well as making multiple copies. The right to scan is restricted to nominated members of staff called 'Designated Persons'.

As with the previous licence, either:

- 5% of a book or journal; or
- one chapter, article, paper, poem may be copied.

The material licensed consists of most titles of book, journal and magazine published in the UK and some other countries. Maps, newspapers and other categories of material are not covered by this licence. More information about exempt information is available at www.cla.co.uk/support/excluded.html

If you want material to be scanned, it must be done by a "Designated Person" and details of what is scanned must be recorded and then provided to the CLA.

The scanned material must then be provided to those on the relevant course and no-one else (e.g. via CD or Blackboard, not via the internet).

Further Information

Further guidance and advice on matters concerning copyright is available. If you wish to become a 'Designated Person' and make scanned copies for your students or for more information, please contact:

Matthew Stephenson
 Head of Compliance and CLA Licence Co-ordinator
 0161 295 6856 / m.stephenson@salford.ac.uk

Please note: The information contained in this guide was correct at the time of publication. A more recent version may be available on The Library's website: www.library.salford.ac.uk/help/userguides/