

# Copyright and myBU Frequently Asked Questions

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**These notes are for guidance only and do not constitute legal advice**

**1. Can I create links to the Library's electronic resources on myBU?**

Yes. If the Library has a subscription to an e-journal or e-book, a **link** should be made to the title of the e-journal/article or e-book/chapter rather than mounting a PDF copy of an article or chapter onto myBU. Please contact your Subject Librarian for advice on how to do this (details at [http://www.bournemouth.ac.uk/library/contacts/key\\_contacts.html](http://www.bournemouth.ac.uk/library/contacts/key_contacts.html)). See also question 13.

(It is **not** the preferred approach but *some* of the Library's database licences do allow PDFs of journal articles/book chapters to be mounted on a VLE. However, if you do choose to do this rather than providing a link to the material, please check the terms and conditions of the relevant database to ensure that this is permitted under the licence.)

**2. Can printed items be scanned and put onto myBU?**

Yes. As the University has a CLA (Copyright Licensing Agency) scanning licence. Any items scanned under licence are placed in the eReserves folder associated with the unit you are teaching. While lecturers can view content in eReserves, only library staff can add, copy or modify content. Information on how to link to a scanned document which has been placed in an eReserves folder can be found at: <http://www.bournemouth.ac.uk/library/staff/docs/eReserves.pdf>

**N.B.** The University's CLA Licence covers print to digital copying, not digital to digital copying, and strict rules apply:

- only "Designated Persons" may carry out scanning under the Licence. **Currently only Bournemouth University Library staff are designated persons.** Please fill in a request form at <http://www.bournemouth.ac.uk/library/staff/scanningreq.html> if you would like items scanned for myBU;
- the University must own a print copy of the original material;
- the original material must be published in the UK, Ireland, France, Switzerland, Australia, Canada, South Africa, US, Denmark, Hong Kong, Norway or Spain.
- the scanned copy must be part of a course-specific collection;
- the scanned copy may only be downloaded and printed by students enrolled on the specific unit of study for which the item was copied;
- the scanned copy must be password protected;
- a record must be kept of every item scanned under the licence on a "Digital Copies Record Sheet". This administrative task is undertaken by the Library.

There are limits as to how much of an item may be scanned **per unit per programme**, which include:

- a single extract or extracts from a published edition as long as the total copied does not exceed 5% of the whole work; or
- one chapter of a book;
- one article in an issue of a serial publication or in a set of conference proceedings;
- one short story or one poem not exceeding 10 pages in an anthology;
- the entire report of a single case in a set of published judicial proceedings.

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- 3. Can I get round the limit on how much may be scanned per unit by making a request for different chapters from the same book to appear on myBU at different points in the term?**  
No, the limit is one extract per unit for the lifetime of that unit, taking into account the completion of assessment/examination/re-sit. If a lecturer decides that they need a different chapter from the same book for the unit running in the next academic year (i.e. for a new cohort of students) then this is permitted.
- 4. Can I get round the limit on how much may be scanned per unit by making a request for different chapters from different editions of the same title to appear on myBU?**  
No. The CLA licence states that copies should always be made from the current published edition unless there are valid pedagogical reasons for using a superseded edition.
- 5. What happens if two lecturers request two different extracts from the same work for the same unit?**  
The Library will process scanning requests on a first come first served basis. However if this were to happen we would ask the lecturers concerned to come to an agreement between themselves on which chapter will be made available in the unit.
- 6. Can I copy a scanned document from an eReserves folder and make it available elsewhere?**  
No, because our licence stipulates that a scanned copy must be part of a course specific collection, it may only be downloaded and printed by students on the unit of study for which the item was copied and the scanned document must be password protected.
- 7. Can I link to an eReserves item from an external website?**  
No, for the reasons given in the answer to question 6, above.
- 8. I am teaching on two different units. I have requested a scanned document to be placed in the eReserves folder for Unit 1. Can I link to the same scanned document from Unit 2?**  
No, because when a scanned document is added to the eReserves folder for Unit 1, permissions are set to ensure only students enrolled in Unit 1 can view the item. Students in Unit 2 will receive an "Access Denied" message as they are not entitled to view the item.
- However, the CLA Licence does allow the same scanned extract to be made available in other units, as long as details are recorded separately by the Library. If this situation arises, please complete another request form for the scanned document at <http://www.bournemouth.ac.uk/library/staff/scanningreq.html>.
- 9. What if the University or Library does not own a print copy of the original material I would like to have scanned?**  
The Library can order a copyright-cleared digital copy from the British Library's Higher Education Scanning Service, which can then be uploaded to myBU. To request this service please fill in the form at <http://www.bournemouth.ac.uk/library/staff/scanningreq.html>.
- 10. What if the item I want scanned is published in a country not covered by the licence?**  
The Library can pursue alternative routes for rights clearance, but please be aware that this can be a slow process (i.e. take months) and is potentially expensive. Please fill in the form at <http://www.bournemouth.ac.uk/library/staff/scanningreq.html> and indicate the country of publication in the notes field.

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**11. Can newspaper articles be scanned?**

The University has a Newspaper Licensing Agency (NLA) Licence which permits the photocopying of newspapers. A limited amount of scanning is also allowed to facilitate the circulation of press cuttings. Any extract scanned from a newspaper may only be kept on an intranet for a maximum period of 7 days and then removed. The scanning of certain newspaper titles is not covered by the University's licence, namely The Times; Sunday Times; The Sun; News of the World.

Electronic versions of newspaper articles can be found in the databases PressDisplay (90 day archive; full facsimile copy) and Factiva (back to the early 1990s; text only), available from [http://www.bournemouth.ac.uk/library/resources/databases\\_atoz.html](http://www.bournemouth.ac.uk/library/resources/databases_atoz.html).

**12. I have a student who needs an accessible copy of a scanned document which can be read by screen reading software. What should I do?**

Please ask the student to email the eReserves team at [ereserves@bournemouth.ac.uk](mailto:ereserves@bournemouth.ac.uk) identifying the document(s) they need converting to OCR format. The eReserves team will then send an accessible copy to the student either by email or CD depending on file size. This type of request will be dealt with on an individual basis with the student concerned.

**13. Can I link to electronic resources via online reading lists?**

Yes. It is current practice to create a link in Talis List (the Library's online reading list module) to any item that is available electronically. An online submission form is available from <http://www.bournemouth.ac.uk/library/staff/readinglists.html>, so you can easily request items to be added to or deleted from reading lists.

**14. Can I copy parts of web sites for inclusion in myBU?**

Not without explicit permission from the copyright owner. Links to websites can be made, but these links should be made to the home page, and should not be 'deep' links bypassing the home page or ownership information.

**15. What about copying or embedding items from 'social' web sites such as YouTube?**

As with all web sites, it is important to read the terms and conditions of use to see exactly what users are permitted to do.

**16. Can I copy images from web sites for inclusion in myBU?**

Not without explicit permission from the copyright owner. There are databases available with content that can be re-used for educational purposes, accessible via <http://www.bournemouth.ac.uk/library/resources/images.html>. Check the terms and conditions of each service for details.

The *Jorum* service (<http://www.jorum.ac.uk>) houses a collection of learning and teaching materials which can be downloaded and repurposed for use on myBU. Please contact your Subject Librarian if you are interested in using this resource.

**17. Can I include parts of TV and radio recordings in myBU?**

We recommend that staff use **BoB** (Box of Broadcasts) to record 'free to air' TV/Radio programmes and encourage students to access them via BoB. More information on this service can be found at: [http://www.bournemouth.ac.uk/library/using\\_the\\_library/bufvc.html](http://www.bournemouth.ac.uk/library/using_the_library/bufvc.html).

BoB operates under the University's ERA (Educational Recording Agency) Plus Licence. Recordings made on BoB can be embedded in myBU.

Additionally, if you have made a recording yourself under the ERA Plus Licence it may be stored digitally, uploaded to myBU and accessed by students from computers either on or off-campus. Access must be password protected. The ERA Plus Licence only covers scheduled free to air broadcasts on:

- BBC television and radio
- ITV network services (including ITV2 and ITV3)
- Channel Four and E4
- Five television
- S4C

Any digital recording made under the ERA Plus Licence needs to be accompanied by "a written notice within an opening credit or webpage which must also be viewed or listened to before access to the ERA Digital Recording is permitted." The notice must include:

- (i) an ERA Notice. i.e. a notice which reads "This recording is to be used only for non-commercial educational purposes under the terms of an ERA Licence".
- (ii) the name of the broadcast service from which the original ERA recording was recorded off-air
- (iii) the date of the broadcast
- (iv) the name of the programme

Programmes which are not covered by a licensing scheme, such as those broadcast on subscription channels such as Sky, may be still be shown or recorded for educational purposes. Recording should be accompanied by a sufficient acknowledgement.

#### **18. Can I include excerpts from commercial 'on-demand' and 'listen-again' type services and podcasts?**

Technically these services are not classed as 'broadcasts' under the Copyright, Designs and Patents Act and are not covered by the ERA Plus licence either.

**However**, some broadcasters state in the terms and conditions on their websites that if an educational establishment has subscribed to an ERA licence, they may download listen or watch again services for educational use. At the time of writing, the BBC and Channel 4 allow this. It is advisable to check the websites of other broadcasters if unsure.

#### **19. Can I include clips from commercially produced sound recordings in myBU?**

No, unless the clips are used for the purpose of setting an exam or assessment (see question 21) or you have explicit permission from the copyright holder.

#### **20. Can I include film clips from a commercially produced recording in myBU?**

No, unless the clips are used for the purpose of setting an exam or assessment (see question 21) or you have explicit permission from the copyright holder.

If the film has been broadcast on television then it may have been recorded under the ERA Plus licence and be available on BoB (Box of Broadcasts: <http://www.bournemouth.ac.uk/library/resources/b.html>.)

#### **21. Can I use copyright material in setting an exam or assessment?**

Yes. Section 32 (3) of the CDPA states:

"Copyright is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions, provided that the questions are accompanied by a sufficient acknowledgment."

It is generally accepted that an assessment which counts towards a student's final mark is covered by this examination exception.

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**22. Can I include my own lecture notes/presentations in myBU?**

Yes. However, if the material you have produced contains any third-party copyright items (e.g. a diagram or table), then either the item should be treated as an [eReserve scanning request](#) or permission from the copyright holder obtained.

If the material is a published journal article written by yourself, you may not be the copyright holder. Copyright may have been assigned to the publisher, so you need to check the terms of your contract/agreement with the publisher.

For further advice or information please contact the Library's copyright adviser, Rachel Geeson, by email: [rgeeson@bournemouth.ac.uk](mailto:rgeeson@bournemouth.ac.uk).