

## Copyright Guidelines for Staff

### 1. SCOPE AND PURPOSE

- 1.1 These guidelines are for Bournemouth University staff
- 1.2 These guidelines should be followed when copying copyright materials

### 2. LINKS TO OTHER BU DOCUMENTS

- 2.1 [Copyright and myBU FAQs](#)
- 2.2 [Copyright guidelines for students](#)

### 3. REFERENCES AND FURTHER INFORMATION

- 3.1 [Copyright, Designs and Patents Act 1988](#)
- 3.2 [Consolidated text of UK legislation to 3<sup>rd</sup> May 2007](#)
- 3.3 [Copyright Licensing Agency](#)

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## 1. FAIR DEALING EXCEPTIONS

Fair dealing is an exemption in the Copyright, Designs and Patents Act 1988 which allows short extracts to be copied for the purposes of:

- **non-commercial** research or private study
- criticism or review

Sufficient acknowledgement must be given.

N.B. fair dealing does not apply to copying for teaching purposes.

The law does not define how much of a work can be copied under the fair dealing exception, so it is advisable to ensure that the extract copied is a very small proportion of the whole work.

The Copyright Licensing Agency and British Library give [guidance](#) on what may be considered to be commercial or non-commercial copying:

“commercial’ is a broader term than ‘profit-making’. ‘Commercial’ is in practice synonymous with ‘direct or indirect income-generating’. It is also clear that the purpose **at the time** ... a copy is made is what is important and so some genuinely unforeseen income at a much later date is not relevant to the question. Your intention at the time must be unambiguously non-commercial.”

There is special provision if you are visually impaired under the [Copyright \(Visually Impaired Persons\) Act 2002](#). Information is available from our [Copyright Compliance web pages](#).

Other copying may require permission (see section 11 below).

## 2. EXAMS

The education exception of the Copyright, Designs and Patents Act 1988 permits copying for the purposes of examination, stating:

“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.”

Dissertations and theses are covered by this exception and students do not have to seek permission to include third party copyright materials in their academic work, as long as it is fully referenced.

Material copied for the purpose of setting or sitting examinations may not be published.

The education exception does not apply to music for performance, which may not be copied.

### 3. THE COPYRIGHT LICENSING AGENCY (CLA) PHOTOCOPYING AND SCANNING LICENCE

The University has a licence granted by the CLA which allows some photocopying beyond what is allowed under the Copyright, Designs and Patents Act and also scanning for educational purposes.

CLA licence guidelines can be found near every University photocopier, and are available from the [CLA website](#). The CLA website also gives current details of excluded categories, publishers, works and countries. Study packs or course workbooks containing copyright works covered by the licence may be created and sold to students, provided that production costs only are charged.

Surveys of copying and scanning are undertaken from time to time to establish what and how much is being copied.

#### 3.1 Photocopying

The licence allows multiple photocopies of the following to be made for a group of students:

- a single extract or several extracts from a published edition as long as the total copied does not exceed 5% of the whole work; or
- one chapter in 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

Diagrams, illustrations, drawings, photographs and other graphic works may be copied, either as a part of the extract limits identified above, or in isolation, provided that they are copied from the pages of a source which is licensed material (refer to the CLA website for lists of excluded material).

#### 3.2 Scanning

The licence allows the scanning of journal articles and book chapters, but there are very strict conditions, which include:

- only “Designated Persons” may carry out scanning under the licence. Currently only Library staff are designated persons. If you would like an item scanned for myBU, please fill in an [online scanning request form](#);
- the University must own a print copy of the original material;
- the original material must be published in the UK, Denmark, Ireland, France, Norway, Spain, Switzerland, Australia, Canada, Hong Kong, South Africa or US;
- the scanned copy must be part of a course-specific collection;
- the scanned copy may only be downloaded and printed by students on that specific course;
- 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” (Library staff undertake this administration).

There are limits as to how much of an item may be scanned for a cohort of students on a particular programme. These are the same as the limits for photocopying – see section 3.1 above.

## 4. THE NEWSPAPER LICENSING AGENCY (NLA) LICENCE

### 4.1 Photocopying

The University has an NLA licence, which allows *ad hoc* copying for 'internal management purposes and the purposes of the instruction that it provides for its students'. This permits multiple copying of newspaper articles for use with courses. The licence requires that before any cutting is copied the original cutting as printed on newsprint be mounted on plain paper and marked with the legend 'With permission, copies from [title of the newspaper] dated [publication date]'

The licence does not permit making more than 250 copies of any one article from one issue.

The licence covers the following national newspapers:

Daily Express	Independent	Sunday Times
Daily Mail	Independent on Sunday	The Times
Daily Mirror	Mail on Sunday	
Daily Star	News of the World	
Daily Star Sunday	The Sun	
Daily Telegraph	Sunday Express	
Evening Standard	Sunday Mirror	
Financial Times	The People	
The Guardian	Sunday Telegraph	

The licence also permits copying from regional UK newspapers.

Any copying in excess of 250 copies, or for study packs or for publication must be negotiated with the copyright owner.

### 4.2 Scanning

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).

## 5. TELEVISION, RADIO AND VIDEO/DVD RECORDINGS

The University has an Educational Recording Agency (ERA) Plus licence, which allows staff (and students) to record any scheduled 'free to air' broadcasts via the [Box of Broadcasts](#) (BoB) service, on the following channels:

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

Recordings must be used for legitimate educational purposes only.

The ERA Plus licence does not cover 'on-demand', 'listen-again' or podcast type services. **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.

If you require a DVD or a downloadable file, please contact the IT Service Desk (65515) to make arrangements to record a radio/TV programme for your personal research or teaching use. The Library will no longer add off-air recordings to stock.

There is an emergency back-up service and provision for purchasing programmes after broadcasting. Details of [how to request off-air recordings](#) are on the Library web pages.

Open University programmes are not covered by the ERA Plus licence so cannot be recorded on BoB. Open University programmes have an individual licensing scheme.

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. Section 35(1) of the Copyright Designs and Patents Act states:

*“A recording of a broadcast, or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without thereby infringing the copyright in the broadcast, or in any work included in it, provided that it is accompanied by a sufficient acknowledgement of the broadcast and that the educational purposes are non-commercial.”*

Commercial videos **may not** be copied, except in the course of instruction in the making of films or soundtracks, if done by a person giving or receiving instruction. Commercial videos/DVDs may be shown in a classroom environment.

## 6. UK GOVERNMENT DOCUMENTS

UK Government documents are protected by Crown Copyright. This is similar to other copyright, except for some differences in duration, which can last up to 125 years after the creation of the work.

Some materials protected by Crown copyright may be freely copied provided they are properly acknowledged, are not used for advertising or promotion, or for malicious purposes, and are not altered in any way. These materials include Acts of Parliament, Statutory Instruments, explanatory notes to Acts, Measure of General Synod, National Curriculum material (teacher guidelines), public records unpublished at point of deposit or open for public inspection, some court forms, official press releases.

The [Open Government Licence](#) exists which [covers the re-use of public sector and Crown copyright information](#). There is no need to register or formally apply for the Open Government Licence and no charges or fees are involved for using information under the licence. Users simply need to ensure that their use of information complies with the terms.

The [Open Parliament Licence](#) covers the re-use of information covered by Parliamentary copyright.

Works not covered by these licences can only be re-used with permission or under another licence held by BU (e.g. Ordnance Survey) or copied under the fair dealing exception of the Copyright, Designs and Patents Act.

## **7. ORDNANCE SURVEY**

The University holds a copyright licence that allows copying of Ordnance Survey (OS) maps under limited conditions for teaching, lecturing, examination and University research purposes only.

The key terms of the licence are:

- copies may be made for teaching, lecturing, examination and University research purposes only;
- digital mapping may be used for teaching, lecturing, examination and University research purposes only;
- colour facsimile copies of mapping at a scale of 1:25 000 and smaller must not exceed A4 size (625 sq.cm);
- there are no size restrictions for mapping at 1:10 000, 1:2500 and 1:1250 scales, redrawn or substantially amended mapping or black and white copies of small scale maps;
- OS material may not be transferred into computer readable form (e.g. by digitising or scanning);
- Digital map data must not be incorporated in third-party products.

## **8. STANDARDS**

The University subscribes to the British Standards Institute (BSI) full-text database of standards, which is available over the Internet. Under the database licence, the following provisions apply:

### ***What you may do:***

- print one hard copy of any standard within our subscription for personal use;
- copy a maximum of 10% of a standard and paste to another document for use within the licensed site;
- download a single electronic copy of a standard.

### ***What you may not do:***

- build up electronic or printed collections of standards either in the Library or in offices. A collection is defined as comprising more than 5% of the number of Standards within the package that BU subscribes to;
- copy standards or reproduce parts of standards for external use;
- copy or circulate standards electronically (including internal e-mail)
- copy downloaded standards for distribution to others, including BU staff and students. Staff and students should be advised to obtain their own personal copy.
- copy more than 10% of a standard into another document for internal use – permission must be sought from BSI first.

## **9. ELECTRONIC MATERIALS**

Electronic information, including web pages, e-mails, and computer programmes, is also protected by copyright. It is therefore important to bear the following points in mind:

- just because a web page may be available free of charge does not mean that it can be freely copied;
- forwarding or publishing material either in print or electronic format is an infringement;
- some web sites give express permission for copying. If a site does not, permission must be sought to copy.
- do not use 'deep links' – ie always link into the home page of the site so as not to bypass copyright statements, credits or advertising materials, and to ensure that the author is identified;
- be careful when using frames – you would be infringing someone else's copyright if the link into their page is surrounded by your logos, information, etc;
- do not carry out unauthorised downloading of software or music, e.g. by file swapping. This is illegal and penalties can be severe.

The Library subscribes to many databases, e-journal and e-book collections. The use of all electronic resources is subject to the terms and conditions of the [licence agreements](#) between Bournemouth University and service providers.

## **10. COPYING ITEMS FOR myBU**

For information on the use of materials within myBU, please refer to the guide [Copyright & myBU FAQs](#), which is available from

## **11. PERMISSION**

You may copy materials if you have received the permission of the copyright owner (this may not always be the author of the work), and paid any required fees.