Copyright & Brightspace FAQs

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

1. The University's Copyright Licensing Agency (CLA) Licence and Digitised Content for Reading Lists

1.1 Can I create links to the Library's electronic resources on Brightspace?

Yes, you can create a link on the reading list for your unit. Please contact your Faculty Library Team for advice.

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.

1.2 Can printed items be scanned and put onto Brightspace?

Yes, because the University has a CLA scanning licence. You can request any digitised content via the reading list for your unit if you already have editing rights to the list. Please contact your Faculty Library Team for advice.

Alternatively you can request digitised content via our online form. Any items scanned under licence by library staff are placed on the reading list for the unit you are teaching.

N.B. The University's CLA Licence has strict terms and conditions, which include:

- a record must be kept of every item scanned under the licence. This administrative task is undertaken by the Library;
- the University must own a print copy of the original material;
- the original material must be published in participating countries;
- 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.

There are limits on 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 10% 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.

1.3 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 Brightspace at different points in the year?

No, under the primary HE licence 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.

However, under a supplementary licence, a 'second chapter' service is available, which means the library can investigate scanning a second chapter from the same book. There is a cost implication to this and not all publishers are part of the agreement. If you would like to request a second chapter, please speak to your [Faculty Library Team](#) or fill in our [online request form](#).

1.4 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 in a reading list?

No.

1.5 I am teaching on two different units. I have requested a scanned document to be placed on the reading list for Unit 1. Can the same scanned document be added to the reading list for Unit 2?

Yes, the CLA Licence does allow the same scanned extract to be made available in other units.

1.6 What if the University or Library does not own a print copy of the original material I would like to have scanned?

Please make a request for the material via your reading list. The Library will order a copyright-cleared digital copy from the British Library's Higher Education Scanning Service, which will then be added to the reading list.

1.7 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 email librarydigitisedcontent@bournemouth.ac.uk with any queries.

1.8 Can newspaper articles be scanned?

The University has a Newspaper Licensing Agency (NLA) Licence which permits the photocopying and scanning of newspapers. N.B. the Financial Times may be photocopied but not scanned.

Electronic versions of newspaper articles can be found in the databases PressReader (90 day archive; full facsimile copy) and Gale Reference Complete, available from the [Library web pages](#).

1.9 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 Digitised Content team at librarydigitisedcontent@bournemouth.ac.uk identifying the document(s) they need. The Digitised Content team will then send an accessible copy to the student. This type of request will be dealt with on an individual basis with the student concerned.

2. General copyright questions

Where third party copyright material is included within teaching materials, use must be covered by one of the University's licences, a fair dealing copyright exception or consent from the rights holder. Fair dealing is an exception in the Copyright, Designs and Patents Act which allows short extracts to be copied for the purposes of:

- Non-commercial research and private study

- Criticism or review

- Illustration for instruction

Sufficient acknowledgement must be given.

When deciding what a 'fair' amount is you should consider whether your copying would have any adverse effect on sales of the work. If commercial exploitation would not be affected and where the amount copied is reasonable and appropriate to the context then it is likely that it can be considered fair dealing.

When relying on the "illustration for instruction" exception, the material copied must be crucial to the teaching point you wish to convey (i.e. not just to add interest).

2.1 Can I copy parts of web sites for inclusion in Brightspace?

Yes, this could potentially be covered by a fair dealing exception – see section 2 above.

If you are linking to a web site, the links should be made to the home page; they should not be 'deep' links bypassing the home page or ownership information.

2.2 What about copying or embedding items from 'social' web sites such as YouTube in Brightspace?

Yes, this could potentially be covered by a fair dealing exception – see section 2 above.

However, caution is recommended as some items posted onto YouTube, for example, may be infringing copies.

2.3 Can I copy images from web sites for inclusion in Brightspace?

Yes, this could potentially be covered by a fair dealing exception – see section 2 above.

However, fair dealing with images presents difficulties as it would often be impractical and undesirable to only use an extract from or part of an image. JISC offers advice on the use of images in teaching (N.B. this content was archived in 2017 but the advice is still valid).

BU licenses *some* databases with content that can be re-used for educational purposes, accessible via the Library web pages.

2.4 Can I include parts of TV and radio recordings in Brightspace?

We recommend that staff use Box of Broadcasts (BoB) to record 'free to air' TV/Radio programmes and encourage students to access them via BoB. More information on this service can be found on the Library web pages.

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

Additionally, if you have made a recording yourself under the ERA Licence it may be stored digitally, uploaded to Brightspace and accessed by students from computers either on or off-campus in the UK.

Access must be password protected. The ERA Licence only covers scheduled 'free to air' broadcasts.

Any digital recording made under the ERA 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:

- the words: "This recording is to be used only for non-commercial educational purposes under the terms of an ERA Licence"
- the name of the broadcast service from which the original ERA recording was recorded off-air
- the date of the broadcast
- 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. Recordings should be accompanied by a sufficient acknowledgement.

For further information on the ERA licence, please refer to the ERA's FAQs.

2.5 Can I include excerpts from commercial 'on-demand' and 'listen-again' type services and podcasts?

Yes, educational establishments that hold an ERA Licence (including BU) can access and download content from on-demand services such as BBC iPlayer, 4 on Demand, ITV Player, Demand 5 and Clic (S4C) in a similar way to personal private users.

Please check the terms and conditions of the individual services for full details.

2.6 Can I include clips from commercially produced sound recordings in Brightspace?

Yes, this could potentially be covered by a fair dealing exception – see section 2 above.

2.7 Can I include film clips from a commercially produced recording in Brightspace?

Yes, this could potentially be covered by a fair dealing exception – see section 2 above.

If the film has been broadcast on television then it may have been recorded under the ERA Plus licence and be available on BoB. BoB allows clips to be created and embedded in Brightspace.

2.8 Can I stream an entire film to a class of students?

Yes. The University's legal team has advised that due to 'Covid-19' circumstances, films may be streamed to students to replicate the experience of sitting in a classroom **at a set time** to watch a film together. Entire films **may not** be copied and stored in Brightspace or elsewhere to be accessed independently by students at a time of their choosing.

2.9 Can I use copyright material in setting an exam question or assessment?

Yes. This is covered by the "illustration for instruction" exception of the Copyright Designs and Patents Act, but the concept of "fair dealing" applies, i.e. short extracts from copyright material may be copied, but not the whole work.

When deciding what a 'fair' amount is you should consider whether your copying would have any adverse effect on sales of the work. If commercial exploitation would not be affected and where the amount copied is reasonable and appropriate to the context then it is likely that it can be considered fair dealing.

3.0 Can I include my own lecture notes/presentations in Brightspace?

Yes. Where third party copyright material is included a lecture, use of the material must be covered by one of the University's licences, a fair dealing copyright exception or consent from the rights holder. See section 2, above.

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, but often publishers allow authors to re-use their work in certain ways. Please refer to your agreement with the publisher.

3.1 Recording lectures

The University uses a system called Panopto, a video platform and screen recording tool. It is used primarily for recording live lectures (lecture capture) and recording 'offline' presentations (desktop capture). Where any third party copyright material is included in a recording, lecturers must confirm that they have consent from the rights holder or that the use of the material is covered by one of the University's licences or a fair dealing copyright exception. Please refer to the Panopto section of the Technology Enhanced Learning (TEL) Toolkit for further information and support.

For further advice or information please contact, librarysupport@bournemouth.ac.uk