What is Copyright?

Copyright gives legal protection to original:

- literary, dramatic, musical and artistic works
- sound recordings
- films (and videos)
- broadcasts (including cable and satellite programmes)
- typographical arrangements of published works

Copyright arises automatically once the work is recorded in writing or some other form, and it gives the copyright holder exclusive right to:

- copy the work
- issue copies of the work to the public
- perform, show or play the work in public
- to communicate the work to the public (by broadcast, or by electronic transmission)
- make an adaptation of the work

It is an infringement to do any of the above without the permission of the copyright holder. However, copyright law includes several exceptions to these exclusive rights.

What is allowed?

There are certain exceptions to the exclusive rights of copyright holders, where copying without seeking permission is allowed, including for:

- **Non-commercial research and private study**
  You may copy from any type of copyright work for this purpose provided that the amount used is fair and reasonable. If copying for research, the source of the work should be acknowledged where practical.

- **Text and data analysis for non-commercial research**
  If you have the right to access a copyright work, such as through a Library subscription, you are allowed to make a copy of the work for text and data mining purposes as part of your research without asking for additional permission.
• **Criticism, review, quotation and news reporting**
  You do not need to seek the permission of the copyright owner to use a quotation as long as the original work has been made available to the public, the copy is accompanied by a sufficient acknowledgment of the source, and the use is considered fair and reasonable. However, photographs cannot be copied in order to report current events.

• **Illustration for instruction, including examinations**
  Illustrative uses of copyright works are permitted for the purpose of teaching, provided that your use is minimal and fair, and the source of the work is acknowledged. Any type of work can be copied to illustrate a teaching point.

• **Copying and use of extracts of works for instruction**
  The University can copy up to 5% from a work during any 12 month period for non-commercial instruction, except broadcasts or separate artistic works. You should only rely on this exception if a licence authorising the act is not available, for example if a work is excluded from an educational copying licence.

• **Caricature, parody or pastiche**
  You can copy a moderate amount of somebody else’s work for this purpose without seeking permission, for example, copying extracts from films to create a parody video.

For each exception, the amount of material which can be copied must be fair to the copyright holder. In legal terms, this is called “fair dealing”.

Factors which are relevant in determining whether a particular use is “fair dealing” include:

- Does the use of the work substitute for buying a copy of the original?
- Is the amount of the work taken necessary, reasonable and appropriate?

Any use that is not “fair dealing” will require permission or a licence.

These exceptions do not replace the need for a licence where one exists, such as an educational copying licence as outlined below.
Which licences has Leeds Beckett University entered into?

Licences are contracts that allow greater freedom in the copying of protected material. The University has agreed to several licences, including:

- The Copyright Licensing Agency (CLA) licence covering paper-to-paper photocopying, scanning from print-to-digital and some digital-to-digital copying
- The Educational Recording Agency (ERA) licence covering terrestrial broadcasting including Open University
- Newspaper Licensing Agency (NLA) licence covering UK newspapers

Licences should not restrict acts which are permitted by law or be more restrictive than the copyright exceptions previously outlined.

What is allowed under the terms of the CLA Licence?

The Copyright Licensing Agency (CLA) licence permits multiple copying for educational purposes.

The licence applies only to Authorised Persons:

- Students
  All students enrolled at the University
  but not students studying at an overseas campus or partner institutions
- Staff
  All staff employed by the University
  including Emeritus Professors and other honorary staff and visiting academics;
  and postgraduate students who hold a teaching role (who need to make copies as part of their teaching)
  but excluding walk-in users, ex-members of staff, alumni

Distance Learners and staff based overseas are covered by the licence to receive copies, but are not permitted to make the copies themselves.

Members of staff may create paper copies from a wide range of materials under the terms of the licence. Such copies include photocopies, print-outs from digital sources and printed course packs.

The scanning provisions within the licence also permit the creation of digital copies under certain terms but all copies must include a Copyright Notice and be reported to the CLA.
Libraries and Learning and Innovation (LLI) therefore offers a centralised Digitisation Service whereby staff can request material to be scanned under this licence. Digital copies not created by the Digitisation Service are unlikely to meet the terms of the licence and will be in breach of copyright.

Contact: digitisation@leedsbeckett.ac.uk

Certain limitations apply to both photocopying and scanning.

Copies should only be made from either:

- An original published book, journal or law report owned by the University, either by purchase, bequest, or donation
  Lecturer’s own copies, Interlibrary Loans from the British Library or other institutions, inspection copies or reprints supplied by a publisher are not covered by this licence
- A copyright fee paid copy of a chapter or article supplied by the British Library - these must be ordered via your Academic Librarian or the Digitisation Service

Limitations also apply to the amount which may be copied.

For any single module, the amount from each individual work which can be copied is:

No more than one chapter per book, or one article per journal/periodical, or one single case report from a Law Report; or no more than 10% of a given work, whichever is greater.

If photocopying, the number of copies should not exceed the number needed for each student on the module plus one for the lecturer. The material being copied must not be excluded from the licence.

**Which works are excluded from the CLA Licence?**

The following categories of material may not be copied under this licence:

- newspapers (print and some online newspapers covered by the NLA licence)
- printed music (including lyrics)
- maps and charts
- workbooks, workcards and assignment sheets (intended for once-only use)
- any work which the copyright owner has stated may not be copied under this licence
- works published in those countries outside the United Kingdom which do not have an agreement with the CLA. See the CLA’s list of ‘International Territories’ for details at: https://www.cla.co.uk/international/territories
- works which have been excluded from the licence https://www.cla.co.uk/excluded/he-print
To check whether you are able to copy from a particular publication, enter a title or ISBN into the CLA’s Check Permissions search tool:
https://www.cla.co.uk/higher-education-licence
Select Higher Education Permissions

What does the licence cover?

Course packs
Printed course packs consisting of compilations of photocopied material can be created under the terms of this licence.

Provided that the licence covers the material being copied, and that the copying limits are observed, no additional copyright clearance is required.

“Electronic course packs” in which readings are presented in course collections within a MyBeckett module can be created under licence via the LLI Digitisation Service.

Contact digitisation@leedsbeckett.ac.uk for further information.

Distance Learning material
Distance learning students in the UK can receive copies under the terms of this licence. Such students must be receiving instruction from the University (rather than a partner institution) but do not necessarily have to attend the University premises.

Distance Learning students and staff outside the UK are licensed to receive copies, but cannot make the copies themselves. Distance learners at an overseas campus, or part of a franchise or partnership arrangement are not covered by the licence.

Artistic works
Artistic works include photographs, diagrams, charts and illustrations. Such items are covered by the CLA licence, whether they are embedded in the text of an article/chapter or appear on a separate page.

Interlibrary Loan photocopies
Interlibrary Loan requests for photocopies from the British Library are supplied solely for the purposes of non-commercial research or private study.

These photocopies cannot be added to the Library or further copied for teaching purposes.
What if I need copyright clearance?

Copyright clearance may be required if:

- the University does not own an original published edition of the material
- the original material being copied is excluded from the CLA Licence, and not covered by any other licence or copyright exception
- the amount being copied for a module is over the 10% limit allowed by the CLA Licence, such as several chapters from the same book

The Copyright Clearance Service is based in Headingley Library (0113 812 7472) and is available to offer advice and guidance to Leeds Beckett University staff and students, as well as practical help in seeking rights clearances.

The Copyright Clearance Service will contact the rights holders on your behalf. Permission to copy may involve a copyright fee. Please allow 6-8 weeks for such clearances.

Does copyright exist in a digital environment?

Yes, information recorded in an electronic or digital format, including CD-ROMs, online databases, computer programs, web pages etc. is protected by copyright.

Downloading, printing, scanning and storing material may infringe the copyright of the rights holders. More specifically:

- any copying and re-use of electronic material beyond fair dealing can only be carried out under the terms of a licence or contract with the rights owner
- an individual can copy part of an electronic publication on to a USB (accessible by a single user, not networked) or print one copy on to paper, for example for non-commercial research or private study
- multiple copies for teaching or posting part or all of an electronic publication on to a network or web site or VLE such as MyBeckett may infringe copyright unless covered by a licence
- the CLA Licence permits the scanning of print books and journals owned by the University, for online module teaching. All requests for digital copies should be directed to the LLI Digitisation Service: digitisation@leedsbeckett.ac.uk
- although information from the internet may be free to access, it does not mean that the material is copyright free. Unless the website contains a specific copyright waiver covering your intended usage, the webmaster or equivalent should be contacted for copyright clearance beyond a single, fair dealing copy
- a blanket licence for copying from a digital environment is not available. Some publishers or websites may be covered under the CLA Licence but in general individual subscriptions and licensing apply. The Copyright Clearance Service can advise.
Further sources of help

- Check the posters displayed beside all printers /photocopying machines
- Leeds Beckett University staff and students can contact the Copyright Clearance Service on 0113 812 7472 or r.thornton@leedsbeckett.ac.uk
- Copyright Guidelines are available through the Library website. Guides are available on a variety of topics such as using audio visual materials, artistic works and photographs, copying journal articles into MyBeckett
- Ask your Academic Librarian for advice