Copyright in the digital environment

What is copyright?

Copyright protects original:

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

Copyright protects works both in print or digital format, such as websites, online databases, emails and other electronic transmissions.

In general, the terms of copyright ownership of an electronic/digitised work are the same as a printed work, and the copyright owner has 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.

What is allowed?

You are allowed to copy, store and transmit a work if you are the copyright owner or if the work is out of copyright (generally 70 years after the death of the author but different terms may apply to different media).

In other circumstances, there are some exceptions to the exclusive rights of the copyright owner but the use and amount taken must be fair to the copyright owner. This is called “fair dealing” and applies to all the following circumstances:

- **Copying for non-commercial research and private study**
  
  This exception does not include copying for general teaching purposes, networking or placing material in a Virtual Learning Environment (VLE) such as MyBeckett. Copies created for research purposes should be accompanied by sufficient acknowledgement.
• Copies for text and data analysis for non-commercial research
  It is possible to make a copy of a work in order to carry out a computational
  analysis of anything recorded in the work for the purpose of research for a non-
  commercial purpose. The copy should be accompanied by acknowledgement.

• Copying for criticism or review or quotation
  It is possible to quote parts of a work where necessary, for criticism or review or
  otherwise, for example to illustrate a point in an essay. The original work must
  have been published or communicated to the public, and the quote should be
  accompanied by sufficient acknowledgement.

• Reporting current news events
  It is permissible to copy works (except photographs) in order to report a recent
  news event. The copies should be accompanied by an acknowledgment of the
  source and removed when it becomes ‘old news’.

• Copying for caricature, parody or pastiche
  It is permissible to copy another work in order to create a work of caricature,
  parody or pastiche, for example copying a part of a film in order to create a
  parody video to upload to YouTube. Such works must not be discriminatory or
  libellous.

• Copying for illustration for instruction
  This exception permits copying of works in any medium as long as the following
  conditions apply:
     the work must be used solely to illustrate a point;
     the use of the work must not be for commercial purposes;
     the use must be fair dealing; and
     it must be accompanied by a sufficient acknowledgement.
  This means minor uses, such as displaying a limited amount in lecture slides or
  on an interactive whiteboard, are permitted.
  Usage which is not “fair” or would undermine the sale of teaching materials will
  still need a licence. These exceptions are not a substitute for educational
  licensing agreements (see next section).
Scanning/digitising

Unless covered by one of the exceptions outlined previously, it would be a copyright infringement to scan or digitise a copyright protected work without a licence or permission.

CLA Licence

The Copyright Licensing Agency (CLA) provides a licence for scanning published works owned by the University, under specific terms and conditions.

All digital copies must display a copyright notice and be reported to the CLA. Therefore requests for digitisation must be directed to the Libraries and Learning Innovation (LLI) Digitisation Service at digitisation@leedsbeckett.ac.uk

The proportion of each single work which can be copied per module consists of one chapter per book, one article per journal issue, one case report from a law report; or 10% of the whole work, *whichever is greater*.

Digital copies can be made available via modules in MyBeckett and online reading lists.

Lecturers can request digitisation whilst adding items to a module’s online reading list. Add the item as a ‘Chapter’ or ‘Article’ then use the Note to Library feature to tell the Digitisation Service that digitisation is required. The Digitisation Service will pick up the request when the list is submitted for review, check that digitisation is possible under the CLA licence and add a link to the item on the reading list when the digitised reading is available.

For further information, contact the Digitisation Service (ext 27472) or check the guide Scanning print materials for use in a VLE.

Copies provided under the digitisation licence should not substitute for the purchase of key text books.

If a work has been excluded from the licence, it may still be possible to copy it for teaching provided that no more than 5% of the work is copied in any 12 month period across the University.

Copying and pasting

Unless covered by one of the exceptions, it would be an infringement to copy someone else’s work from one source to another without permission.

It is easy to change content and authorship of a work in a digital context but this could be an infringement of both copyright and the author’s moral rights (to be named as author/creator of the work and to prevent derogatory treatment of the work).

Downloading and copying

Unless covered by one of the exceptions or permitted by licence, it would be a copyright infringement to download a work from a digital source and to make further copies.

Certain websites or databases may allow such usage for educational purposes but check their terms and conditions first. If there are no terms provided on the website, contact the webmaster or site owners for advice.
Electronic journals and databases

Access to electronic journals and databases is often restricted by password and usage must be under the terms of the accompanying licence or subscription contract. Such licences or contracts should not prevent copying under the exceptions previously outlined.

In circumstances not covered by the usual exceptions, check the terms and conditions of usage. These may be available online and should be adhered to. Sometimes you are asked to click agreement with on-screen conditions of access. This means you have entered into a form of contract which should be respected.

Permission is required for any other usage.

Referencing or linking to an electronic journal article from a website, online reading list or a module in MyBeckett does not infringe copyright (provided that the login or security measures are not bypassed).

Most electronic journal providers allow for article level linking.

Guidelines on copying and linking to ejournal articles are available via the Library website.

The internet

The internet is not free from copyright.

Although most materials placed on the internet are open access and may have an implied licence to copy, it is good practice to always check for any terms and conditions and request permission where necessary.

Items offered as downloads may be intended for personal use only.

Unless there is a copyright waiver displayed on the site, or an accompanying licence for usage, you may only copy without permission under one of the exceptions previously outlined.

Examples of permitted usage:

- downloading an item to a PC as long as it is not networked, for private study
- downloading a single copy to USB or print out for personal use

Linking

Linking to a website is usually not regarded as an infringement of copyright but it is good practice to check for a site’s Linking Policy.

Website owners may particularly object to links which bypass the homepage (deep-linking) and to framing, where images from their website are displayed within frames of the University’s website.

It must be clear that you are directing users to another website.

You must also be aware that the material on a website has been lawfully made available to the public.
If material has been made available online without a rights holder’s permission, it would be bad practice to link to it and an infringement to make copies of it.

Be careful when using sites such as YouTube and other social networking sites that may contain commercial content which has been uploaded without permission.

If in any doubt, contact the webmaster for information/permission.

**Digital broadcast**

It is possible for a lecturer to play a digital programme to a class for as long as it is available.

The BBC provides terms and conditions for the use of its online programmes via the BBC iPlayer and RealPlayer software:

http://www.bbc.co.uk/usingthebbc/terms-of-use/
http://iplayerhelp.external.bbc.co.uk/

**Audio visual materials**

Video, film and sound recordings can be copied under the exceptions outlined previously as long as the amount used is fair.

Off-air broadcasts and some digital broadcasts may be copied under licence from ERA.

**ERA**

The University’s licence with the Educational Recording Agency (ERA) allows for the recording of live broadcasts in both analogue and digital format.

ERA provides a licence to copy for educational, non-commercial purposes only:

- BBC television and radio
- TV Network services (including ITV2 and ITV3)
- Channel Four and E4
- Five television
- S4C
- Open University off-air broadcasts

Licensed recordings can be retained, stored (on a secure server, on CD or on DVD), copied and relayed to staff and students at the University both on and off campus but not outside the UK.

- On-demand services and interactive services (where the viewer or listener chooses the viewing or listening time), such as the BBC’s iPlayer programmes, can only be recorded under this licence if the programme provider allows it and the digital rights management software is not tampered with or removed.

It is possible to link to and view programmes on the BBC iPlayer and Channel 4’s All4 for educational purposes. Where there is a download option (BBC iPlayer) you can download and keep a copy for the limited period set until the download expires.

http://www.bbc.co.uk/terms/help.shtml#8
• Broadcast programmes delivered via the internet, where the provider or broadcaster offers a range of fixed viewing times for the viewer to select from, are not on-demand services and may be recorded under the ERA Licence.

• Analogue (i.e. on tape) recordings made under the ERA Licence can be transferred into digital formats (i.e. storage on a secure server) for educational use.

• A lecturer may record a programme from home but cannot transmit it via email to the University.

• Licensed recordings may be included in a PowerPoint presentation (but the presentation should not be made available outside of the UK).

ERA recordings must be correctly labelled. Digital recordings require a written opening credit or web page which must be viewed or listened to before access is permitted.

ERA recordings can be streamed to classes on campus.

**Leeds Beckett TV**

Lecturers can schedule programmes themselves using the Leeds Beckett TV media player service or by contacting the Off Air service by email:

```
off-air.recordings@leedsbeckett.ac.uk
```

Requests for programmes can be made up to 28 days after broadcast.

The Leeds Beckett TV server hosting existing programmes can be searched from here:

```
http://tv.leedsbeckett.ac.uk
```

**Box of Broadcasts (BoB)**

Box of Broadcasts is another online TV and radio recording service. Lecturers can choose and record any broadcast programme from over 60 TV and radio channels. The recorded programmes are then kept indefinitely and added to a growing media archive of at over 1 million programmes.

Details of how to log into BoB are on the Library website:

```
http://libguides.leedsbeckett.ac.uk/resources/databases/bob_instructions
```

Further information about the ERA licence is available on ERA’s website:

```
http://www.era.org.uk/
```

A useful guide to accessing legal digital content including TV and Film is Get It Right from a Genuine Site (formerly The Content Map):

```
https://www.getitrightfromagenuinesite.org/
```

Be aware that some content may only be available for personal use.
Creating web pages, intranets and the VLE

It is the copyright owner’s exclusive right to ‘communicate a work to the public’ by electronic means.

This includes putting material on a website.

Intranets and VLEs such as MyBeckett, although they might be password protected, are regarded as public networks.

Unless you own the copyright in the content of your website or the material is out of copyright, permission or a licence should be obtained.

Possible exceptions are:

- copying for criticism or review, quotation or reporting current events provided the amount copied is fair and sufficient acknowledgement to the source is given
- copying for caricature, parody or pastiche provided the amount copied is fair
- copying small amounts for “illustration” for instruction provided the amount copied is fair and sufficient acknowledgement to the source is given (more extensive copying should be under the terms of the CLA Licence)
- copying works not covered by a licence for instruction purposes (except broadcasts or separate artistic works) provided that no more than 5% of a work is copied in any 12 month period across the University.

The Copyright Clearance Service can advise on material covered by the CLA licence, or seek permission on your behalf from rights owners to place material within an intranet or VLE module.

Elearning

The University recognises the importance of elearning programmes in the delivery of information to students at home and overseas.

- Legally, the University as the employer owns the copyright in any elearning materials developed by a lecturer as part of his/her work.
- If any third party material is used, permission or a licence must first be sought which will cover all potential usage.
- For programmes developed in partnership with other organisations, a written agreement from all parties should be obtained in advance, outlining how the material will be used and who holds the copyright.
- The CLA licence does not cover franchised or partnership arrangements or courses based on campuses overseas. Only distance learners who are taught entirely by the University are permitted to receive materials copied under the licence.
Further help

Leeds Beckett University staff and students can contact the Copyright Clearance Service on 0113 812 7472 or by email r.thornton@leedsbeckett.ac.uk.

Other guidelines on copyright are available from the Library website.