Copyright guidelines for the use of images and artistic works

Artistic works’ subject to copyright protection

These include any:

- painting, drawing, diagram, map, chart or plan
- engraving, etching, lithograph, woodcut
- photograph, sculpture or collage
- work of architecture, such as a building or fixed structure, a model for a building, or a work of artistic craftsmanship

Once the original work is recorded in some form, copyright arises automatically. The copyright owner then has the exclusive right to:

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

What is allowed?

There are certain “fair dealing” exceptions to the exclusive rights of the copyright owner, when copying is allowed for specific purposes. These include copying for the purposes of:

- private study or non-commercial research
- illustration for teaching, including examinations
- quotation, criticism or review whether of the work itself or in comparison with another work
- reporting a current event (this exception does not apply to photographs)
- caricature, parody or pastiche

The amount that can be copied should be fair to the copyright owner which means a reasonable and necessary amount for that purpose, which will not adversely affect the copyright owner’s revenue from the work or affect the market value of the work.

Sufficient acknowledgement should be given to the original source where it is practical to do so.
Material copied under these exceptions cannot be further used for any other purposes. Students must seek permission if they wish to make further use of copied work, such as showing externally to Leeds Beckett University or including the work in a portfolio.

**Adaptation**
Most forms of adaptation are really copying. However, one artist may imitate the style of another provided that no actual copying of the other artist’s work takes place.

**Moral Rights**
The artist/creator of an artistic work may have Moral Rights in the work, including:

- the right of paternity -
  the right of the artist/creator to be identified as such (check for a creator’s name on the back of photos, mounts of transparencies or slides etc.)

- the right of integrity -
  the artist/creator can object to derogatory treatment of his or her work (for example, an artist’s work in digital format can be easily manipulated, but the original creator may consider this derogatory treatment of his or her work)

**Permitted educational use of artistic works**
It is possible to copy an artistic work if:

- the work is out of copyright -
  generally copyright protection for artistic works is for 70 years from the death of the artist/creator; but many other factors, such as type or work or whether it has been published, can affect the duration of copyright protection

- the copyright is held by the University or yourself

There are also two permitted exceptions to the exclusive rights of copyright owners which allow copying for teaching:

- illustration for instruction -
  any type of work can be copied to illustrate a teaching point provided that the amount copied is fair and reasonable, and sufficient acknowledgement is given. This includes for examinations

- copying and use of extracts of works by educational establishments -
  any type of work except broadcasts or separate artistic works can be copied for non-commercial instruction provided that no more than 5% of the work is copied in any 12 month period across the University. This exception does not apply if the work is covered by a licence

When copying for teaching, you will need to decide which exception applies best and how much it is reasonable to copy.
Copying a whole image for illustration for instruction may not be seen as “fair” to the rights owners. Any images should be a low resolution and must relate clearly to a particular learning activity or teaching point. If the exceptions do not apply, copying or use of the artistic work should only take place with permission or under a licence. Including an image in a PowerPoint presentation to show in class may be justifiable under an exception, however, adding that presentation to a VLE for subsequent access might not be regarded as “fair” if licensing is available.

Copying under licence

The Copyright Licensing Agency (CLA) licence

The CLA licence permits the copying of artistic works contained in books and journals. Either full page images or part page image and text may be copied. All Leeds Beckett University staff may photocopy artistic works under the terms of this licence. The CLA licence also permits scanning or digitising images from print books or journals via request to Libraries and Learning Innovation’s (LLI) Digitisation Service. See the section ‘Digitisation of artistic works’ below for more information. For full details of the CLA licence visit their website at http://www.cla.co.uk or the copyright guidelines available through the Library website.

If an artistic work is incorporated into another work which is excluded from the licence, such as an image featured on part page of a book not covered by the CLA licence, it is possible to copy it for non-commercial instruction provided that no more than 5% of the work is copied in any 12 month period across the University. This does not apply to separate images.

Digitisation of artistic works

Digitising or scanning, or cutting and pasting artistic works, for purposes beyond the exceptions outlined previously, are acts of copyright infringement without a licence or the prior permission of the copyright owner. This includes copying a work for inclusion in a Virtual Learning Environment (VLE), such as MyBeckett, even though access is restricted by username and password. Advice on using images in a VLE is available from JISC Digital Media:


The Copyright Licensing Agency (CLA) licence permits the scanning of artistic works by the Digitisation Service within the Library. Copies created by other staff are likely to be in breach of the licence. Artistic works can be scanned from print books and journals owned by the University but each scan must be acknowledged with a copyright notice, and must be recorded and reported to the CLA.
Some publishers allow images to be copied from digital-born works such as websites, ejournals or ebooks under the terms of the CLA licence - contact the Digitisation Service for advice.

The licence covers whole page images or the disembedding of a part page image. Such scanned images can be used within a VLE or PowerPoint presentations.

To request digital copies of images, email the Digitisation Service digitisation@leedsbeckett.ac.uk.

Exemptions

- the image is free to use, for example clip art where this is clearly stated by the copyright holder (i.e. not all clip art is free to use!)
- the work is copied under licence - such as a Creative Commons licence
- the work is out of copyright
- the copyright is held by the University or yourself
- the work is copied under one of the exceptions previously outlined (to the extent that it is fair dealing)

Internet

The internet is a good source of images, however these images are not necessarily copyright free or available for further copying and dissemination. Some images available via the internet may in fact be infringing copies themselves.

Check for terms and conditions on the website you are accessing and look out for a credit line accompanying an image which will indicate the rights holder.

Google Images

Google Images provides access to images from thousands of different websites, along with a disclaimer for each image: Image may be subject to copyright. Google Images is not a copyright-free image site.

Check the original source of an image to clarify whether it can be further copied.

To search Google Images for images which can be re-used without seeking permission, use the Advanced Search facility. You will then be able to narrow your search to those images which can be freely re-used, or shared under a Creative Commons licence or similar.

Pinterest

Image sharing social networks such as Flickr or Pinterest allow you to create an online profile and upload and share images and photographs. Pinterest allows you to “pin” images from other websites which can then be accessed and shared as an online resource.

However, this activity could lead to an infringement of copyright, as you are only entitled to publish images on a website where you are either the copyright owner of
the image or have permission or a licence from the copyright owner to do so or where copyright in the image has expired.

Guidelines on image sharing sites are available from JISC:

https://www.jisc.ac.uk/guides/pinterest-image-sharing-websites-and-the-law

**Getty Images**

 Getty Images are a large photo agency, offering an embed feature on 35 million of their images, allowing anybody to share them legally and for free on websites, blogs and social media platforms. The images must only be copied for non-commercial and editorial use (meaning “relating to events that are newsworthy or of public interest”) from within the the embed viewer, without being cropped or edited. The photos will be "framed" with a code that links back to Getty's website.

Introduction to Embed: http://www.gettyimages.co.uk/Creative/Frontdoor/embed

This service is currently only available off-campus.

**Clip Art**

Microsoft no longer supports Clip Art, however images can still be added to documents via a Bing Image Search. For example, to insert a clip art type image into a Word document (Microsoft Office 2016) use the Insert ribbon and select Online Pictures. You will be taken to a Bing Image Search box. Enter a search term and the first set of results displayed will be those images licensed through Creative Commons.

As there are different types of Creative Commons licences you will need to go to the original source of the image to view the details of the licence and make sure it covers your usage. Click the link at the bottom of the image to visit the original source of the image.

Clicking on “Show all web results” will also display images which may be protected by copyright.

The Intellectual Property Office has issued a helpful Copyright Notice on the use of digital or photographic images on the web:


**Further help**

- The Copyright Clearance Service -
  Based in the Headingley Library, the Copyright Clearance Service can provide advice and copyright clearance for Leeds Beckett University staff and students.
  Telephone: 0113 812 7472
  Email: r.thornton@leedsbeckett.ac.uk