



## Lincoln Bishop University

### Document Administration

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|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Document Title:</b>                          | Code of Practice for Copyright                                                                                                                                                               |                                                                                       |
| <b>Document Category:</b>                       | Code of Practice                                                                                                                                                                             |                                                                                       |
| <b>Version Number:</b>                          | 5.0                                                                                                                                                                                          |                                                                                       |
| <b>Status:</b>                                  | APPROVED                                                                                                                                                                                     |                                                                                       |
| <b>Reason for Development:</b>                  | To provide guidance on copyright to ensure the University's compliance with the Copyright, Designs and Patents Act 1988, subsequent statutory instruments and associated copyright licenses. |                                                                                       |
| <b>Scope:</b>                                   | This Code of Practice applies to all staff and students                                                                                                                                      |                                                                                       |
| <b>Author/Developer:</b>                        | Head of Student Success                                                                                                                                                                      |                                                                                       |
| <b>Owner:</b>                                   | Head of Student Success                                                                                                                                                                      |                                                                                       |
| <b>Assessment:</b><br><i>(where relevant)</i>   | <u>Assessment Type:</u><br>Equality Assessment<br>Legal<br>Information Governance<br>Academic Governance                                                                                     | <u>Assessment Status:</u><br>COMPLETE<br>NOT REQUIRED<br>NOT REQUIRED<br>NOT REQUIRED |
| <b>Consultation:</b><br><i>(where relevant)</i> | <u>Consultation Type:</u><br>Staff Trade Unions via HR<br>Students via Students' Union<br>Any External Statutory Bodies                                                                      | <u>Consultation Status:</u><br>NOT REQUIRED<br>NOT REQUIRED<br>NOT REQUIRED           |
| <b>Authorising Board:</b>                       | Policy Committee                                                                                                                                                                             |                                                                                       |
| <b>Date First Authorised:</b>                   | 11 December 2019                                                                                                                                                                             |                                                                                       |
| <b>Reviewed &amp; Effective From:</b>           | 07 May 2026                                                                                                                                                                                  |                                                                                       |
| <b>Next Review Due*:</b>                        | May 2027 – <i>unless required earlier</i>                                                                                                                                                    |                                                                                       |
| <b>Document Location:</b>                       | University Website                                                                                                                                                                           |                                                                                       |
| <b>Document Control:</b>                        | All printed versions of this document are classified as uncontrolled. A controlled version is available from the University Website.                                                         |                                                                                       |
| <b>Alternative Format:</b>                      | If you require this document in an alternative format, please contact <a href="mailto:policy@lincolnbishop.ac.uk">policy@lincolnbishop.ac.uk</a>                                             |                                                                                       |

**\*Please Note:** This document remains valid until formally revoked or replaced by the University.



**VERSION CONTROL TABLE**

| <b><u>Version Number</u></b> | <b><u>Date Authorised</u></b> | <b><u>Summary of Key Changes</u></b>                                                                                           |
|------------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1.0 – 4.0                    | 11 December 2019              | Code of Practice first introduced and subsequently reviewed to ensure accuracy in line with external guidance and legislation. |
| 5.0                          | 07 May 2026                   | Amendments to nomenclature and formatting to ensure consistency with University Branding.                                      |



## **1. INTRODUCTION**

- 1.1. Copyright is a form of legal protection for writers, composers and artists, giving them the right to say how their works are used by other people. The person who creates a work usually owns the copyright, but this is not always the case; works can be commissioned, and copyright can be sold.
- 1.2. Members of staff and students at Lincoln Bishop University are expected to take personal responsibility for ensuring that any copying they undertake adheres to copyright law and/or the copyright licenses held by the University. Staff and students are not entitled to make unlimited copies of any intellectual work: copying may only be undertaken within the parameters outlined in this Code of Practice. Guidance on copyright is displayed next to all University photocopiers.
- 1.3. In all instances where copyright-protected material is reproduced by members of staff or students of the University, by any means permitted in this Code of Practice, the source material must be clearly and properly acknowledged.
- 1.4. The information contained within this Code of Practice pertains to the most important areas of copyright affecting the University. Section 2 explains the relationship between copyright licenses and the law; sections 3 to 5 set out copying limits permitted by the various licenses held by the University; section 6 describes the legal framework; and sections 7 to 15 provide additional information and guidance.

## **2. THE RELATIONSHIP BETWEEN COPYRIGHT LICENSES AND COPYRIGHT LAW**

- 2.1. The licenses listed below are the principal means by which the University is permitted to undertake copying for educational purposes:
  - 2.1.1. The Copyright Licensing Agency (CLA) License for books and journals, both print and online.
  - 2.1.2. The Newspaper Licensing Agency (NLA) License for newspapers and some magazines, both print and online.
  - 2.1.3. The Educational Recording Agency (ERA) License for TV programmes, broadcasts and podcasts.

- 2.2. None of the above are blanket licenses, meaning that they do not allow the University to copy any book, journal, newspaper or broadcast, only those covered by each license. A small number of additional music licenses are outlined in section 8.
- 2.3. UK copyright law is legislated by the Copyright, Designs and Patents Act 1988 (<http://www.legislation.gov.uk/ukpga/1988/48/contents>) and subsequent statutory instruments and regulations, and can be utilised in instances where the copying of material is not permitted by any of the licenses listed above. This might include copying from books excluded from the CLA License; TV channels excluded from the ERA License; or materials not covered by any license, like maps. In this respect, the most useful provisions of the Copyright, Designs and Patents Act 1988 are Sections 29 (research and private study), 32 (illustration for instruction) and 36 (copying and use of extracts of works by educational establishments).

### **3. THE COPYRIGHT LICENSING AGENCY (CLA) LICENSE**

- 3.1. The University is licensed by the Copyright Licensing Agency (CLA) to make photocopies and digital copies of extracts from printed and digital books, journals and magazines according to the limits and conditions of the license, as set out below. Copies can be made for students undertaking programmes of study and the staff teaching them. Students can include UK campus-based students or distance learners based in the UK or overseas. In both cases all students must be declared to HESA. Copying can also be undertaken for students on non-credit bearing (NCB) courses who are not declared to HESA and where the course does not lead to a qualification or institutional credit.
- 3.2. **Formats:** In the case of paper-to-paper photocopying, contracted members of staff may make and supply to enrolled students multiple photocopies of extracts from printed books and journals. Photocopies of photocopies should be avoided. In the case of Paper-to-digital scanning, designated persons (see 3.4) may make and supply to enrolled students, via Blackboard, My Reading or email, scanned copies of extracts from printed books and journals. And, in the case of digital-to-digital re- use, designated persons (see 3.4) may make and supply to enrolled students, via Blackboard, My Reading or email, electronic journal articles and extracts from electronic books. Digital copies may also be distributed on portable storage media (e.g. USB sticks), or made available via secure, password-protected platforms such as OneDrive, provided that no more than one copy is delivered to each student.

- 3.3. **Checking permissions:** In all of the cases outlined in 3.2 the CLA's Check Permissions tool at <https://www.cla.co.uk/check-permissions-start> should be used to establish if an item to be copied, scanned or re-used is covered by the CLA License. For paper-to-paper and paper-to-digital copying the tool checks that the source material was published in the UK or one of the countries on the CLA's International Territories list, and does not appear on the CLA's List of Excluded Works. For digital-to-digital copying the tool checks that the source material was published in the UK, or one of the countries on the CLA's International Territories list, and appears on the CLA's List of Participating Digital Material Publishers. Links to these lists can be found at the end of this document.
- 3.4. **Scanning and uploading material to university systems such as Blackboard or My Reading:** The process of scanning and/or uploading copyrighted material to university systems may only be carried out by members of the library team. This is irrespective of whether the material has been scanned from printed texts or is a digital original (e.g. a journal article in a library database). Requests for materials to be digitised and/or uploaded to university systems must be submitted to the library team using the relevant e-form on SharePoint.
- 3.5. **Quantity Limits:** The extent of a work that can be copied under the CLA license is set out below:
- 3.5.1. Per module, 10% or one chapter of a book (whichever is greater).
  - 3.5.2. Per module, 10% or one article from a journal issue (whichever is greater).
  - 3.5.3. Per module, 10% or one paper from a set of conference proceedings (whichever is greater).
  - 3.5.4. Per module, 10% or one scene from a play (whichever is greater).
  - 3.5.5. Per module, 10% of an anthology of short stories, poems or plays or one short story, poem or play of not more than 10 pages (whichever is greater).
- The 10% can be made up of non-consecutive pages (e.g. pages from multiple chapters) requested on separate occasions by different lecturers, provided that together they do not constitute more than 10% of the item.
- Copies may be made from pages which contain wholly text, wholly images (illustrations, photographs, diagrams, etc.) or a combination of text and images.

## CODE OF PRACTICE FOR COPYRIGHT

The above limits are per module. If 10% of a work is copied, a further 10% may only be copied from the same work if it is to be made available to students on a different module or a different programme altogether.

- 3.6. **Storing and downloading copies:** Print and digital copies must be stored in secure, course-specific collections such as Blackboard and My Reading. Any student may view digital copies any number of times on screen. However, digital copies may only be printed or downloaded once, and only by the students or staff members currently studying or teaching the module for which the digital copy was produced. Once a print or digital copy is made available to students on a particular module it can remain available to them for the duration of the programme. Digital copies may be retained by students for the purpose of private study but must not be distributed to any other person.
- 3.7. **Ownership:** In the case of paper-to-paper and paper-to-digital copying the University must own a copy of the book or journal being copied (a department copy or library copy), or the item must have been copyright-cleared through the British Library. A book or journal belonging to a member of staff may only be copied if no copies are available for purchase by the University (new or second hand) and the British Library is unable to supply a copyright-cleared version. Inspection copies, proof copies, or complimentary reprints of books and/or journals supplied by publishers may only be copied by permission of the rights holder.
- In the case of digital-to-digital copying, the University must own or subscribe to the e-book or e-article in question, or it must be free-to-view.
- 3.8. **Editions:** Copies can be made from any edition of an item. The copying of chapters from more than one edition of the same text for the same module is not permitted.
- 3.9. **The use of digital materials in lectures and tutorials:** Digital materials created under the CLA license (see 3.2 to 3.4 above) may be used in presentation software such as PowerPoint for the purpose of illustrating a lecture or tutorial provided that the staff and students in attendance are all teaching or studying the same module.
- 3.10. **Course packs and textbook substitution:** The CLA license permits the creation of printed and digital course packs, whereby a collection of book chapters and journal articles on a particular subject is made available to students on a particular module to enable them to read around a topic.



However, it is not permitted to create a course pack, or a collection of course packs, which together could be seen to be a substitution for a textbook. The CLA provides a good practice guide on this subject which can be accessed from <https://www.cla.co.uk/higher-education-license-docs>.

#### 4. THE EDUCATIONAL RECORDING AGENCY (ERA) LICENSE

- 4.1. The University is licensed by the Educational Recording Agency (ERA), in line with the limits and conditions set out below, to make recordings of scheduled, free-to-air television and radio broadcasts and communicate them to students.

- 4.2. **Channels:** Recordings may be made of television and radio programmes broadcast on the BBC, ITV, Channel 4, and Channel 5 networks, including their associated Freeview channels, e.g. ITV2, E4, and also any channel represented by Compact Media Group or 560 Media Rights Ltd, including the National Geographic channels, Discovery channels and the History Channel.

Separately from the ERA licence, Section 35 of the Copyright, Designs and Patents Act 1988 permits educational establishments to make recordings, for educational purposes, of programmes broadcast on a network if no licensing scheme exists for said network. Since the ERA is the only scheme of its type in the UK, programmes broadcast on networks not covered by this scheme are permitted to be recorded and shown in class. Subscription-based streaming services such as Netflix are not considered broadcasts in this context and therefore may not be copied under the ERA Licence.

- 4.3. **Means of recording:** Broadcasts may be recorded by staff members either on campus using Planet eStream, or at home using a staff member's own recording equipment. Recordings made by staff members at home must be brought onto campus in hard copy format, for example on DVD.
- 4.4. **Disseminating broadcasts:** Recorded broadcasts may be communicated to students on campus using television or IT equipment, or off campus via secure systems such as Blackboard and My Reading.
- 4.5. **License statement:** All recordings, including digital recordings, made under the ERA licence must display the broadcast date, the name of the broadcast network and the title of the programme as well as the statement This recording is to be used only for educational and non-commercial purposes under the terms of the ERA Licence.



- 4.6. **Editing:** Extracts/clips of a programme may be used for educational purposes but recordings may not be further adapted, e.g. it is not permitted to separate the images and sound in a recording and add new audio, or to add subtitles to a recording. It is permitted to embed a clip from a recorded programme into an electronic presentation such as a PowerPoint slide.
- 4.7. **On-demand services and podcasts:** On demand programmes and podcasts broadcast by the networks listed in the first paragraph of section 4.2 may be played during taught sessions. Members of staff may also direct students to listen to them in their own time and place hyperlinks to them on Blackboard or My Reading. Members of staff may only download podcast or programme content to Blackboard if permitted by the broadcaster's digital rights management (DRM) conditions and technology. For example, if a broadcaster makes a podcast available for a limited number of days before removing access to it, it is not permitted to download the podcast to Blackboard with the intention of storing a copy permanently. This would be seen as a deliberate attempt to circumvent DRM. Other programmes made available via on-demand services or podcasts may be played in a classroom environment under the illustration for instruction exception of the Copyright, Designs and Patents Act 1988 (see 6.4.2).
- 4.8. **Commercial recordings:** The copying of commercial videos or DVDs belonging to the University is not permitted. Permission to copy a commercially-produced video or DVD can only be granted by the rights holder. The University Library is permitted, under Section 42 of the Copyright, Designs and Patents Act 1988, to digitise a video (i.e. to transfer it to DVD) for the purpose of preserving the content, but only provided the source item is part of the Library's permanent collection, that it is not possible to acquire a copy by any other means, and that, once copied, the item is placed on reference.

## 5. THE NEWSPAPER LICENSING AGENCY (NLA) LICENSE

- 5.1. The University is licensed by the Newspaper Licensing Agency (NLA), in line with the limits and conditions set out below, to allow students and staff to photocopy, print, fax, email, project onto a screen or scan articles, photographs and advertisements, internally and for educational purposes only, from the newspapers listed in section 5.3.
- 5.2. No more than 250 copies of the same article may be made.



- 5.3. **Publications covered by the NLA license include the print and online versions of:** The Daily & Sunday Express, The Daily Mail and Mail on Sunday, The Daily and Sunday Mirror, The Daily Star and Daily Star Sunday, The Daily & Sunday Telegraph, The Evening Standard, The Guardian and Observer, The Independent and Independent on Sunday, The Sunday People, The Sun, The Times & Sunday Times, The Lincolnshire Echo, The Lincolnshire Free Press, the Times Educational Supplement and the Times Higher Educational Supplement. The print edition of The Financial Times is covered by the license but the online edition is not. A full, current list of titles covered by the NLA can be accessed at <http://www.nlamediaaccess.com/default.aspx?tabid=234>.
- 5.4. Staff members are permitted to upload to Blackboard scanned or online articles as defined in section 5.3 (either by scanning them or cutting & pasting them) for the duration of the module or course in question, but are not permitted to use the license to build up a permanent archive of press cuttings.
- 5.5. Other newspapers not listed in section 5.3 may only be copied or printed by permission of the rights holder or if permitted under the Copyright, Designs and Patents Act 1988 (see section 6).

## 6. THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

- 6.1. **Coverage:** Any intellectual work can be subject to copyright. This includes literary, dramatic, artistic, and musical works, as well as sound recordings, films, broadcasts, and electronic materials. Literary works include books and journals, reports, manuscripts, and song lyrics. Dramatic works include choreography and direction. Artistic works include works of art, drawings, diagrams, maps, and photographs. Musical works include scores. Sound recordings include LPs, cassettes, CDs, and other audio file formats such as MP3. Films include both feature films and commercial films. Broadcasts include radio and TV programmes. Electronic materials include databases and websites.
- 6.2. **Duration:** Copyright in a work usually lasts for 70 years after the death of the creator or, in the case of anonymous works, 70 years from the time the work was first published. In the case of sound recordings copyright lasts for 50 years from the time the work was created or published, and in broadcasts 50 years from the time the work was originally broadcast. Typographical copyright - the way an edition of a work is formatted - usually lasts for 25 years from the date the item was published. Therefore,



typographical copyright can apply even if a work is out of author copyright (e.g. a Shakespeare play).

- 6.3. **Fair dealing:** Fair dealing is an exception to copyright law that allows limited use of copyrighted materials without the permission of the rights holder. In an educational context fair dealing applies to three areas: non-commercial research and private study, illustration for instruction and criticism & review. In order to be considered fair dealing, use of a work must be non-commercial, fair, and sufficiently acknowledged. There is no statutory definition of the term 'fair' in a copyright context. In the document Guidance: Exceptions to Copyright<sup>1</sup> the Intellectual Property Office states that "it will always be a matter of fact, degree and impression". It does, however, list two factors relevant to determining if the use of a work is fair:

6.3.1. *"Does using the work affect the market for the original work? If a use of a work acts as a substitute for it, causing the owner to lose revenue, then it is not likely to be fair."*

6.3.2. *"Is the amount of work taken reasonable and appropriate? Was it necessary to use the amount that was taken? Usually only part of a work may be used."*

When deciding if and how to apply the fair dealing exception it is always useful to consider if, after the fact, you would feel able to confidently and unequivocally defend your decision in a court of law. If the answer is no, then your intended use of the work is probably not fair.

- 6.4. **Learning and teaching exceptions:** There are several exceptions in the Copyright, Designs and Patents Act 1988 which apply specifically to learning and teaching:

6.4.1. Any person may make a single copy of an extract from any type of intellectual work for the purpose of private study and research or for criticism and review<sup>2</sup>. Use of this exception must be fair (see 6.3) and the work must be sufficiently acknowledged.

6.4.2. Any person giving or receiving instruction may copy anything for the purpose of illustration for instruction provided the copy is made by the person giving or receiving instruction, the copy is for non-commercial purposes, the use of the work is fair (see 6.3) and the work is sufficiently acknowledged. Illustration for instruction was defined by JISC Legal as "a copy [that] can be used to illustrate or reinforce a

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<sup>1</sup> See <https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing>

<sup>2</sup> An example of criticism or review would be the critique of a piece of music: under the fair dealing rule, a musical excerpt could be included within the critique without infringing copyright



## CODE OF PRACTICE FOR COPYRIGHT

teaching point but cannot be copied merely for aesthetic purposes to make a presentation look more attractive". This includes the setting or communicating and answering of examinations, and is generally acknowledged to include pieces of work submitted for assessment.

- 6.4.3. The University (as a whole, not per programme or module) may copy up to 5% per excluded work per academic year for the purpose of instruction provided it is for non-commercial use. An excluded work is anything not permitted by law and not covered by a license. Broadcasts and artistic works not incorporated into other works are not covered by this 5% exception.
- 6.4.4. A lecturer may show films and play sound recordings to students provided that the showing or playing is for educational purposes. Film certificates must be appropriate to the age of the audience.
- 6.4.5. Lecturers and students may perform literary, dramatic or musical works for educational purposes provided the audience consists only of staff members and students.

### 7. MAPS

- 7.1. Maps are not covered by any licenses held by the University. The copying of maps can only be undertaken if permitted under the Copyright, Designs and Patents Act 1988 (see section 6) or if the item states that it can be copied for educational purposes, or if the item is out of copyright, or if permission is granted by the rights holder.
- 7.2. The University provides access to the JISC Geospatial Data Service and EDINA's Digimap Collection, both of which provide access to Ordnance Survey maps and data for educational purposes. Access to the two collections is on an on-demand basis and is managed by the Library.

### 8. MUSIC

- 8.1. Printed and recorded music are not covered by any licenses held by the University and thus the copying of music can only be undertaken if permitted under the Copyright, Designs and Patents Act 1988 (see section 6), or if the item states that it can be copied for educational purposes, or if the item is out of copyright, or if permission is granted by the rights holder, or if permission is granted by any of the codes or licenses listed below in paragraphs 8.2 to 8.4.
- 8.2. A number of music copyright owners have collaborated to produce The Music Publishers' Association's Code of Fair Practice, which students and teachers of music are encouraged to read in full ([Code of Fair Practice -](#)

[PMLL](#)). Importantly, the Code of Fair Practice only covers music published by members of the Music Publishers Association and any additional publishers listed in the Code.

- 8.3. The University holds Calamus and Christian Copyright Licensing International licenses, both of which cover the reproduction of hymns and liturgical music.
- 8.4. The University holds PRS for Music and PPL licenses which allow live and recorded music to be played on campus for non-educational purposes. PRS for Music acts on behalf of authors, songwriters, composers and publishers, whilst PPL acts on behalf of record companies and performers. Neither is a blanket license; they allow music to be played for specific purposes in specific areas of the campus.

## **9. EXCLUDED WORKS**

- 9.1. There are several classes of material which are not covered by any of the licences held by the University. These include:
  - 9.1.1. Unpublished materials such as theses and dissertations; brochures and leaflets; internal reports, minutes and memoranda; academic materials created at other higher education institutions<sup>3</sup>
  - 9.1.2. Printed music (see section 8)
  - 9.1.3. Advertisements, apart from those which appear in the newspapers listed in section 5.
  - 9.1.4. Maps and charts (see section 7)
  - 9.1.5. Workbooks, work-cards and assignment sheets
  - 9.1.6. Logos and trademarks
  - 9.1.7. Published exam papers
  - 9.1.8. Websites and material appearing on websites, including video content
  - 9.1.9. Electronic resources (see section 9.4)
  - 9.1.10. The showing of feature films for non-educational purposes and/or where at least one member of the audience is not employed by or studying at the institution
- 9.2. In addition, some books cannot be copied under the CLA licence because the publisher or author has specifically prohibited it. Permissions for individual works can be checked at <https://www.cla.co.uk/check-permissions-start>.

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<sup>3</sup> For example: material shared by guest lecturers; material written by a Lincoln Bishop University employee before they were employed by the University (and where the copyright may therefore reside with another HEI); and presentations shared with University employees by non-University employees.

- 9.3. For all of the excluded works listed above, section 6.4 of this Code of Practice applies. That is to say, copies may be made of excluded works, but only if one or more of the exceptions listed in section 6.4 applies. In all other circumstances, unless there is a clear copyright statement accompanying the material that permits the item to be copied for educational purposes, permission must be gained from the rights holder. The rights holder might, in the case of an advertisement, logo, or trademark, be a company; in the case of an exam paper be an exam board; in the case of an unpublished work be the author (personal or corporate); in the case of a film, sound recording, or electronic database be the publisher; or in the case of a website be the website owner or webmaster.
- 9.4. Additional information on electronic subscription resources: Some provision for e-books and e-journals is provided by the Copyright Licensing Agency licence, as outlined in section 3. Other electronic subscription resources provided by the University Library are subject to licence agreements between the University and the various publishers. Terms and conditions vary, but the following rules generally apply:
- 9.4.1. Electronic resources must be used for educational purposes only (teaching and training staff or students, private study, student coursework, research activities).
  - 9.4.2. Users may save and/or print single copies of parts of a resource. Extent limits may be displayed on the screen by the system supplier but where this is not the case, one journal article, one set of search results, or one chapter of a book could be considered a 'part'.
  - 9.4.3. Staff and students may incorporate (cut and paste) parts of a resource into teaching materials or coursework assignments provided that an appropriate acknowledgement of the source is included.
  - 9.4.4. Users may not alter or modify material taken from a resource or remove or obscure any copyright notices.

## **10. RESOURCE REQUEST SERVICES PROVIDED BY THE UNIVERSITY LIBRARY**

- 10.1. The University Library offers various resource request services including document supply and copy/scan.
- 10.2. Document supply (or 'inter-library loan') is the process by which the University Library borrows books or acquires copies of journal articles or book extracts from other libraries, usually the British Library, and supplies them to students and staff members, or, in the case of copyright-cleared

items, makes them available via secure, password-protected university systems or the Library's permanent reference collection. Copy/Scan is the process by which the University Library photocopies or scans extracts or articles from materials in its collections and posts or emails them to students and staff members (particularly distance learners).

- 10.3. Document Supply and Copy/scan services are permitted under the Libraries and Archives section of the Copyright, Designs and Patents Act 1988.
- 10.4. A student or staff member who requests a copy of an article or book extract via the University Library's document supply service or copy/scan service is required to sign a copyright declaration confirming that they have not previously been supplied with the same item, that they will only use the item for non-commercial private study or research, and that to the best of their knowledge none of their fellow students or colleagues has ordered the same item for the same purpose at roughly the same time.
- 10.5. A student or staff member who requests the loan of a book via the University Library's document supply service may photocopy no more than one chapter or 5% (whichever is the greater) of the book for the purposes of private study or research. This is permitted under Section 29 (Research and Private Study) of the Copyright, Design and Patents Act 1998.
- 10.6. A student or staff member who requests a copy of a journal article or book chapter via the University Library's document supply service (such items are supplied as photocopies and can be retained by the requester) may keep the item for the purposes of private study and research but may not photocopy it. Articles or chapters supplied as part of the Library's copy/scan service are supplied via email as pdf attachments. These may be retained for the purposes of private study and research but may not be distributed to any other person.
- 10.7. Copyright-cleared journal articles or book extracts supplied by the British Library may be made available via secure, password-protected university systems under the terms of the CLA license (see section 3). End users may photocopy, download, or print such an article once for the purpose of private study or research. Digital copies of copyright-cleared items may be retained by the end user on their computer for the purpose of private study but must not be distributed to any other person.



## **11. COPYING FOR INDIVIDUALS WITH DISABILITIES**

- 11.1. In the context of copyright law, an individual with a disability includes any person with a physical or mental impairment that “prevents them from accessing copyright protected materials”. The Copyright, Designs and Patents Act 1988 permits the University to reproduce, in an appropriate accessible format, all or part of any copyright-protected work for the personal use of a student or member of staff who has a physical or mental impairment, as described above. This is permitted only if an accessible copy is made from a lawfully-accessed original, if the original work is clearly and fully cited in the accessible copy, and if the copy includes a statement that it was made for a disabled person under section 31A of the Copyright, Design and Patents Act 1988. Copies created for this purpose may not be further copied.
- 11.2. Further guidance is available from <https://www.gov.uk/guidance/exceptions-to-copyright#helping-disabled-people>.

## **12. VIDEO AND AUDIO RECORDINGS MADE ON CAMPUS, INCLUDING LECTURE CAPTURE**

- 12.1. In the process of recording a lecture, assessment or other activity a copy is, by definition, being made of any copyrighted materials visible or audible during the recording.
- 12.2. In the context of recordings of module delivery and assessment made by the University, materials previously copied under the terms of the CLA and NLA licenses (see Sections 3 and 5 respectively) may normally feature in a recording provided the recording is made available on a secure internal network, and only to those delivering the module, taking the module, being assessed, or to those involved in quality assurance processes such as external examining. In the case of televisual recordings made under the ERA license, short extracts may normally be featured, but in the case of full-length televisual recordings, lecture capture recording equipment should be turned off whilst these are shown (students should be directed to Planet eStream to view these at another time). In all cases, sources and citations should be clearly visible in the recordings, or be made available to the students separately.
- 12.3. In the context of recordings of any other activities made by the University, including activities where members of the public may be present, and/or in instances where materials included in recordings are not covered by the licenses outlined in this Code of Practice (see Section 9), the ‘illustration for



instruction' exception of the Copyright, Design and Patents Act 1988 may be of use (see Section 6.4.2), provided that the activity is non-commercial and instructional in nature and use of the copyrighted work is fair.

- 12.4. Any student wishing to make a recording of a lecture or other course-related activity using a personal electronic device (e.g. a dictation device, mobile phone or tablet) must seek prior written consent from the person delivering or facilitating the activity. Any person with an accessibility need who wishes to make a personal recording for accessibility purposes (as described in section 11 above) does not require prior written consent to make a recording. However, it is good practice to inform the person delivering or facilitating the activity, in advance, if an accessible recording is to be made. Any recording of a course-related activity made on a personal electronic device, including for accessibility purposes, must not be shared with others and must be deleted after use.
- 12.5. Any person who is not a student or employee of the University and who features in a recording (e.g. a guest lecturer) must provide written consent for the recording to be uploaded and stored on university systems before the uploading can take place.
- 12.6. The University owns the copyright on lecture capture recordings and other recordings made by members of staff in the course of university business. Recordings containing copyrighted material must not be made available to the public without prior consultation with the University Library team.

### **13. ADDITIONAL ADVICE FOR STUDENTS ON EDUCATION-RELATED PROGRAMMES**

- 13.1. Crown copyrighted materials produced by the government (e.g. the Department for Education, Ofsted) can be used and re-used under the terms of the Open Government License for Public Sector Information which is available to view at [www.nationalarchives.gov.uk/doc/open-government-license](http://www.nationalarchives.gov.uk/doc/open-government-license). The license allows for the copying, publishing, distribution and/or adaptation of materials provided that the information used is reproduced accurately and is properly cited. It does not apply to government logos, or if copyright is identified as belonging to a third party. Visual media featured on government websites (e.g. photographs, videos) can only be used with the approval of the relevant government department.



13.2. Students on teaching placement may use the University's photocopiers to make multiple copies of copyright-protected works to take into school (enough to provide one for each child in a class) only if it is explicitly stated in the work that it can be freely photocopied for educational purposes. In the absence of such a statement care must be taken to adhere to any copyright licenses held by the school. It is permitted to photocopy a resource (within the parameters described in this Code of Practice) and take it into a school for personal use, provided it is not further copied and/or distributed.

13.3. Further guidance on copyright in schools is available from <https://cla.co.uk/licensetocopy>.

#### **14. PENALTIES**

14.1. Failure to comply with copyright legislation or the terms of licensing agreements exposes the institution and the individual responsible to possible legal action. In the case of a serious breach of copyright by a student the University's Code of Practice for Academic Misconduct will be invoked. In the case of a serious breach of copyright by a member of staff the University's Disciplinary Procedures will be invoked.

#### **15. FURTHER GUIDANCE AND USEFUL LINKS**

15.1. Detailed information on copyright and intellectual property can be found on the Intellectual Property Office website at [www.ipo.gov.uk](http://www.ipo.gov.uk), or by consulting Library staff.

15.2. All legislation relating to copyright can be accessed at [www.legislation.gov.uk](http://www.legislation.gov.uk).

15.3. Further guidance on personal copyright is available in the University's Intellectual Property Policy.

15.4. Further guidance on including copyrighted material in assignments is available in the University's Handbook For Written Coursework and Referencing.

15.5. The Copyright Licensing Agency and check permissions tool: <https://www.cla.co.uk/check-permissions-start>

15.6. CLA international territories list: <https://www.cla.co.uk/international/territories>

15.7. CLA list of excluded works: <https://www.cla.co.uk/excluded/he-print>

15.8. CLA list of participating digital publishers: <https://www.cla.co.uk/included/he-digital>



- 15.9. The Educational Recording Agency: [www.era.org.uk](http://www.era.org.uk)
- 15.10. The Music Publishers Association: [www.mpaonline.org.uk](http://www.mpaonline.org.uk)
- 15.11. The Performing Rights Society: [www.prsformusic.com](http://www.prsformusic.com)
- 15.12. PPL: [www.ppluk.com](http://www.ppluk.com)