Copyright FAQs for Members of Staff

Top tip: use Ctrl-F to search for a keyword in this document

1. Are there any types of material that can be freely copied without worrying about copyright?
2. Is there anything I can’t copy under any circumstances?
3. Which copyright licences held by the University apply to teaching?
4. What is the relationship between the University’s copyright licences and copyright law?
5. What conditions apply to copying excerpts from books or journals for teaching purposes?
6. Am I permitted to scan chapters from books and journal articles myself and place them on Blackboard for my students to access?
7. Where can I find a copy of the request forms for scanning and getting items copyright cleared?
8. Am I allowed to photocopy excerpts from my own books or journals, i.e. ones I own?
9. Can I copy more than one chapter from the same book?
10. What is the ‘one chapter/article or 10 percent’ rule?
11. Do I have to cite/reference everything that I give out to students?
12. What can I do if the item I want to copy for teaching purposes isn’t covered by any of the University’s copyright licences (CLA, ERA, NLA)?
13. What is ‘fair dealing’ and ‘illustration for instruction’?
14. Is it true that copyright doesn’t apply if I’m preparing an exam?
15. What about inserting copyrighted material, including images, into handouts or PowerPoint presentations?
16. Where can I find copyright-cleared images?
17. How am I allowed to use newspaper articles in my teaching?
18. Can I make a photocopy of a photocopy?
19. Can I place a full text article that I’ve found on WorldCat on Blackboard?
20. Can I photocopy or download maps and street plans?
21. Can I freely photocopy documents and reports produced by educational bodies like the DfE, TA, HEFCE, and Ofsted?
22. Can I show a feature film or play music to the students in my class?
23. Can I record a TV or radio programme on my TV at home and show or play it in class?
24. Can I upload a TV programme to Blackboard so my students can watch it in their own time?
25. Can I use on-demand programmes or podcasts in my teaching?
26. Can I copy a film/programme purchased from a commercial supplier?
27. I teach/support a student with a disability which means that they have trouble accessing resources in the traditional way. Can I get things copied especially for them?
28. Can I photocopy something I’ve received on inter-library loan?
1. Are there any types of material that can be freely copied without worrying about copyright?

Yes, you don’t have to worry about copyright if:

- The item is **out of copyright**. For a book the author/creator has to have been deceased for 70 years, plus the item itself has to have been published over 25 years ago to be out of typographical copyright.
- The item you want to copy contains a clear statement that you are **permitted** to copy it. This includes instances where a Creative Commons licence has been applied.
- You have written permission from the **copyright holder**.

In all cases remember to cite your sources, whether copyright applies or not.

2. Is there anything I can’t copy under any circumstances?

Provided you aren’t attempting to commit forgery (i.e., by copying something like a bank note in order to pass it off as an original), you can copy pretty much anything, **provided** you have permission from the rights holder, the item is no longer in copyright, you are permitted to do so by the law, or you are permitted to do so by one of the copyright licences held by the University.

3. Which copyright licences held by the University apply to teaching?

The University holds three copyright licences that apply to teaching:

- a CLA Licence from the Copyright Licensing Agency, which covers the copying of books and journals, both print and online;
- an NLA Licence from the Newspaper Licensing Agency, which covers the copying of newspapers, both print and online;
- an ERA Licence from the Educational Recording Agency, which covers the recording of TV programmes.

Importantly, none are blanket licences, meaning they don’t allow you to copy any amount from any resource; there are strict rules on the amount you can copy (see FAQ 5) and you can only copy from materials covered by the licences. Read on to find out more about the licences.

4. What is the relationship between the University’s copyright licences and copyright law?

The three copyright licences described in FAQ3 are the **principal** means by which staff can undertake copying for educational purposes. Copyright law - primarily the Copyright, Design and Patents Act 1988, and subsequent amendments - can be used as a back-up to cover any type of copying **not** permitted by these licences.
5. **What conditions apply to copying excerpts from books and journals for teaching purposes?**

This is normally done under the CLA Licence.

Firstly, ensure that the University either owns a copy of the book or journal issue, or that the Library has a copyright-cleared version of the excerpt you are interested in. If not, speak to Library Services about acquiring one.

Secondly, check that the book or journal is covered by the CLA licence, by performing a search at:

https://www.cla.co.uk/check-permissions-start

Thirdly, consider how much of the item you are permitted to copy. You can copy whichever is greater: 10% or one chapter from the same book; 10% or one article from the same journal issue; 10% or one paper from the same set of conference proceedings; 10% or one scene from a play; 10% or one short story, one poem or one play of not more than 10 pages from an anthology for students on a particular module (see FAQs 9 & 10 for more guidance on quantity limits).

If the University owns a copy of the item in question and it is covered by the CLA licence you can go ahead and make printed copies – enough for all students on the module in question.

If you want to have an item placed on Blackboard see FAQ 6.

If the item you want to copy isn’t covered by the CLA licence you are entitled to fall back on the illustration for instruction or excluded works sections of the Copyright, Design and Patents Act (see FAQ 12).

6. **Am I permitted to scan chapters from books and journal articles myself and place them on Blackboard for my students to access?**

No, but this can be done by the Library on your behalf. All you need to do is complete the CLA Scan request form which can be found on SharePoint under eForms→Library Services.

NB. An item made available on Blackboard is only designed to be accessed by students who are studying the module for which it has been produced.

7. **Where can I find a copy of the request forms for scanning and getting items copyright-cleared?**

The scanning form is on SharePoint under eForms→Library Services.

The form for requesting a copyright-cleared inter-library loan can be found in the same location. This should be completed if the University doesn’t own a copy of the item you wish to upload to Blackboard. Once the copyright-cleared item is received you can then complete the CLA Scan Request form.

8. **Am I allowed to photocopy excerpts from my own books or journals, i.e. ones I own?**

If the University also owns a copy, then yes. The CLA Licence states that if the University doesn’t own a copy, your personal copy can only be used if the University is unable to source a copy to buy (new or second hand) and if the item cannot be supplied by the British Library as a copyright-cleared inter-library loan.

9. **Can I copy more than 10% or one chapter from the same book?**

Yes, but only for different modules: you can copy 10% or one chapter of a book for one module and copy a different 10% or one chapter from the same book for a different module, but you cannot copy more than 10% or one chapter for the same module. This means that if you and a colleague are teaching the same module and your colleague has already copied the maximum from a particular book or journal issue you cannot copy further pages from the same item for the same module.
10. What is the ‘one chapter/article or 10 percent’ rule?

This refers to the proportion of a book or journal issue that can be copied per module. If you compare the number of pages in one chapter of a book with the number of pages that make up 10% of the same book, you can copy whichever proportion is greater. So if a chapter is ten pages long, but 10% of the book amounts to twenty pages, you can copy twenty pages (which, if you are lucky, might equate to two complete chapters). NB. Remember that if a colleague teaching the same module has already copied 10% from a particular book you can’t copy a different 10% from the same book (but you could copy 5% each).

11. Do I have to cite/refer everything that I give out to students?

Yes. For all copyrighted items you use you should always provide a citation or reference, and, if appropriate, give details of any licence terms or permissions. For example, if a colleague from BGU (or elsewhere) has given you permission to use their PowerPoint presentation in a lecture you should clearly state this (“PowerPoint presentation created by and used by permission of XXXX”).

NB. If an article, printout, excerpt, etc., is not referenced and is submitted to Reprographics it will be returned to you to complete the referencing.

12. What can I do if an item I want to copy for teaching purposes isn’t covered by any of the University’s copyright licences (CLA, ERA, NLA)?

You can either seek permission from the copyright holder or you can make use of Sections 32 or 36 of the Copyright, Design and Patents Act 1988.

Seeking permission: if you do this, and are successful, be sure to state clearly that you have done so, e.g. ‘Text reproduced by permission of the rights holder’.

Section 32 of the Copyright, Design and Patents Act: this is a fair dealing* exception called ‘illustration for instruction’. See FAQ 13 for more information.

Section 36 of the Copyright, Design and Patents Act: this applies to excluded works. It allows the University (as a whole, not per programme or module) to copy up to 5% of an excluded work (i.e. one not covered by any of our copyright licences) for educational purposes per academic year. Because it applies at institution level, rather than programme or module level, it is very difficult to monitor and therefore it is preferable to utilise the Section 32 exception above.

*Fair dealing means that limited use of copyrighted materials can be made, without the permission of the rights holder, provided certain criteria are met.

13. What is ‘fair dealing’ and ‘illustration for instruction’?

Fair dealing is a copyright exception described in sections 29, 30 and 32 of the Copyright, Design and Patents Act 1988. It allows for the limited use of copyrighted materials without the permission of the rights holder and there are four types of situation to which it can be applied: 1) research and private study, 2) criticism and review, 3) reporting current events, and 4) illustration for instruction. ‘Illustration for instruction’ is thus a type of fair dealing.

The Illustration for instruction rule applies only to people who ‘give or receive instruction’, e.g. students and lecturers, and allows them to copy any type of material via any type of process (manual, reprographic or digital) provided that:

- The copying is undertaken by the student or lecturer themselves
- The copy will be used to illustrate or reinforce a point (as opposed to just making something look more attractive);
- The copy is being made for non-commercial purposes;
- The source material is sufficiently acknowledged;
- The amount being copied is ‘fair’*.

Back to top
The above can be applied when setting, communicating or answering exam questions, and is generally acknowledged to include pieces of work submitted for assessment. Copying undertaken under the illustration for instruction rule can be placed on Blackboard provided it is viewable only by the students on the module for which it was created.

*There is no statutory definition of ‘fair’ in the Act but 5% of an intellectual work is widely acknowledged to represent the spirit of fair dealing. For more on fair dealing refer to the guidance on the website of the Intellectual Property Office. For more on fair dealing in respect of images see FAQ 15. In general, when deciding what is fair it is useful to ask yourself how confidently you would be able to defend your decision to a judge. It sounds extreme, but if the answer is anything less than ‘very confidently’, your intended use of the work is probably not fair!

14. Is it true that copyright doesn’t apply if I’m preparing an exam?

No, it’s not true. If the copying you need for an examination is not covered by one of the University’s copyright licences you can fall back on the illustration for instruction part of the Copyright Act (see FAQ 13), however, use of the work must be fair and sufficiently acknowledged.

15. What about inserting copyrighted material, including images, into handouts or PowerPoint presentations?

The CLA Licence permits you to insert scanned excerpts from books and journals into PowerPoint presentations and handouts provided the licence guidelines are adhered to (see FAQs 5-10). If the item you need to copy is not covered by one of the University’s copyright licences you can fall back on the illustration for instruction provision (see FAQ 13) which allows any type of material, including images, to be used to illustrate a point for educational purposes. However use of the material must be fair (see below and FAQ 13) and the source must be acknowledged.

A special note about images: JISC Legal say the fair use of images “presents special problems. It is arguable that using low resolution versions of the images and limiting access to the learners enrolled on the particular course, for the duration of the course, will support the contention that the use is fair.” Alternatively you can seek to gain permission to use an image from the person who holds the copyright, or only endeavour to use copyright-cleared images (see FAQ 16). If you do seek and obtain permission from a copyright holder make sure it is written in an email or letter so you can provide proof if required.

16. Where can I find copyright-cleared images?

See https://libguides.bishopg.ac.uk/copyright/images for more on this.

17. How am I allowed to use newspaper articles in my teaching?


You can also upload the articles to Blackboard (either by scanning them or cutting and pasting them) for the duration of the module or course in question but you are not permitted to use the NLA licence to build up a permanent archive of press cuttings.

In the case of The Financial Times the print edition is covered by the licence but the online edition is not. The Financial Times does however allow the printing of a single copy of an article from their online edition for the purposes of private study and also the sharing of an online article using the tools on their site.
18. Can I make a photocopy of a photocopy?

This should be avoided if possible, but is acceptable provided the University owns a copy of the original and the terms of the CLA licence are adhered to (see FAQ 5).

19. Can I place a full text article that I’ve found on WorldCat on Blackboard?

Yes, by copying and pasting the article’s WorldCat permalink (a URL) into Blackboard.

NB. For guidance on how to successfully add a hyperlink to Blackboard see the ‘Guidance Notes for Adding Material to Blackboard’ which can be found on the eForms page for CLA Scan Requests.

For e-books it is preferable to place a CLA Scan Request (see FAQs 5-7). The Library team will then check if an unlimited ebook licence is available and if it is not they will proceed with the CLA Scan Request.

20. Can I photocopy or download maps and street plans?

Maps are not covered by any of the University’s copyright licences. The University subscribes to mapping services for geography, archaeology and history staff and students but other members of the BGU community will need to fall back on the illustration for instruction or excluded work exceptions (see FAQ 13) to the Copyright, Design and Patents Act. NB. The illustration for instruction exception states that use of the work must be fair (see FAQ 13).

However, the word ‘fair’ can be difficult to interpret for items such as maps and images. For example, it could be deemed fair to copy up to 5% of an atlas, but it would not be deemed fair to copy an entire sheet map or plan. If in doubt, stick to the 5% rule, or use a low resolution image (see the extra note on images under FAQ 15).

21. Can I freely photocopy documents and reports produced by educational bodies like the DfE, TA, HEFCE, and OFSTED?

Yes, pretty much. These types of ‘Crown Copyright’ materials are covered by the Open Government Licence for Public Sector Information which allows items to be reproduced in any format for non-commercial or training purposes provided that the information is accurate and properly cited. You can view the licence at www.nationalarchives.gov.uk/doc/open-government-licence.

The Open Government Licence does not apply if copyright belongs to a third party (this should be made clear in the document you are wishing to copy).

22. Can I show a feature film or play music to the students in my class?

Yes, copyright law allows this but only provided it is for educational purposes and not purely for entertainment purposes. You can also perform a work for educational purposes provided only students and staff members are in attendance (i.e. no parents or members of the public).

23. Can I record a TV or radio programme on my TV at home and show or play it in class?

Yes, however, it’s probably easier to record the programme on Planet eStream (https://myvideo.bishopg.ac.uk). Planet eStream is the recording/broadcasting service administered by CELT.

If you are at home and spot a programme you want to record but don’t have time to arrange for it to be recorded on Planet eStream, or if the programme you want isn’t on a Freeview channel and therefore isn’t available to record on Planet eStream, you are permitted to record it at home and bring it onto campus on DVD. If the programme was broadcast on the BBC, ITV, Channel 4, Channel 5, National Geographic, Discovery, or The History Channel you must label the recording with the programme title, the channel, broadcast date, and the statement ‘This recording is to be used only for educational and non-commercial purposes under the terms of the ERA Licence’. If it is broadcast on a different channel you only need label it with the programme title, the channel and the broadcast date. You can then either play it in class on a computer or DVD player or ask the e-Learning team...
to upload it into Planet eStream (once in Planet eStream you can place a link to the programme in Blackboard so that your students can watch it when they want, on or off campus).

24. **Can I upload a TV programme to Blackboard so my students can watch it in their own time?**

You can place a link in Blackboard to something that has been recorded on Planet eStream and your students can then watch it via Blackboard, both on and off campus.

If you decide to record a programme at home (see FAQ 23) you can bring it onto campus on a DVD and e-Learning can arrange for it to be uploaded into Planet eStream for you. You can then link to it as described in the first paragraph above.

25. **Can I use on-demand programmes or podcasts in my teaching?**

The ERA Licence allows you to use on-demand programmes and podcasts available online from the BBC, ITV, Channel 4 and Channel 5. You can play a programme in the classroom, direct students to listen to or view a programme in the students’ own time, or put a hyperlink to a programme on Blackboard.

You can 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 permissible 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.

To use on-demand services or podcasts not produced by the BBC, ITV, Channel 4 and Channel 5 you can fall back on the *illustration for instruction* provision of the Copyright Act (see FAQ 12) but use of the work must be fair (see FAQ 13) and sufficiently acknowledged.

26. **Can I copy a film/programme purchased from a commercial supplier?**

Not if copies of the film/programme are still available to purchase. If no commercial copies are available but the rights holder is contactable you could need to seek their permission to copy it. If you have made unsuccessful attempts to find the rights holder and you simply wish to prolong the item’s life by copying it from videotape to DVD, then, provided you are willing to donate the item to the Library and equipment necessary for making the copy is available on site, Library Services is permitted to copy it under the *Libraries and Archives* section of the Copyright, Design and Patents Act 1988 but the item would have to remain on reference and could not be loaned.

27. **I teach/support a student with a disability which means that they have trouble accessing resources in the traditional way. Can I get things copied especially for them?**

Yes. Both the CLA licence and copyright law allow the University to reproduce, in any alternative format, all or part of any copyright-protected work for a student or member of staff whose disability means that they are unable to access copyright-protected materials, but only if an accessible version is not already commercially available and only if the original work is clearly and fully cited in the accessible copy. The copy must state that it has been made for a disabled person under Section 31 of the Copyright, Design and Patents Act 1988 and the CLA Licence and may not be further copied.

28. **Can I photocopy something I’ve received on inter-library loan?**

5% or one chapter of a printed book can be photocopied for your own personal use (i.e. not for teaching purposes) under the fair dealing rule for private research and study (see FAQ 13), provided you acknowledge the source.

Journal articles supplied as printed photocopies may not be further photocopied.

Journal articles or book extracts supplied electronically can be saved and printed for your own private use but must not be distributed to anyone else in any format.
Copyright-cleared book chapters or journal articles obtained by the Library can be photocopied multiple times for teaching purposes. You can also request that these be uploaded to Blackboard (see FAQ 6).

29. Can I change (e.g. shorten or annotate) text that I have copied?

Yes, provided it is for educational purposes and is not detrimental to the moral rights of the author or creator. You can abbreviate or shorten the text of an extract provided the omissions are clearly indicated and do not affect the meaning in any way. You can also blank out part of the text for the purpose of setting a quiz or similar exercise. Annotations can be added, e.g. in the form of a commentary, and you can also juxtapose text and images otherwise separated by the layout of the original design. In all cases there must be a clear statement to indicate that the extract has been altered for teaching purposes.

30. What is a course pack?

A course pack can be defined as a collection of book chapters and journal articles on a particular subject that is developed by a lecturer or academic team and made available to students on a particular module to enable them to read around a particular topic. The CLA licence permits this. It is also permitted to create printed and digital copies of the same course pack for the same group of students (to address differences in learning preferences for example). It is not, however, 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 has provided a good practice guide on this subject at https://www.cla.co.uk/sites/default/files/CLA-HE-Good-Practice-Guide_2016-2019.pdf.

31. What are the PRS for Music and PPL licences?

The PRS and PPL licences allow us to play live and recorded music on campus outside of classroom settings (the playing of recorded music in the classroom for teaching purposes is permitted under the Copyright Act). However, neither the PRS nor PPL is a blanket licence; they only allow music to be played for specific purposes in specific areas of the campus. To find out more about the terms of either licence contact the Finance Office.

32. How does copyright affect lecture capture?

It is your responsibility to ensure that all materials you use for the purposes of learning and teaching are copyright compliant, and that all necessary citations, author credits/attribution and permission statements are clearly visible to students. This includes instances where your lectures, or other teaching and learning sessions, are recorded for the purposes of lecture capture. The University owns the copyright in such recordings.

33. Can I use materials for teaching at BGU that I brought with me from a previous place of work?

Generally speaking no. If you created teaching materials whilst working elsewhere the copyright normally belongs to the institution you were working at when you created them, but you would need to check the Intellectual Property Policy of the institution in question to be sure.

If the materials in question are published works that you downloaded whilst working at another institution (e.g. journal articles downloaded from the institution’s library databases) you cannot re-use them for teaching purposes at BGU.

For all other materials that you may have used (but not necessarily created yourself) at another institution you would need the permission of the copyright holder (which would normally be the institution) to re-use them at BGU.

34. I am a student and a staff member. How does copyright affect me as a student?

Please see the separate ‘Copyright FAQs for students’ document.
35. Where can I find out more about copyright?

The Library publishes a Copyright for BGU Staff LibGuide at https://libguides.bishopg.ac.uk/copyright. If you have a specific question please contact the Head of Library Services. The Intellectual Property Office also offers guidance at www.ipo.gov.uk/types/copy.htm.