COPYRIGHT FAQs FOR STUDENTS

1. Are there any types of material that can be freely photocopied without having to worry about copyright?
2. Does copyright expire?
3. Is there anything I can’t photocopy under any circumstances?
4. Which of the University’s copyright licences apply to students?
5. What, and how much, can I copy?
6. What can I do if the item I want to copy isn’t covered by either of the University’s copyright licences (CLA & NLA)?
7. What is ‘fair dealing’ and ‘illustration for instruction’?
8. What about the online resources provided by the Library?
9. Is it true that copyright doesn’t apply if I’m answering an exam question or doing certain types of assessment?
10. Can I copy and paste an image from a website into an assignment or PowerPoint presentation?
11. Where can I find copyright-cleared images?
12. Can I scan or copy copyrighted materials and place them on Blackboard?
13. Can I photocopy or download maps and street plans?
14. Can I freely photocopy documents and reports produced by educational bodies like the DfE, TA, HEFCE, OfSTED, etc?
15. Can I photocopy BGU resources (e.g. from the Teaching Resources Collection) and hand them out to children in a school where I’m on placement?
16. Can I photocopy something I’ve received on inter-library loan?
17. Can I photocopy music?
18. Who is responsible if someone is found to have breached copyright?
19. What are the penalties for breaching copyright?
20. Where can I find out more about copyright?

1. Are there any types of material that can be freely copied without having to worry about copyright?

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 dead for 70 years, plus the item itself has to have been published over 25 years ago to be out of typographical copyright (see FAQ 2).
- The item you want to copy contains a clear statement that you are **permitted** to copy it.
- You have written permission from the **copyright holder**.

In all cases remember to cite your sources, whether copyright applies or not.
2. **Does copyright expire?**

Yes. Copyright 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. Typographical copyright (the design and typesetting of an edition of a work) usually lasts for 25 years. This means that a work which is out of author copyright (e.g. a Shakespeare play) would still be in typographical copyright if it was published less than 25 years ago.

3. **Is there anything I can’t photocopy 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.

4. **Which of the University’s copyright licences apply to students?**

The University holds two copyright licences that apply to students:

- A licence from the **Copyright Licensing Agency (CLA)**, which covers photocopying from books and journals.
- A licence from the **Newspaper Licensing Agency (NLA)**, which covers copying from newspapers, both print and online.

Importantly, neither are blanket licences, meaning they don’t allow you to copy any amount from any book, journal or newspaper; there are strict rules on the amount you can copy and you can only copy from materials covered by the licences (see FAQ 5). **However**, if the item you want to copy isn’t covered by either licence there are alternatives options (see FAQ 6).

5. **What, and how much, can I copy?**

In terms of photocopying from books and journals under the Copyright Licensing Agency licence you should always check if a particular book or journal is covered by the licence using their permission checker tool at [http://he.cla.co.uk/check-permissions](http://he.cla.co.uk/check-permissions).

In terms of how **much** you can copy, the following limits apply:

- No more than 10% or one chapter from the same book;
- No more than 10% or one article from the same journal issue;
- No more than 10% or one paper from the same set of conference proceedings;
- No more than 10% or one scene from a play;
- No more than 10% or one short story of not more than 10 pages from an anthology of short stories;
- No more than 10% or one poem of not more than 10 pages from an anthology of poems;
- No more than 10% or one play of not more than 10 pages from an anthology of plays.

This means that, for example, you can copy two chapters from the same book if the number of pages in the two chapters is not greater than 10% of the total book.

Under the terms of the University’s Newspaper Licensing Agency licence you can copy/print articles from the print and web editions of the following newspapers:


If the item you want to copy isn’t covered by the two licences above there are alternative options – see FAQ 6.
6. What can I do if the item I want to copy isn’t covered by either of the University’s copyright licences (CLA & NLA)?

You can either seek permission from the copyright holder, or you can make use of Sections 29 or 32 of the Copyright, Design and Patents Act 1988, both of which relate to fair dealing (see FAQ 7).

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

Section 29 (research and private study): this refers to copying for the purpose of research and private study so you can use this when researching an assignment, however the copying must be fair (see FAQ 7) and you must acknowledge the source.

Section 32 (illustration for instruction): this refers to copying for the purpose illustrating or reinforcing a point when teaching or learning, so you can use this when writing an assignment. See FAQ 7 for a more detailed description of illustration for instruction and the criteria that apply.

7. 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. There are four types of situation where it can be applied: 1) for research and private study (see FAQ 6), 2) for criticism and review, 3) for reporting current events, and 4) for 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 copy will be used only to illustrate or reinforce a point (not to make something look more attractive);
- The copying is undertaken by the student or lecturer themselves;
- The copy is for non-commercial purposes;
- The source material is sufficiently acknowledged;
- The amount copied is fair*.

It is permitted to make use of the illustration for instruction rule when answering exam questions or preparing pieces of work to be submitted for assessment.

Copying undertaken under the illustration for instruction rule can be placed on Blackboard, provided it can only be viewed by students on the module for which it was produced.

*There is no statutory definition of ‘fair’ in the Act but 5% of a 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. In general, when deciding if something is a ‘fair’ amount 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!

8. What about the online resources provided by the Library?

In the case of most of the online resources provided by the Library you are permitted to print or download single articles/chapters for the purposes of private study and incorporate short excerpts into items submitted for assessment, provided you fully acknowledge the source. Databases with stricter rules on copyright (like Digimaps for example, which is available to history and archaeology students only) provide specific guidance about copyright when you login.

9. Is it true that copyright doesn’t apply if I’m answering an exam question or doing certain types of assessment?

No, it’s not true. If you need to copy something to answer an exam question or as part of an assignment that will count towards your final mark, and the item is not covered by one of the University’s copyright licences,
you can fall back on the *illustration for instruction* rule (see FAQ 7), however, use of the work must be fair and sufficiently acknowledged.

### 10. Can I copy and paste an image from a website into an assignment or PowerPoint presentation?

Yes, but only if:

1) You have permission of the person who holds the copyright, or
2) The website you found it on clearly states that you can use the item freely for educational purposes and you adhere to any associated terms or conditions, or
3) It was created under a Creative Commons licence and you adhere to any terms or conditions, or
4) It is done under the *illustration for instruction* exception of copyright law (see FAQ 7).

If you use a search engine like Google Images be aware that sites like these work by trawling the net for image files which contain the words you used to perform your search. They do not necessarily remove copyrighted images from your search results, and even if they claim to, this doesn’t always work. This means that a proportion of the images you find on sites like these will be subject to copyright. It’s thus up to you to check for copyright statements on the individual websites that the images appear in (for guidance on where to find copyright-cleared images see FAQ 11).

Some of the most common images people want to insert into PowerPoints are logos and popular cartoon characters (The Simpsons, Disney, Garfield, etc.). However, the copyright on these is very strict and you definitely need special permission to use them. If you do seek and obtain permission (in the case of the aforementioned, from Twentieth Century Fox, The Walt Disney Company and Paws, Inc. respectively) ensure that you have it written in an email or letter so you have evidence of the permission if asked.

For e-resources to which the Library subscribes you can incorporate parts into assignments, without infringing copyright, provided that an appropriate acknowledgement of the source is included.

### 11. Where can I find copyright-cleared images?

The University Library subscribes to Britannica Image Quest which provides thousands of high quality images for educational use and information on whom to credit. It can be accessed via the Library’s A-Z Databases site.

In addition, the ‘Images’ tag on the Library’s Diigo site ([www.diigo.com/user/bgulibrary/Images](http://www.diigo.com/user/bgulibrary/Images)) has links to a number of websites which contain images which can be used for educational purposes. Although many of these websites provide copyright-free images you must still cite the website you found them on (many of the websites will provide guidance on how they would like their images to be cited).

### 12. Can I scan or copy copyrighted materials and place them on Blackboard?

Not unless you have permission from the rights holder, or you know that the item is no longer in copyright, or it is done under the *illustration for instruction* exception (see FAQ 7).

You are however encouraged to make suggestions to your tutors about book chapters or journal articles that you would like to see on Blackboard.

### 13. Can I photocopy or download maps and street plans?

Maps, town plans, and street maps in any format are not covered by any of the licences held by the university. Ordnance Survey permit the use of their data for educational purposes; read the terms & conditions at: [https://www.ordnancesurvey.co.uk/education/teachers/using-data-terms.html](https://www.ordnancesurvey.co.uk/education/teachers/using-data-terms.html). For any other maps you will need to make use of the fair dealing exceptions to copyright law (see FAQ 6 and 7). NB. The word ‘fair’ can be difficult to interpret for items such as maps so if in doubt, stick to the 5% rule, or use a low resolution image.
14. Can I freely photocopy documents and reports produced by educational bodies like the DfE, TA, HEFCE, OfSTED, etc?

Yes, pretty much. These types of material may normally be reproduced in any format for non-commercial or training purposes provided that the information is accurate and properly cited. However this does not apply if copyright belongs to a third party (this should be made clear in the document itself). For further guidance please refer to the website of the relevant organisation or contact them directly.

15. Can I photocopy BGU resources (e.g. from the Teaching Resources Collection) and hand them out to children in a school where I’m on placement?

Take a look at the resource, especially the first few pages and the page with all the publication details on it: if it explicitly states that the resource can be freely copied for educational purposes then it’s OK. If there is no such statement you need to check with the School, as copyright licences held by schools are different to those held by universities and may stipulate that the school itself must own a copy of the resource. For more on copyright in schools see www.copyrightandschools.org.

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

Yes and no. If it’s a book you can copy 5% or one chapter for private research and study (see FAQ 6). If it’s a journal article it will already be supplied as a photocopy and you are not permitted to photocopy it again. If the item has been supplied to the Library copyright-cleared (if it has, it will say so on the copy) then you are permitted to photocopy it once for personal use.

17. Can I photocopy music?

Please refer to section 8 of the University’s Code of Practice on Copyright, which is accessible from http://www.bishopg.ac.uk/about/Governance/Pages/policies-procedures.aspx

18. Who is responsible if someone is found to have breached copyright?

You are expected to take personal responsibility for ensuring that any copying you undertake adheres to copyright law and/or the copyright licences held by the University. Equally the University is required to provide clear guidance about copyright to you, which it does via posters near all photocopiers and documents like the Code of Practice on Copyright and these FAQs. Normally, if you were to breach copyright it would be you and not the University who would be held responsible if the breach resulted in legal action, although depending on the circumstances joint liability could apply.

19. What are the penalties for breaching copyright?

Failure to comply with copyright legislation and/or with the terms of licensing agreements exposes the University and the individual responsible to possible legal action. In the case of a serious breach of copyright by a student the Student Disciplinary Procedure would be invoked.

20. Where can I find out more about copyright?

If you have a specific question please ask the Reprographics team or the Head of Library Services. Otherwise the Intellectual Property Office and the JISC provide guidance at www.ipo.gov.uk/types/copy.htm and https://www.jisc.ac.uk/guides/copyright-law respectively.