



## **COPYING & COPYRIGHT POLICY**

The policy sets out general information for the handling of copyright issues within the College, and the measures the College takes to ensure that authors' rights are not infringed.

### **Summary of Copyright Law**

This is the exclusive right granted by law to an author or exclusive licensee to control use of his/her work.

Copying without permission of anything protected by copyright is a breach of the Copyright Act and could lead to heavy penalties being imposed. Items covered by copyright include books, magazines, journals, newspapers, websites, music, films, videos etc. Copyright can be identified by symbol © or words "all rights reserved".

The principal legislation applying to copyright in the UK is The Copyright Designs and Patents Act 1988.

The College purchases various licences which allow for certain copying activities. The College holds the following licences:

**Copyright Licensing Agency (CLA):** The College pays an annual fee to cover multiple photocopying of printed books and journals for teaching purposes. The licence also allows the scanning of published material within clearly defined limits and with certain restrictions.

**Newspaper Licensing Agency (NLA):** The College's NLA licence enables photocopying of extracts from national newspapers, plus 5 regional titles for teaching purposes. The College does not pay for the licence covering the digitisation of newspaper material.

**Educational Recording Agency (ERA):** The College pays an annual sum to the ERA to cover any off air recording of terrestrial broadcasts for educational purposes.

### **COLLEGE POLICY ON COPYING AND COPYRIGHT**

**South Lanarkshire College will treat any breach of copyright law by staff as a potential disciplinary issue which could lead to disciplinary action up to and including dismissal.**

**Members of College staff are required to read the College Policy & Guidelines on Copying and Copyright, to complete the attached form and return it to Human Resources.**

## **1 THE COPYRIGHT LICENSING AGENCY (CLA) LICENCE**

The College holds a licence with the Copyright Licencing Agency Limited to enable students and members of staff to copy extracts of text and still images, within clearly defined limits from books, journals, magazines and other periodicals published in the United Kingdom, plus many published overseas and digital publications. The CLA licence does not permit unrestricted copying. It overrides the "all rights reserved" prohibition to copy notice in front of all copyright material, but permission to copy excluded items or quantities in excess of the stated limits should be sought from the individual publisher on each occasion.

The CLA Education Licence permits authorised staff and students to copy and re-use text and graphics in the following ways:

- Photocopying from printed books, journals and magazines
- Scanning and re-typing from printed books, journals and magazines to create digital copies
- Making multiple paper printouts of digital material
- Photocopying and scanning of digital material

There is a 'Check Permissions' online search tool at the CLA's website to check whether a particular title is covered.

### **1.1 The CLA licence enables you to copy for intermediate use during any one course of study as follows:**

- One complete chapter from a book
- One article from a journal or magazine
- A short story, poem or play not exceeding 10 pages in length from an anthology
- One whole paper from a set of conference proceedings
- In the case of a published report of judicial proceedings, the entire report of a single case
- 5% of any of the above, whichever is greater

Copies, under the conditions above, from books, journals and periodicals for inclusion in a booklet as part of an examination course provided it is not for profit.

### **1.2 The CLA licence does not cover:**

- Separate photographs or illustrations

- Printed music (including the words)
- Privately prepared teaching material (such as correspondence courses) restricted to fee paying individuals
- Test or examination papers whether published individually or in a collection
- Bibles, liturgical works, orders of service
- Newspapers
- Industrial house journals
- Maps, charts or books of tables
- Workbooks, workcards or assignment sheets
- Works specifically excluded by a special notice, mentioning CLA, on the work itself or by inclusion on the list issued with this notice
- Works included on the *List of Excluded Categories and Works*
- Some works published overseas outwith the scope of the CLA Licence agreement. Further information can be found at the International Section of the CLA's website.

### 1.3 Who can make copies under the CLA Education Licence

- Photocopies can be made by authorised staff and students of the College
- Digital copies (whether made by scanning from print or copying from digital publications) may be made by authorised staff and students of the College who have access to the College's secure network.

## 2 THE NEWSPAPER LICENSING AGENCY (NLA) EDUCATION ESTABLISHMENT LICENCE

The NLA licence enables the College to copy newspaper material for delivery to students for educational purposes. It allows copying from UK national newspapers, plus five regional titles.

### 2.1 The NLA licence covers the licensee to:

- Print articles
- Photocopy cuttings
- Include cuttings in study packs for educational purposes
- Scan and upload to an internal and secure intranet or VLE
- Email copies of articles to students and staff
- Faxing cuttings (other than by eFax)
- Making up to 250 hard copies, both on an occasional and frequent basis from the following newspapers:
  - Glasgow Herald
  - Scotsman
  - Daily Record
  - East Kilbride News
  - Evening Times
  - Hamilton Advertiser
  - Rutherglen Reformer

## **2.2 The NLA licence does not cover:**

- Copying of more than 250 paper copies of any one cutting without the prior written consent of the Licensor
- Allow for the copying and circulation of a cutting for external, promotional or marketing purposes
- The creation of summaries of cuttings
- The creation of a library or archive of cuttings

## **3 THE EDUCATIONAL RECORDING AGENCY (ERA) LICENCE**

**The ERA licence enables educational establishments to use audio-visual broadcast material for non-commercial educational purposes, and create libraries or repositories of broadcasts which can be used for teaching and learning. The licence also enables access to online or on-demand broadcast for educational use, and can be used off-site via a secure distance learning network.**

**Clips from programmes can be used during class presentation or Lectures.**

### **3.1 The ERA licence covers the recording of scheduled free to air radio and television broadcasts, some on-demand services and podcasts within the on-demand services.**

ERA have 20 members including the following:

- BBC Worldwide Limited
- BPI (British Recorded Music Industry) Limited
- Channel Four Television Corporation
- Channel 5 Broadcasting Limited
- Compact Collections Limited (acting as agent for Discovery, National Geographic Channel and AETN UK)
- ITV Network Limited
- Mechanical Copyright Protection Society of Musicians
- Open University Worldwide Limited
- Radio Independent Group

Recordings must be labelled (ERA labels available in the College library) with

1. the date the recording was made
2. name of the broadcaster
3. programme title
4. the wording "This recording is to be used only for educational and non-commercial purposes under the terms of the ERA licence."

It applies to any other licensed broadcast services on both radio and television services and includes extracts or parts of a programme which can be stored in either analogue or digital form.

The recordings can only be used for educational purposes within the premises of a licensed establishment, or via a secure distance learning network, including on interactive whiteboards or VLE's.

Appropriate systems must be in place to ensure that only authorised staff and students can access the recordings.

Additional copies may be made in line with the ERA licence.

Registered students (including UK based distance learning students) may borrow and take off site a licensed recording on cassette, CD or DVD providing they sign a declaration to confirm that the material will be used only for legitimate non-commercial educational purposes.

### **3.1 The ERA licence does not cover:**

- Making adaptations to or re-editing recordings
- Making of multiple copies of recordings e.g. on to memory sticks used by individual students
- Removal of programme credits (they are an integral part of the broadcast)
- Addition of sub-titles or audio description to material recorded under the licence
- Showing recordings for entertainment purposes
- Supply of copies to overseas students
- Including extracts or recordings in any corporate materials e.g. to promote the establishment
- Using stills from recordings on the establishment's website or in other corporate materials e.g. prospectuses
- Sale or commercial hire of recordings

#### 4 References and resources

- 1988 Copyright, Designs and Patents Act  
<http://www.legislation.gov.uk/ukpga/1988/48/contents>
- CLA licence for FE College in Scotland and NLA Educational Establishment licence  
<http://fe.cla.co.uk/>
- ERA Educational Recording Agency  
<http://www.era.org.uk/the-licence>
- Gower Review of Intellectual Property, December 2006  
<https://www.gov.uk/government/publications/gowers-review-of-intellectual-property>
- JISC Legal Information Service
- UK Intellectual Property on the Internet