

# **COPYRIGHT GUIDELINES**

**This notice sets out the current position on copying permitted by law and copying permitted under licence.**

The notice is set out as follows:

- **Introduction**
- **Copying permitted by law**
- **Copying permitted under licence**
  - A Books, periodicals, law reports, volumes of short stories and poems**
  - B Crown copyright publications**
  - C Parliamentary copyright publications**
  - D Newspapers**
  - E Ordnance Survey maps**
  - F Off-air recording**
  - G Slide collection**
- **Copyright and Computers**
- **Seeking Copyright Permission**
- **Ownership of Copyright**
- **Liability**

Full details of each of the licensing schemes are not contained in the notice. An outline is provided which should be sufficient for most purposes, together with references and links to more detailed information about the schemes to assist staff who have more specific requirements.

Further information may be obtained from Mr I H Wilson, Assistant Secretary, ext 1060.

## ■ **INTRODUCTION**

Copyright is a right to prevent other people copying an original work. It should be stressed that it must be an original work, not merely an original idea. Copyright only exists in material which comes within one of the categories prescribed as being capable of having copyright protection: original literary, dramatic, musical and artistic works; sound recordings, films, broadcasts or cable programmes; the typographical arrangement of published editions.

There are, however, circumstances in which copying of copyright material is permitted by law, and these are set out under the heading *Copying permitted by law*.

The University has also taken out licences to permit copying of a variety of copyright material. Details are given under the heading *Copying permitted under licence*.

## ■ **COPYING PERMITTED BY LAW**

The Copyright, Designs and Patents Act 1988 (available at: [www.legislation.hmso.gov.uk/acts/acts1988](http://www.legislation.hmso.gov.uk/acts/acts1988)) permits:

- fair dealing with literary, dramatic, musical and artistic works for the purposes of research or private study;
- a librarian to supply material for research or private study provided that certain conditions are met (details available from the University Library);
- incidental inclusion of a copyright work in an artistic work, sound recording, film, broadcast or cable programme;
- copying of a literary, dramatic, musical or artistic work in the course of instruction or of preparation for instruction, provided that the copying is done by the person giving or receiving instruction and is not by means of a reprographic process;
- anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions;
- copying for the purpose of transmitting a copy by fax, provided that the intermediate copy used to feed the machine is immediately destroyed.

## ■ **COPYING PERMITTED UNDER LICENCE**

### **A BOOKS, PERIODICALS, LAW REPORTS, VOLUMES OF SHORT STORIES AND POEMS**

The University has a licence from the *Copyright Licensing Agency (CLA)* to permit photocopying from **books, looseleaf works, journals, periodicals, conference proceedings, law reports, and volumes of short stories and poems.**

**The following sets out what is permitted/excluded under the CLA Licence:**

► **What the Licence permits**

- 1 Subject to certain restrictions (see 7 and 8 below), **multiple copies may be made of separate items of copyright material in connection with any one course of study in any academic year.** A course of study is defined as any whole course of study or any segment of a student's studies which is normally regarded by the University as a discrete and self-contained unit for the purposes of examination or assessment and which as such would normally carry an overall mark or value counting towards the student's final qualification.

**Sufficient copies may be made to enable the tutor and all students on the course to have one each.**

The extent of the material that may be copied and distributed during any one course of study depends on the type of publication:

<b>a book</b>	<b>up to 5% or one complete chapter</b> (whichever is the greater)
<b>an issue of a serial publication</b>	<b>up to 5% or one whole article</b> (whichever is the greater)
<b>a set of conference proceedings</b>	<b>up to 5% or one whole article</b> (whichever is the greater)
<b>a published report of judicial proceedings</b>	<b>up to 5% or the entire report of one single case</b> (whichever is the greater)
<b>an anthology of short stories or poems</b>	<b>up to 5% or one short story or one poem of not more than 10 pages</b> in length (whichever is the greater).

**Copies may be made of a printed page that consists entirely of text or graphical images, eg photographs, illustrations, drawings or diagrams, or a combination of text and images.**

**Copying is to be on to paper from a paper original; or from a paper copy providing**

- the University owns an original published edition of the material; *or*
- the University has obtained a copyright fee-paid copy from the British Library Document Supply Centre or another copyright fee-paid document supply service with the original cover sheet of the document delivery service attached; *or*
- written permission has been obtained from the relevant rightsholder for such copying and a copy of the document granting such permission is retained and readily available if required.

**Copies may be made at any location,** including copying at on (or off) campus copyshops or print service units.

- 2 In addition to material published in the UK, the Licence covers (by reciprocal agreement with CLA's counterpart organisations overseas) **licensed material published in the following countries:**

Australia	Netherlands
Canada (including Quebec)	New Zealand
Denmark	Norway
Finland	South Africa
France	Spain
Germany	Sweden
Greece	Switzerland
Iceland	The United States of America*
Ireland	

(\*As a result of US Anti-trust law, CLA's reciprocal agreement with the Copyright Clearance Center does not cover all works published in the US but only those published by certain publishers. The list is available at Reprographic Units and at: [www.cla.co.uk/have\\_licence/support/general-uspublishers.pdf](http://www.cla.co.uk/have_licence/support/general-uspublishers.pdf)

The exclusions given in 7 and 8 below apply to works from overseas as well as those published in the UK. Thus it is not permitted to copy printed music under the Licence, no matter where the printed music is published.

- 3 The Licence covers **copying by all staff and students** (full-time, part-time, etc and including students on courses designed to be studied away from the University), but excludes persons attending short-term courses which are delivered on a cost recovery basis and in return for a fee and which are not included in the UCAS publication: *University and College Entrance: the Official Guide*. As a general rule, if a short-term course contributes to a qualification and its students are included in HESA statistics, it is covered by the Licence. NB Individuals attending courses/conferences organised by outside organisations who have merely hired accommodation in the University are not covered by the Licence.
- 4 **Copies of extracts of licensed material may be made for inclusion in course packs.** Copying is limited to the same extent as for any other copying, as set out in 1 above.
- 5 **Enlarged photocopies** at a minimum of 16 point type size, of up to the whole of a book or journal may be made for use by visually-impaired students and visually-impaired staff, subject to the following:
- The copies must be supplied to visually-impaired students and visually-impaired staff individually in connection with instruction. No copies may be placed on the Short Loan Collection.
  - At least one copy of the original publisher's edition of the publication to be copied must have been bought by the University and be available to other students of the University.
  - The publication to be copied must not already be available in large print format.

- Only enough copies may be made as are required for the purposes of instruction of visually-impaired students or for use by visually-impaired staff.
- No electronic storage or transmission is permitted.

In addition, there are Joint Industry Guidelines *Copyright and Visual Impairment – access to books, magazines and journals by visually impaired people*, which in some cases extend the provisions for copying allowed under the terms of the CLA Licence. These are available on the website of the Publishers Licensing Society at:

[www.pls.org.uk](http://www.pls.org.uk)

► **What the Licence excludes:**

- 6 Systematic or repeated copying of the same licensed material or part thereof for any one course of study beyond the limits set out in 1 above is not permitted.
- 7 Certain books and journals are excluded from the Licence. Permission must be sought direct from the publisher. A list of excluded works is posted next to photocopiers and is available at: [www.cla.co.uk/have\\_licence/support/general-excluded.pdf](http://www.cla.co.uk/have_licence/support/general-excluded.pdf)
- 8 The following categories are excluded from the Licence:
  - works published outside the countries listed in 2 above;
  - printed music (including the words);
  - newspapers (*covered separately under licence from the Newspaper Licensing Agency – see section D*);
  - maps, charts or books of tables (*some copying of maps is permitted under licence from the Ordnance Survey – see section E*);
  - texts of public examination papers, whether published individually or in collections;
  - privately owned documents issued for tuition purposes and limited to clientele who pay fees;
  - workbooks, work cards and assignment sheets;
  - industrial house journals and other free publications primarily for employees of commercial businesses, industrial undertakings or public services;
  - any work on which the copyright owner has expressly and prominently stipulated that it may not be copied under the CLA Licence;
  - unpublished material, including theses.
- 9 No copy may be made or stored in a computer or other electronic, optical or electro-optical device, except in the case of a reprographic machine where that is an inherent part of the photocopying process used by the machine and that the electronic memory of the copy is destroyed immediately after the copying has taken place. Staff or students wishing to put extracts from books, periodicals or learned journals into word processors, desk-top publishing equipment, databases, scanners and computers using optical character recognition must first obtain the permission of the publisher of the work (except where the circumstances are covered by the Joint Industry Guidelines referred to in 5 above). Note that works that are out of print have the same copyright protection as if they were in print. Permission must be obtained in writing and a copy of the correspondence retained as proof.

- 10 No copies may be sold, hired out or otherwise issued in exchange for some form of payment, except that copies may be provided to students at a price set to recoup only the cost of production and not for profit.

► **Indemnity**

The CLA will indemnify the University in respect of a claim that the University has infringed copyright in licensed material. The University is required to notify CLA of any claim **within 10 working days, or five working days in the case of a Claim Form**, having been received by the University. It is essential, therefore, that any member of staff receiving such a claim or Claim Form immediately notifies the University Secretary by telephone (ext 3400) or the Assistant Secretary (ext 1060).

**B CROWN COPYRIGHT PUBLICATIONS**

Crown copyright exists in all copyright material produced by officers or servants of the Crown in the course of their duties. Copyright is owned by the Controller of Her Majesty's Stationery Office (HMSO) and Queen's Printer for Scotland.

Copyright restrictions have been waived in some categories of material to encourage its widespread use. There are no restrictions on how the following material may be reproduced. It must, however, be reproduced accurately and not in a misleading context, and it must be correctly acknowledged and the source and status of the material identified. More detailed information, including the appropriate form of acknowledgement, is available in HMSO Guidance Notes, at:

[www.hmso.gov.uk/guides.htm](http://www.hmso.gov.uk/guides.htm)

Material covered by the waiver is:

- **Legislation:** Acts of the United Kingdom Parliament and the Northern Ireland Assembly, and Explanatory Notes to these; Statutory Instruments including those made by the National Assembly for Wales; Statutory Rules for Northern Ireland; Measures of the General Synod of the Church of England (HMSO Guidance Note 6).
- **Public Records:** those public records which were unpublished at the point when they were deposited with a Public Record Repository or contain material that was unpublished at that point; those which are open for public inspection (HMSO Guidance Note 3).
- **Government press notices:** official press notices and releases issued by Government departments and agencies (HMSO Guidance Note 9).
- **National Curriculum material and Literacy and Numeracy Documents, for England** (HMSO Guidance Note 8).
- **National Curriculum material for Wales** (HMSO Guidance Note 10).

The University also holds a **licence which permits photocopying of information from any publication, product or information service made available to the public by or on behalf of a Government Department** and which is central to the

core responsibilities of Government and is protected by Crown copyright. Also included is material featured on Departmental websites. The Licence excludes material produced by Departments which have Trading Fund status, material which is covered by security classification, legal or policy restrictions, material which includes personal information about named individuals, photographs and films, computer programs and software, and 'Value Added' information, ie material which enhances and facilitates its use and effectiveness for the user, for example through interpretation or commentary. The terms of the Licence are available at [www.hmso.gov.uk/cu/clickuse-terms.htm](http://www.hmso.gov.uk/cu/clickuse-terms.htm). Section 6 of the Licence sets out how material may be reproduced and section 10.5 provides the form of acknowledgement required.

## C PARLIAMENTARY COPYRIGHT PUBLICATIONS

Parliamentary copyright material includes: Official Reports of the House of Lords and House of Commons Debates (Hansard); House Business Papers, including Journals of both Houses, Lords' Minutes, the Vote Bundle, Commons Order-Books, the Commons Public Bill Lists and Statutory Instruments Lists, Weekly Information Bulletin and Sessional Information Digest; other Parliamentary papers, including Command Papers and Reports of Select Committees of both Houses.

In recognition of the importance of this material, photocopying is permitted without charge within the guidelines given below. Users are permitted to:

- copy the text from any single title or document in its entirety provided that no more than one photocopy is made for any one individual. Sufficient copies may be made to provide a single copy to each student. Copies must not be distributed to other individuals or organisations.
- make unlimited multiple copies of extracts from any title or document provided that the extracts from any single work do not exceed 30%, or one complete chapter or equivalent, whichever is the greater.

In addition to the material listed above, there are no restrictions on the reproduction of Bills of the UK Parliament and Explanatory Notes to Bills. They must, however, be reproduced accurately and not in a misleading context, and must not purport to be published by either House of Parliament. More detailed information is available in HMSO Guidance Note 14, available at [www.hmso.gov.uk/g-note14.htm](http://www.hmso.gov.uk/g-note14.htm)

## D NEWSPAPERS

The University has a licence from the *Newspaper Licensing Agency* (see heading below) to permit photocopying of articles from newspapers and has separately been given permission to copy, in certain circumstances, from some *Other newspapers* (see heading below). Permission to make copies from any newspaper not listed in section D1 or D2 below should be requested from the syndication department of the publication concerned, enclosing a stamped addressed envelope.

## 1 **NEWSPAPER LICENSING AGENCY**

The newspapers covered by the Licence are:

Daily Express	News of the World
Daily Mail	The Observer
Daily Star	The Sun
Daily Telegraph	Sunday Express
Evening Standard	Sunday Mirror
Financial Times	Sunday People
The Guardian	Sunday Telegraph
Independent	Sunday Times
Independent on Sunday	The Times
Mail on Sunday	Manchester Evening News
The Mirror	The Sentinel (Stoke-on-Trent)

### ▶ **The Licence permits:**

- photocopying of cuttings from newspapers on to plain paper for the purposes of instruction provided for students. It is also permitted to fax cuttings, to make copies for inclusion in study packs and to project cuttings by illumination on to a screen.
- the photocopying of up to 250 copies of any one cutting from any one issue of a newspaper.

Each copy of an article or collation of articles must carry a notice stating:

*Copyright belongs to the NLA. No further copies may be made without the licence of the NLA.*

### ▶ **The Licence excludes:**

- copying of photographs, illustrations or advertisements.
- alterations to the size or layout of cuttings beyond what is reasonably required for educational purposes.
- digital scanning of cuttings.
- reproduction of the whole of any of the newspapers.

## 2 **OTHER NEWSPAPERS**

The following newspapers:

The Times Higher Education Supplement	
The Manchester Metro News	
Messenger Newspapers	(Sale & Altrincham Messenger; Stretford & Urmston Messenger)

have separately given the University permission to make copies in the following circumstances:

- multiple copies of articles for use as part of the teaching process in lectures, seminars, tutorials etc;
- copies of articles referring to the University or members of staff or students, for insertion in internal communication newsletters or external publicity to prospective students, but not in any publication for which there is a cover charge.

Copying must be done with restraint and each copy taken must include the following acknowledgement:

© *(Name of newspaper) Date of publication*

*Reproduced by kind permission of (name of newspaper)*

## **E ORDNANCE SURVEY MAPS**

The University is licensed by the Ordnance Survey (OS) to reproduce and use OS material for use within the University for educational, research or teaching purposes as follows:

- to copy maps;
- to use digital mapping
- to show up to ten 200cm<sup>2</sup> bitmap images on the University Web-site
- to copy mapping as a location map in a prospectus or brochure

Any reproduction or use of the maps is limited to the above and must not be for consultancy purposes or commercial exploitation. Where it is wished to reproduce OS-based mapping from a commercial publication (eg A-Z<sup>®</sup>) the prior permission of the commercial publisher must be obtained.

Each authorised reproduction must bear an acknowledgement, which should be one of the following:

- The usual form:  
*Reproduced from the [year of publication] Ordnance Survey<sup>®</sup> [name and scale, eg Landranger<sup>®</sup> 1:50,000 scale] map with the permission of Ordnance Survey on behalf of The Controller of Her Majesty's Stationery Office, © Crown copyright, The Manchester Metropolitan University, All Saints, Manchester M15 6BH, Licence No ED 100017917*
- For a reproduction less than A4:  
*© Crown copyright, Licence No ED 100017917*
- For out-of-copyright material (older than 50 years):  
*Reproduced from [year of publication] Ordnance Survey<sup>®</sup> map*

## **F OFF-AIR RECORDING**

The University has a licence from the Educational Recording Agency which permits the institution to record all cable and broadcast programmes for educational purposes and also to make copies of those recordings for educational purposes. Recordings for educational purposes may also be made by teaching staff at home.

Works recorded under the terms of the ERA Licence may be held indefinitely for use at any time.

The Licence only permits the recording and copying of off-air broadcast or cable programmes. Video cassettes and other forms of recording bought from shops, mail order, etc must **not** be copied.

Open University programmes are **not** included in the ERA Licence, but they are covered by a scheme which permits recording and registering of programmes by Media Services.

Further details are available from Media Services.

## **G SLIDE COLLECTION**

The University has a licence from the Design and Artists Copyright Society (DACS) to permit copying of slides of artistic works held in the Slide Library in the Department of History of Art and Design.

The Licence permits the production of up to 10 copies (in slide form) of any one artistic work. A slide is defined as a 35mm transparency or overhead projection slide.

## **■ COPYRIGHT AND COMPUTERS**

The Copyright, Design and Patents Act 1988 prohibits the unauthorised copying of computer programs.

The copyright owner has the exclusive right to copy the work, issue copies to the public, make an adaptation (eg a translation of the work) or do any of the foregoing in relation to an adaptation. Translation includes the conversion of a computer program from one language into a different language, but it is not an infringement of the copyright in a computer program to convert to another language provided this is done incidentally in the course of running the program.

The use of copyright software on a network of computers is also prohibited unless permission has been obtained from the copyright owner.

The program documentation usually indicates clearly the restrictions on copying. If there are any uncertainties, the publisher should be contacted for clarification and, if necessary, permission must be obtained before any copies are made.

## ■ **SEEKING COPYRIGHT PERMISSION**

If it is wished to make copies of a copyright work and the work is not covered under the sections covering *Copyright permitted by law* or *Copying permitted under licence*, then permission must be sought from the copyright holder. The copyright holder can normally be contacted through the permissions department of the publisher of the work. It is essential in order to maintain good relations with copyright holders and to minimise work for all concerned that applications be fully detailed; abbreviations should not be used. *Faculty Secretaries have been provided with a standard letter and application form which can be used, or adapted as necessary, for seeking copyright permission. Please apply to your Faculty Office.* It is suggested that as long a period as possible be allowed for permission to be obtained. The notice giving permission to make copies must be submitted to the Reprographics Unit along with the work.

Note that the copyright and collecting society for visual artists in the UK is the Design and Artists Copyright Society (DACS). The Society can be contacted at: Parchment House, 13 Northburgh Street, London EC1V 0JP, telephone 020 7336 8811, fax 020 7336 8822, e-mail [info@dacs.org.uk](mailto:info@dacs.org.uk)

## ■ **OWNERSHIP OF COPYRIGHT**

Where material is produced in the course of employment, the employer is the first owner of the copyright in it. The University has, however, waived its right to first ownership in respect of

- any work or design compiled, edited or otherwise brought into existence by a member of teaching staff as a scholarly work produced in furtherance of their professional career; 'scholarly work' includes books, contributions to books, articles and conference papers.
- material produced by teaching staff for personal use and reference, including as an aid to teaching.

Strictly speaking, nothing is required to be done to claim ownership of copyright in a work; the ownership rights come into existence immediately the work is created in material form. There is no registration process. However, the use of the copyright symbol © and of the following common format as a reminder to would-be infringers is recommended:

*Copyright © The Manchester Metropolitan University (year)  
All Rights Reserved  
University Contact: (Name, Department, Address)*

In the case of computer software, the above wording should appear on all discs and as an on-screen message to users.

Students will normally own the copyright in all of the works produced by them during their course. If therefore they are engaged on project work or similar activities and there is a likelihood that the University or a third party sponsor will wish to own the copyright in the resultant output, it will be necessary to arrange an assignment of the students' rights. Staff should be aware of such possibilities before engaging in project work and seek advice if necessary.

## ■ **LIABILITY**

Staff are reminded of the very serious view which the University takes of any infringement of copyright. Copyright materials may only be copied under one of the exceptions listed in sections 28-76 of the Copyright, Design and Patents Act 1988 or in accordance with the terms of the licences detailed in the section *Copying permitted under licence*, or with the express permission of the copyright owner.

It must be clearly understood that any copying which could be an infringement of copyright and any use of such materials within the University (even if brought in from outside) is strictly forbidden. Any legal liability arising from the unauthorised copying or use of copyright materials will be deemed to fall upon the individual member of staff or student concerned.

15 November 2002