

# Literary



**Protects:** the creative 'ordering of words'

**Examples:** Books, journals, poems, lyrics, letters, diaries, legal documents, oral histories, emails, blogs, software.

**Duration:** Published – *usually* 70 years following death of author; Unpublished – 70 years after the death of the author, but longer durations may apply.

W1

# Musical



**Protects:** the creative ordering of musical notes

**Examples:** songs, symphonies, jingles, film music, arrangements of folk songs.

**Duration:** Published – *usually* 70 years following death of author; Unpublished – *either* 70 years from death of author *or* 31 Dec 2039 (whichever is later).

**Note:** The copyright in a piece of music is different to the copyright in a sound recording of that music.

W3

# Artistic



**Protects:** creative 'visual' works

**Examples:** Paintings, drawings, sketches, sculptures, photographs, maps, logos, charts, graphs.

**Duration:** Published – *usually* 70 years following death of author; Unpublished – 70 years from death of author, but longer durations may apply. Photographs from 20<sup>th</sup> century – differing durations.

W2

# Dramatic



**Protects:** dialogue and stage directions in a performed work

**Examples:** Plays, film scripts, ballets, revues.

**Duration:** Published/performed – *usually* 70 years following death of author; Unpublished/unperformed – *either* 70 years from death of author *or* 31 Dec 2039 (whichever is later).

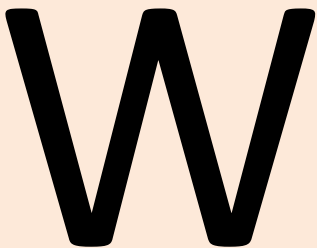
W4

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# Broadcast

**Protects:** The broadcasting of audio and audio-visual material. This is a separate right from the copyright in the film or sound recordings that are being broadcast.

**Examples:** Any radio or television transmission made by electronic means, but not an internet transmission.

**Duration:** 50 years from the date of broadcast.

W5

# Film

**Protects:** Audio-visual recordings

**Examples:** TV programmes, movies, home videos, filmed animation.

**Duration:** 70 years following the death of the last to die from the director, author of the screenplay, author of the dialogue or composer of music specifically created for the film.

W7

# Sound Recording

**Protects:** recording of sound in any 'fixed form'.

**Examples:** Musical recordings, film and TV soundtracks, oral history recordings, recordings of public oratory.

**Duration:** 70 years from the day of publication or (if unpublished) 50 years from the date of creation.

**Note:** Many sound recordings include underlying musical, dramatic or literary copyright works.

W6

# Typography

**Protects:** the typographical layout of a publication.

**Examples:** Published book and journal layouts.

**Duration:** 25 years from publication.

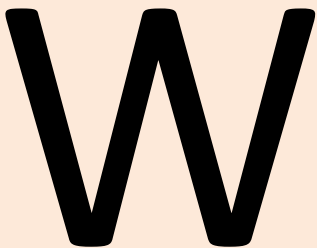
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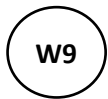
# Public Domain



When copyright in a work expires it passes into the 'public domain', and it can be used without permission.

**Protects:** no copyright protection applies to the work.

**Examples:** Any published, creative work where the author died more than 70 years ago.



# Moral Rights



**Protects:** The right to be identified as the author of a copyright work, to stop someone else being falsely attributed as the author of a copyright work, and for the work not be subject to derogatory use.

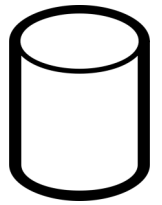
**Examples:** The assertion in the front of a book – “xxx asserts their right to be identified as the author of this work”. It must be asserted to arise, and can be waived by the author.

**Duration:** In the UK moral rights are the same as the duration of the copyright work, except for the right of false attribution which lasts for 20 years after the person's death.



Work related

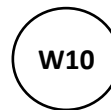
# Database



**Protects:** databases could be copyright literary works, or protected by specific database rights.

**Examples:** Directories, commercial databases, scientific research datasets.

**Duration:** 15 years from the date of creation or the last time the database was updated.



Work related

# Performance



**Protects:** musical or dramatic performances as fixed in a film or sound recording.

**Examples:** Acting, musical performance, lecture, public recital or presentation.

**Duration:** 70 years from the day of publication or (if unpublished) 50 years from the date of performance.

**Note:** Although it is open to debate, many educational establishments assume it is likely that recordings of lectures qualify as performances.



Work related

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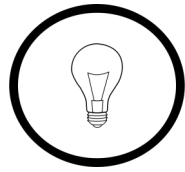
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# Non- Qualifying



**Protects:** There is no copyright protection for something that is not a 'fixed' expression of human creativity.

**Examples:** An idea that is not written down, a natural occurrence, a matter of fact, an abstract concept (e.g. love).

**Duration:** There is no copyright, so no duration of copyright.

W13

Work related

# Issuing Copies to the Public



**Definition:** means putting the works into 'circulation' – effectively publication.

**Examples:** Publishing a book or journal, distributing sound recordings, selling copies of a film.

U2

# Copying



**Definition:** Reproduction of a copyright work in any material form including electronic means.

**Examples:** Making a photocopy, downloading a copyright work, copying to a digital storage device, making a hand-drawn facsimile, reproducing recordings of a musical work, taking photographs of certain types of copyright work (e.g. a photograph or a painting).

U1

# Renting or lending to the Public

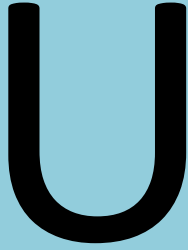
FOR  
RENT

**Definition:** Making copies of most types of copyright work temporarily available to the public for either economic or non-economic advantage.

**Examples:** Renting computer games, lending books from a library.

**Does not include:** Making available for the purpose of performing, playing or showing in public.

U3



U

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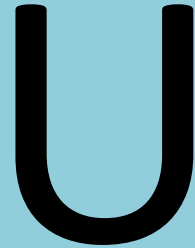
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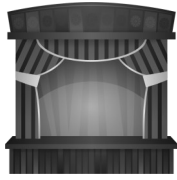


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# Performing, Showing or Playing in Public

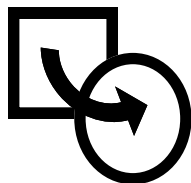


**Definition:** The performance or exhibition of certain types of work in public.

**Examples:** Delivery of lectures, addresses, speeches or sermons, musical performances, dramatic performances, playing of sound recordings and films, exhibiting literary works for public view.

U4

# Adaptation



**Definition:** Adapting a pre-existing copyright work and recording it in writing or other 'fixed' format.

**Examples:** Translating a literary work, altering a photograph, remixing a sound recording or film, 'porting' computer software from language to another.

U6

# Communication to the public



**Definition:** Communication of copyright works to the public by electronic transmission. Effectively means that the Internet and computer networks are subject to copyright law.

**Examples:** Websites, podcasts, social media services, blogs, VLEs

**Caution:** The definition of 'public' does not necessarily have to be the general public. E.g. making material available on a closed intranet still involves a 'public' communication.

U5

# CLA HE Licence\*

Copyright  
Licensing  
Agency

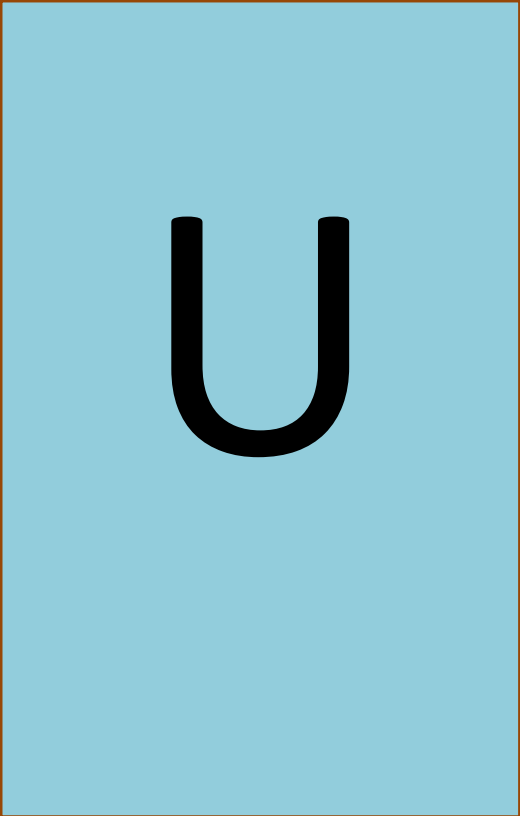
**Usages Covered:** Provision of multiple copies of extracts from published books for educational purposes

**Repertoire:** The majority of published books and journals, magazines, digital publications, conference and legal proceedings. Artistic works embedded within these.

**Exclusions:** Titles specifically excluded, sheet music, maps and charts, newspapers, workbooks.

L1

\*See for [he.cla.co.uk](http://he.cla.co.uk) for details



U

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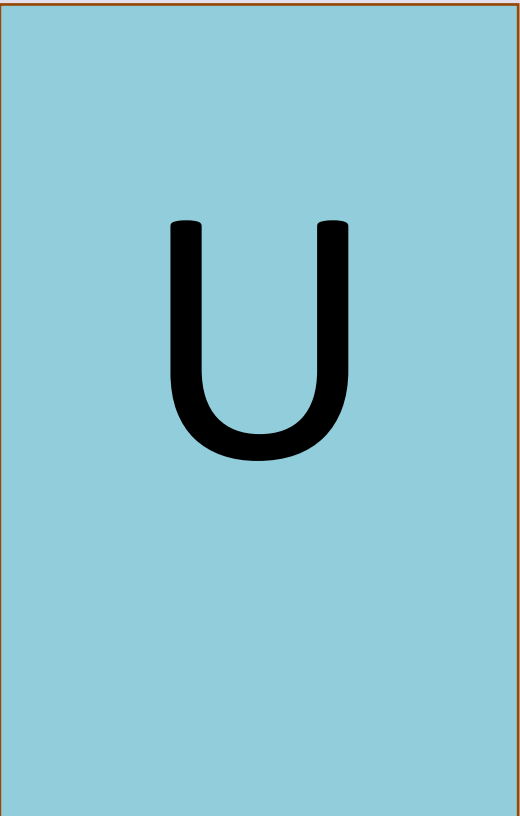
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# NLA Media Access\*

Newspaper  
Licensing  
Agency

**Usages Covered:** Provision of copies of newspaper articles to authorised users in paper or digital form.

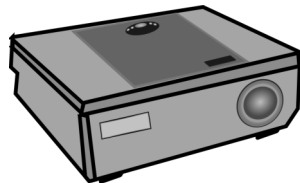
**Repertoire:** Articles published by participation newspaper publishers.

**Exclusions:** Journals and magazines. Some newspapers do not participate in the NLA scheme, e.g. Financial Times.

\*NLA stands for Newspaper Licensing Agency see [www.nlamediaaccess.com](http://www.nlamediaaccess.com)

L2

# Filmbank / MPLC\*



**Usages Covered:** Public performances of films not covered by educational exceptions.

**Repertoire:** Some, but not all feature films. The majority of films are not covered by blanket licence schemes.

**Caution:** Some HEIs took out public film licences when they had no need to. Check whether usage is covered under other licences or exceptions.

\*Motion Picture Licensing Company

L4

# ERA\*

Educational  
Recording  
Agency

**Usages Covered:** Educational use of broadcast recordings within the UK.

**Repertoire:** Recordings of Free-to-air broadcasts and copyright material within them.

**Exclusions:** Content that is not free to air. Users based outside the UK.

\*Educational Recording Agency

L3

# Library E-Resources



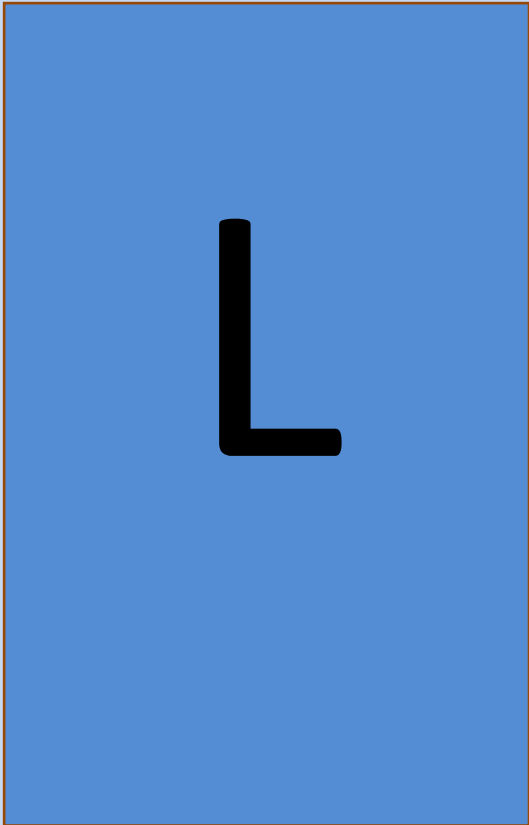
**Usages Covered:** Dependent on licence agreement – usually allows access by authorised users.

**Repertoire:** Specific to the licence agreement.

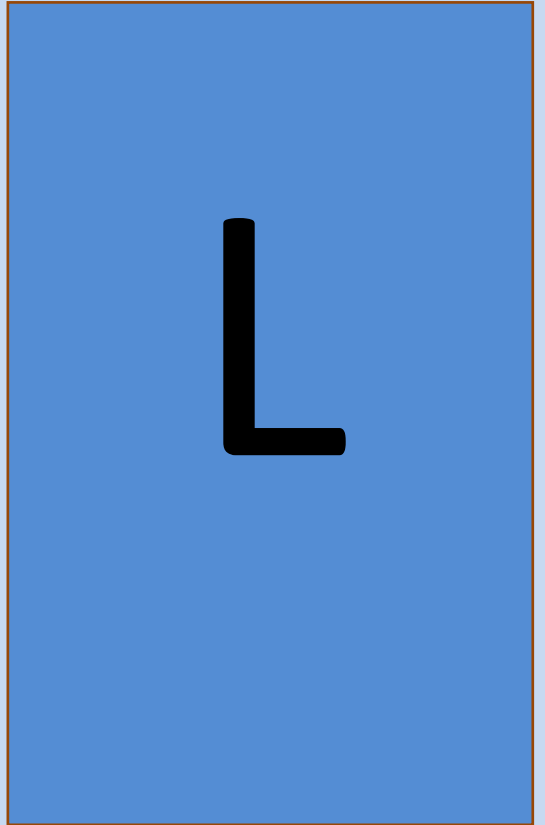
**Examples:** JISC Collections, NESLi2, EBSCO and Proquest licences. Direct deals with publishers.

**Exclusions:** Some licences are restrictive, but many of the new UK exceptions prevent these licences from making those activities infringing (i.e. no contract override).

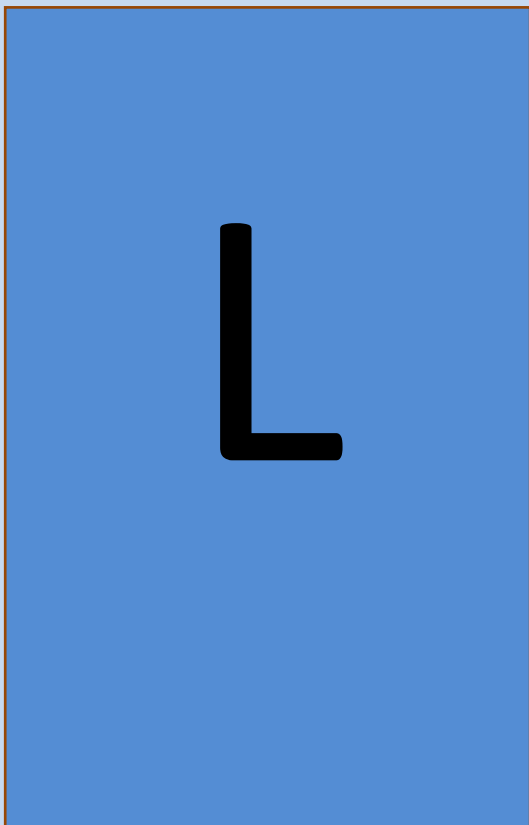
L5



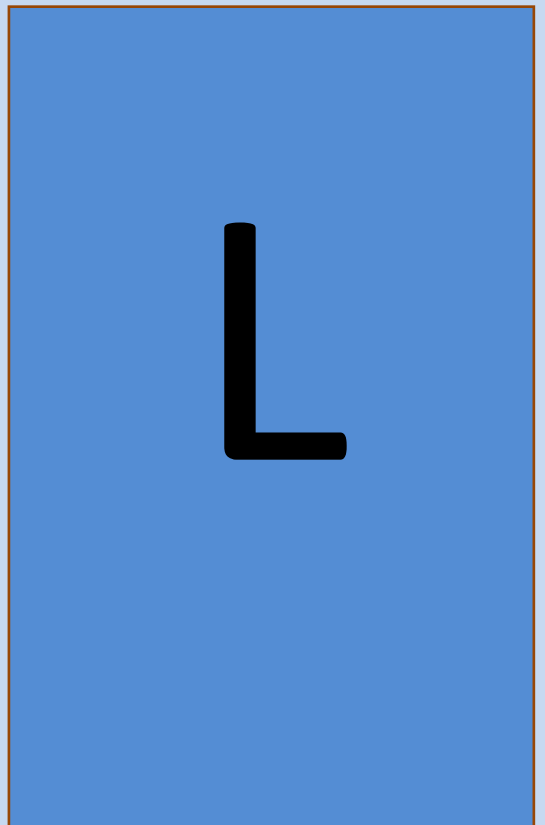
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# Creative Commons\* and 'Open' Licences

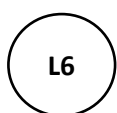


**Usages Covered:** Allows free acquisition and distribution of content, and depending on the nature of the licence may allow users to adapt or commercialise the work.

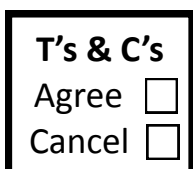
**Repertoire:** By 2014 there were 882 million Creative Commons works.

**Caution:** Anyone can apply a CC licence to a work – check your sources.

\*[creativecommons.org](http://creativecommons.org)



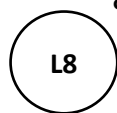
# Website Terms and Conditions



**Usages Covered:** This depends on the website.

**Repertoire:** This depends on the website and its terms and conditions – there is unlikely to be a single owner of all content on one site.

**Caution:** It is unwise to copy or reuse material taken from a website on the basis that the terms and conditions are unclear or non-existent. It remains the end user's responsibility to clear copyright and assess risk.



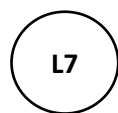
# 'Bespoke' Permission from Rights Holder



**Usages Covered:** It is sometimes possible to negotiate a bespoke arrangement directly with the rights holder. This is particularly relevant in cultural or educational digitisation projects.

**Repertoire:** The content needs to be specified at the point of negotiation.

**Caution:** Negotiating rights clearance is often time consuming and costly. Ensure this is factored into any project you undertake.



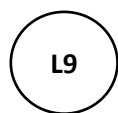
# IPO Orphan Works Licensing Scheme

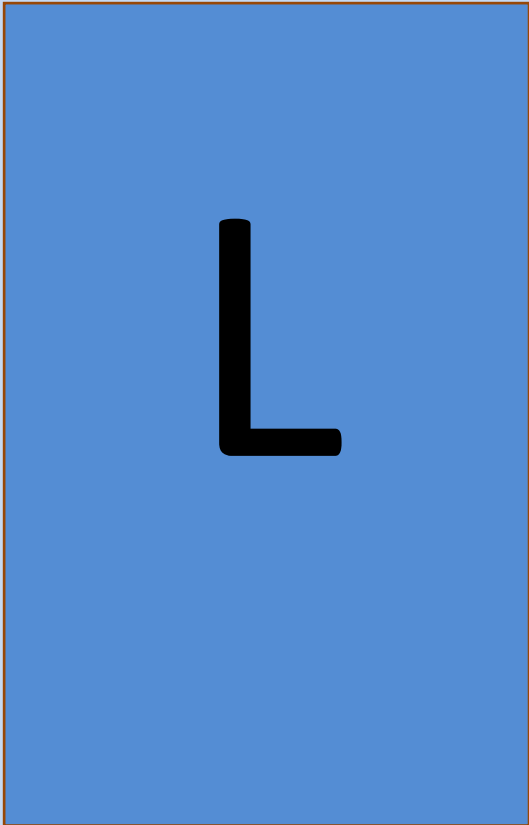


**Usages Covered:** Covers all commercial and non-commercial uses.

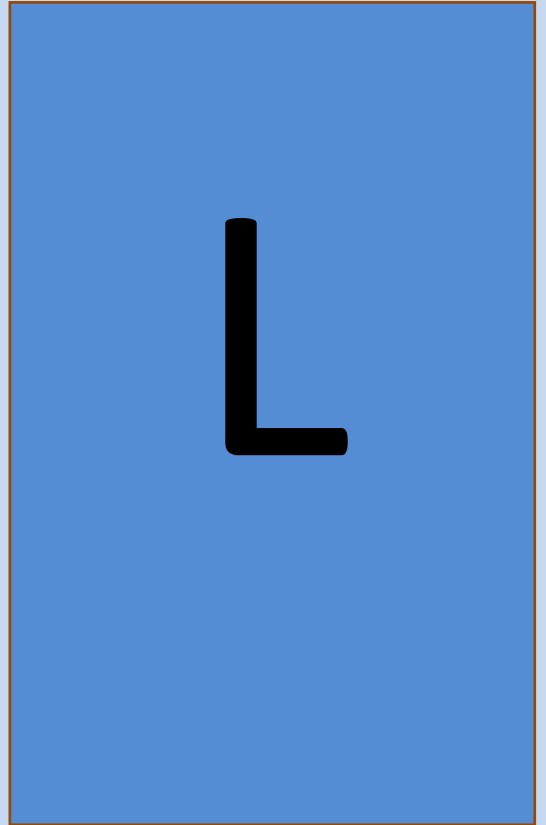
**Repertoire:** All orphan works subject to diligent search.

**Caution:** The orphan works licence scheme requires a 'diligent search' on a work by work basis so is not suitable for mass digitisation projects.

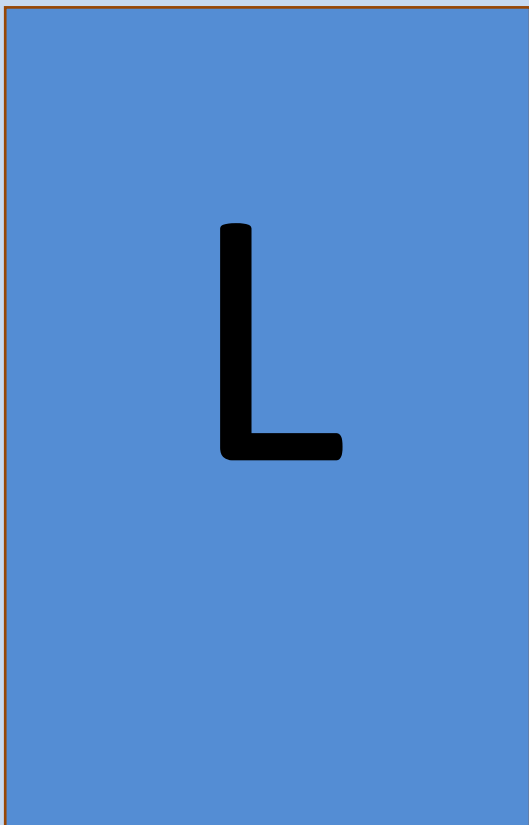




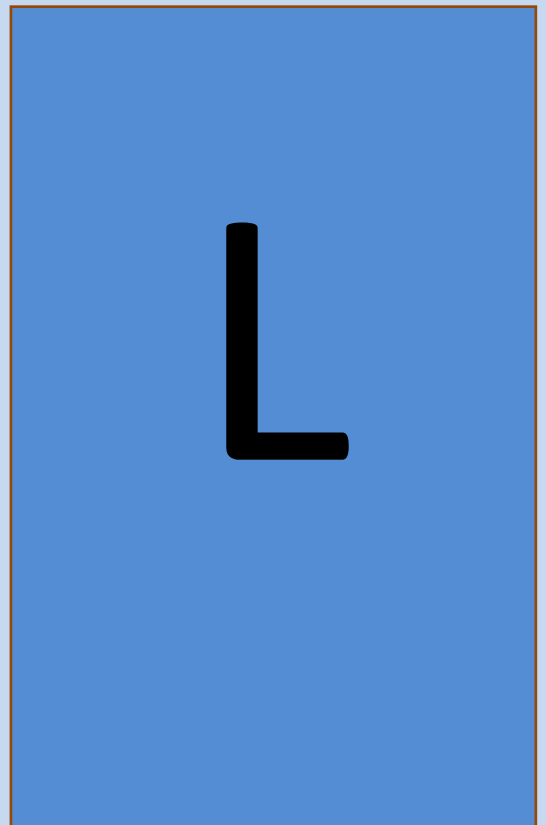
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# You made it yourself



**Usages Covered:** As owner of the copyright in the work you are permitted to make any use of it that you see fit.

**Caution:** You should ensure that nobody else has a claim to the copyright in the works. If you have created the work as an employee, your employer will own the work. If you have used material created by others (e.g. a chart or image) it is likely you will need permission from the owner. Always discuss copyright with any collaborators early on.

L10

Licence related

# You work for or in collaboration with the rights holder



Under UK law, employers own copyright in anything you create as part of your job.

**Usages Covered:** Whatever has been agreed as part of your employment or partnership arrangement.

**Example:** Training materials you create as part of your day job.

**Caution:** Disputes arise when parties look to use copyright material in ways not agreed with employers / partners

L11

Licence related

## S.29 Research & Private Study



**Definition:** Allows individuals to make single copies of limited extracts of copyright works for non-commercial research or private study. No contractual override.

**Types of work:** All copyright works including sound recordings and films.

**Examples:** A researcher makes a single copy of a chapter from a book at her institutional library for her own reference.

E1

Updated

## S.29A Text & Data Mining



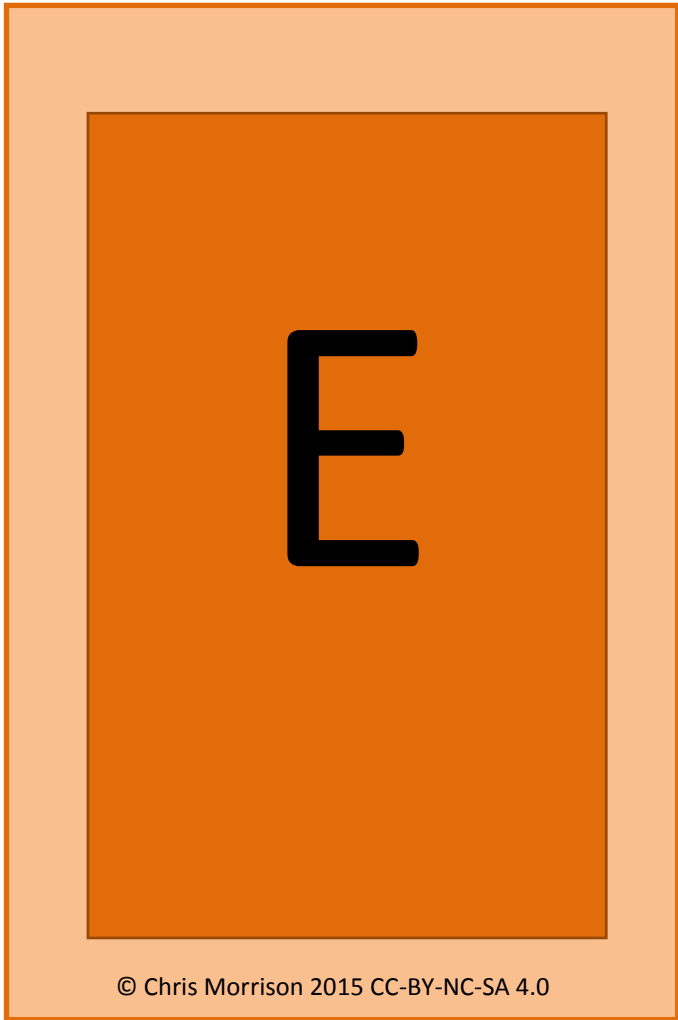
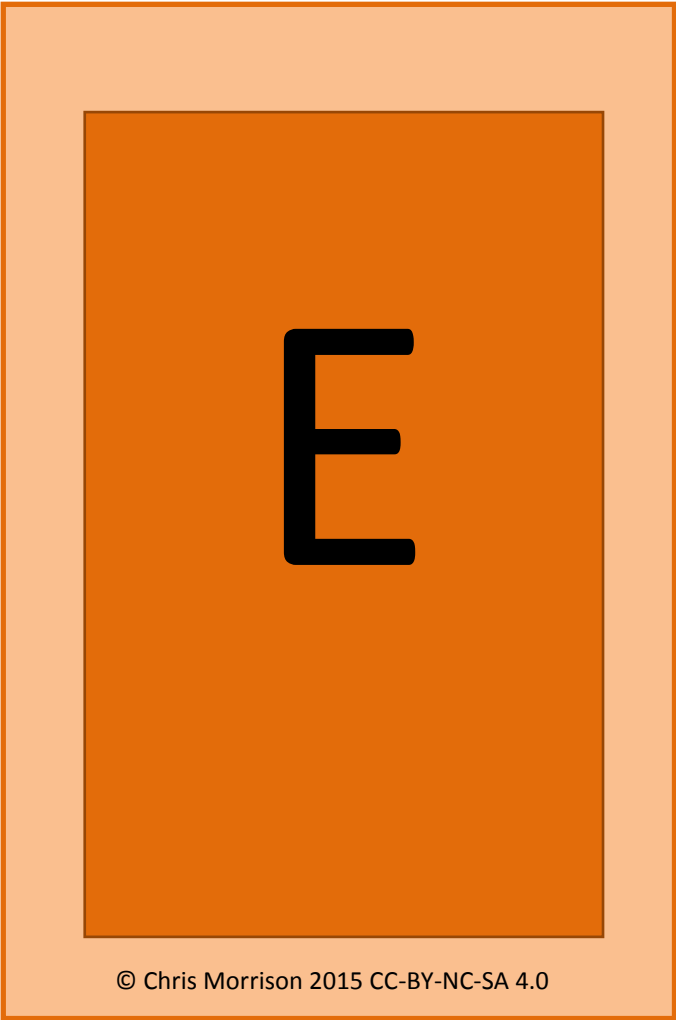
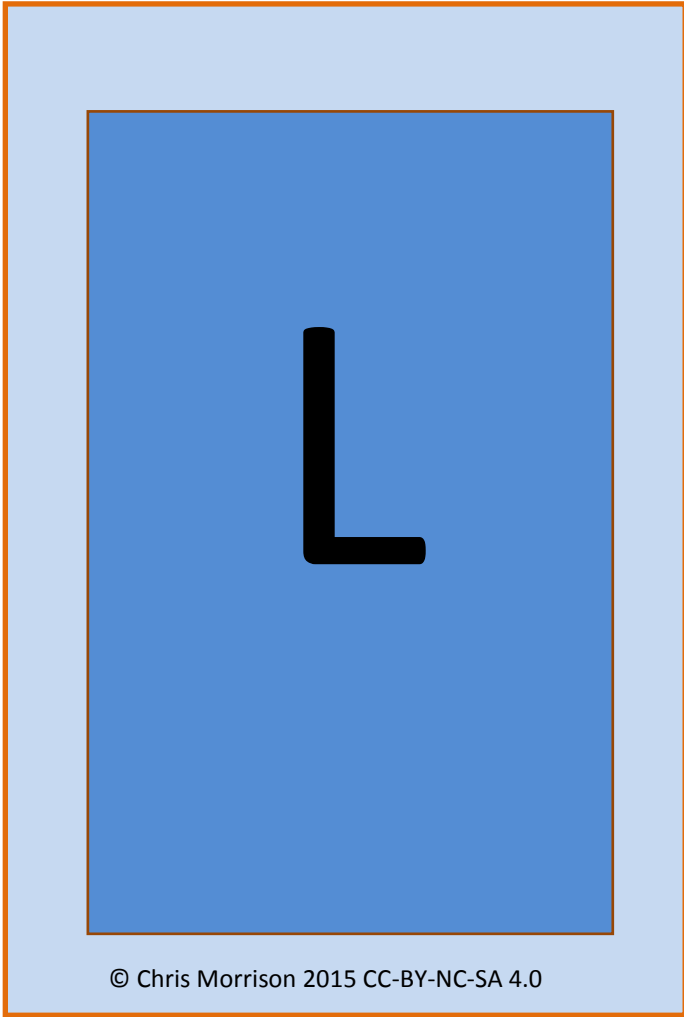
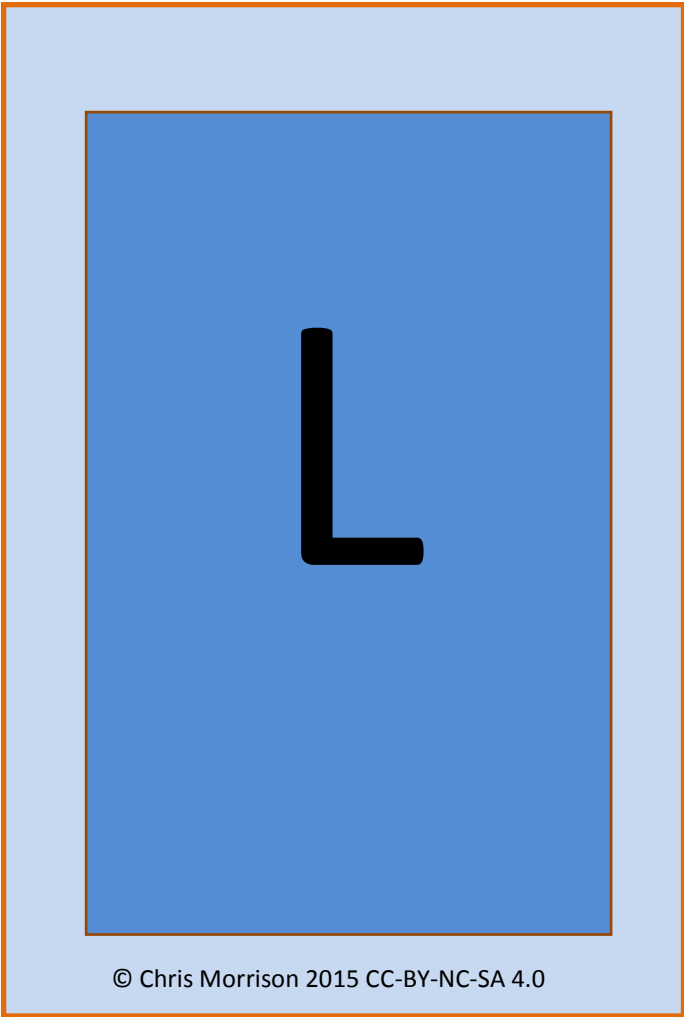
**Definition:** Allows computational analysis of lawfully acquired digital content for the purposes of non-commercial research. No contractual override.

**Types of work:** All copyright works including sound recordings and films.

**Examples:** A researcher runs algorithms against lawfully subscribed-to databases to determine the relationship between a particular gene and a particular type of cancer.

E2

New





## S.30

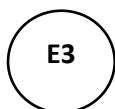
“”

# Quotation

**Definition:** Allows ‘fair dealing’ usage of quotations for any purposes including ‘criticism and review’. No contractual override.

**Types of work:** Any copyright work which has been made publicly available.

**Examples:** A student quotes from the published works of a 20<sup>th</sup> century playwright on whom she is writing an essay.



Updated

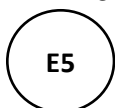
## S.31B Copying for multiple disabled users



**Definition:** Allows institutions (e.g. HEI's) to make and store accessible copies of copyright works for the personal, use of those with any type of physical or mental disability. No contractual override.

**Types of work:** Any work which is not commercially available in a suitably accessible format.

**Examples:** Scanning textbooks for students and retaining the scans in a ‘closed’ repository for future use.



Updated

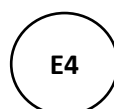
## S.31A Copying for individual disabled users



**Definition:** Allows copying to provide equal access to copyright works for users with any type of physical or mental disability. No contractual override.

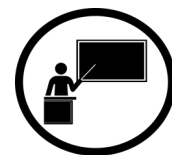
**Types of work:** Any work which is not commercially available in a suitably accessible format.

**Examples:** A dyslexic library user, scans a journal article so it can be rendered on a yellow background.



Updated

## S.32 Illustration for Instruction

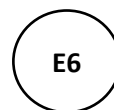


**Definition:** Allows limited, non-commercial ‘fair dealing’ use of copyright material for the purposes of teaching. No contractual override.

**Types of work:** All copyright works.

**Examples:** Insertion of copyright images into educational PowerPoint slides. ‘Fair’ access these via a VLE.

**Caution:** The old ‘examination’ provision has been narrowed and replaced with ‘fair dealing’.



New



E

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## S.35 Recording of Broadcasts



**Definition:** Allows recording of off-air broadcasts by or on behalf of educational establishments for non-commercial purposes. Only applies where no licensing scheme (i.e. ERA) available.

**Types of work:** Off-air broadcasts and the copyright material within.

**Examples:** Recordings made on video recorders and retained for educational purposes. Use of BoB National.



Updated

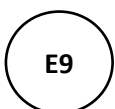
## S.40B Making Works Available on Dedicated Terminals



**Definition:** Allows libraries, educational establishments, museums and archives to digitise collection items and make them available on site for research.

**Types of work:** Any copyright work, subject to purchase or licensing terms.

**Examples:** Fragile collection of correspondence made available digitally at a library.



New

## S.36 Educational copying and use of published Extracts

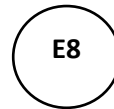


**Definition:** Allows copying and use of multiple copies of extracts from published copyright works. Only applies where no licensing scheme (i.e. CLA) available.

**Types of work:** Up to 5% of a work (other than a broadcast or standalone artistic work) per institution within a 12 month period.

**Examples:** Use of works not in CLA repertoire in a VLE.

**Caution:** It is very difficult to track institutional compliance with this exception.



Updated

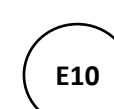
## S.41 Library Copying for other libraries



**Definition:** Allows supply of copies of the whole or part of any published work from one library to another. No contractual override.

**Types of work:** Either a) a journal article or b) another publication on condition that the librarian cannot find the rights holders.

**Examples:** A library requesting replacement copies from other libraries to add to their collections.



Updated



E

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## S.42 Preservation



**Definition:** Allows libraries, archives and museums to make copies of items in their permanent collection. No contractual override.

**Types of work:** All types of copyright work as long as they are not publicly accessible or available on loan to library/archive patrons.

**Examples:** Oral histories recorded on reel to reel tape can be digitised and backed up in multiple locations.

E11

Updated

## S.43 Library Copying of Unpublished Works



**Definition:** Allows librarians to make a single copy of whole or a part of an unpublished work for their patrons for non-commercial research and private study.

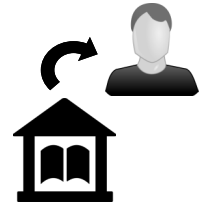
**Types of work:** Any work as long as it was not published prior to deposit in the library and the rights holder has not prohibited copying. Patrons must make a declaration in writing.

**Examples:** A librarian makes copies of archival material available to a researcher.

E13

Updated

## S.42A Library Copying for Patrons



**Definition:** Allows libraries to make a single copy of reasonable proportions of copyright works for their patrons for non-commercial research and private study. Patrons must make a declaration in writing. No contractual override.

**Types of work:** All copyright works, but 'reasonable' proportion difficult to judge for non-textual material.

**Examples:** Interlibrary document supply.

E12

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## Orphan Works Exception\*



**Definition:** Allows non-commercial, online use of orphan works by cultural and educational organisations subject to a diligent search. Searches must be recorded on the OHIM orphan works database.

**Types of work:** All text and audio-visual works, but not artistic works unless embedded in a larger textual or audio-visual work.

**Examples:** Museum makes a small number of archival documentary films available on its website.

E14

\*see Dir 2012/28/EU

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