So Many Shades of Grey

Using Your Judgement to Answer Copyright Queries

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This is not legal advice!

This webinar is for advisory purposes only and you should check with your local legal services team if unsure.
1. Copyright recap
2. Key copyright concepts
3. Managing copyright
4. Where to turn for help
Copyright recap
Copyright conditions

- The work should be original
- It should be produced in a fixed form
- It should meet one of seven key conditions
- Economic & moral rights
Intellectual property

Trademarks

Copyright

Patents

Design right

Trade secrets
How does copyright law work?
The Case of the Copyright Monkey

2 Key copyright concepts
## Copyright duration

<table>
<thead>
<tr>
<th>Format</th>
<th>Duration</th>
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<tbody>
<tr>
<td>Literary, artistic, dramatic and musical</td>
<td>Author life + 70 years OR 1st publication/performance + 70 years</td>
</tr>
<tr>
<td>Sound recording</td>
<td>Date of recording + 70 years</td>
</tr>
<tr>
<td>Film</td>
<td>50 after last to die of director, producer, screenplay author, composer</td>
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<tr>
<td>Broadcast</td>
<td>Date of broadcast + 50 years</td>
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<tr>
<td>Typographical work</td>
<td>Publication + 25 years</td>
</tr>
<tr>
<td>Unpublished work</td>
<td>Author life + 70 years OR 31 December 2039</td>
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Adapted from Secker & Morrison: Copyright and E-learning, Facet, 2016
Layers of copyright

- Text: 2075
- Illustrations: 2071
- Cover art: 2071
- Typography: 2020
- Compilation: 2075
  - = author 1 = R.I.P. 2000 = 2075
  - Compilation = author 2 = R.I.P. 2009 = 2084
  - = author 3 = R.I.P. 2011 = 2086
Copyright licences

Copyright Licensing Agency (CLA)
Covers books and magazines

Educational Recording Agency (ERA)
Covers TV broadcasts

Design and Artists Copyright Society (DACS)
Covers artistic images and photographs

Newspaper Licensing Agency (NLA)
Covers newspapers
## Copyright exceptions

<table>
<thead>
<tr>
<th>Activity</th>
<th>Exception Description</th>
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<tr>
<td>Research and private study</td>
<td>Limited copies for personal educational use</td>
</tr>
<tr>
<td>Quotation, criticism and review</td>
<td>Portions of a work can be used in private academic work</td>
</tr>
<tr>
<td>Illustration for instruction</td>
<td>Limited extracts can be used for teaching purposes</td>
</tr>
<tr>
<td>Educational copying</td>
<td>Limited copies can be made for educational purposes if no licence exists</td>
</tr>
<tr>
<td>Accessible copies</td>
<td>Copies can be made for users with disabilities</td>
</tr>
</tbody>
</table>

Section 29: Research and private study
Section 30: Quotation, criticism and review
Section 32: Illustration for instruction
Section 36: Educational copying
Section 31A & 31B: Accessible copies
Fair dealing

“How would a fair minded and honest person deal with the work?”

- Non-commercial research and private study
- Quotation, criticism and review
- Reporting of news
- Government administration
- Illustration for instruction
- Caricature, parody and pastiche
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Academic assignments, teaching purposes, printed theses

Uploading to a VLE, publication, online theses
Fair Dealing
Fact Sheet

Check out our Fair Dealing Fact Sheet for more information

(Psst – these can be printed out and given to your library users!)

Third party copyright

Material that has been created by other people

Long extracts of text

Tables, figures and diagrams

Video and audio

Musical scores

Maps and charts

Illustrations and images

Self-plagiarism – may include work that a researcher has authored and published
Seeking permission

- Find out who the copyright holder is
- Start asking for permission early
- Get permission in writing
- Explain what you want to use, why & how
- Keep trying … but not too hard
3 Managing copyright
Copyright as risk assessment

- Think of copyright in terms of risk
- What are the consequences if things go wrong?
- It’s a balancing act!
4 Where to turn for help
Useful resources: Books

Graham Cornish: Copyright

Jane Secker & Chris Morrison: Copyright & E-Learning
Useful resources:

Websites

Create  
https://www.create.ac.uk/

CopyrightUser  
https://www.copyrightuser.org

UK Copyright Literacy  
https://copyrightliteracy.org/
Help is here!

Third party copyright is the right to material you may want to use, licensed to someone else, for example images of software or extracts of text. If you are using the material in your work, you will need to seek permission from the person or organisation which holds the copyright. This will involve explaining exactly what you want to do with the material and may involve paying a fee.

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