

# 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

# Topics

1. Copyright recap
2. Key copyright concepts
3. Managing copyright
4. Where to turn for help

# 1 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



LITERARY



DRAMATIC



MUSICAL



ARTISTIC



FILM



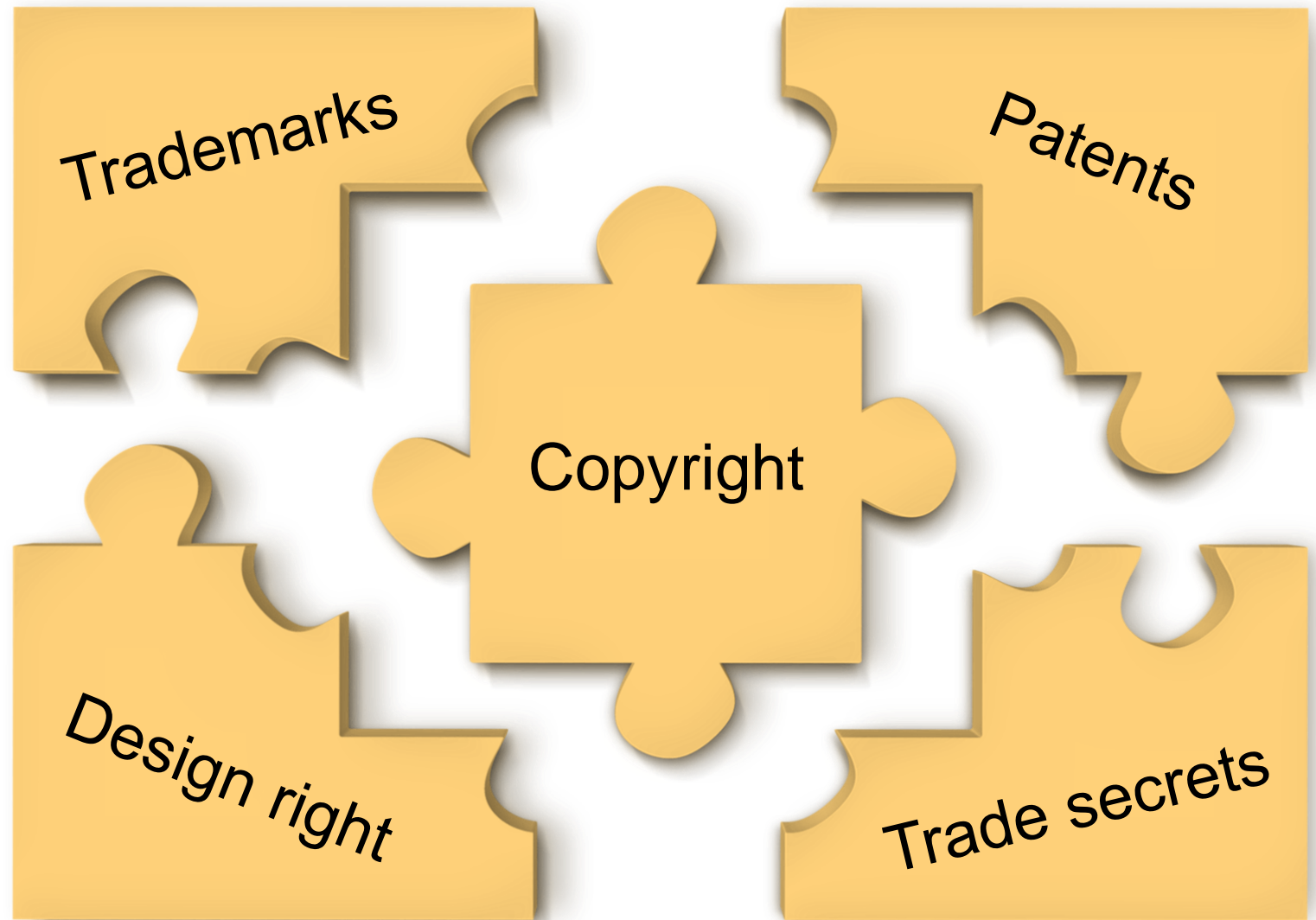
BROADCAST  
WORK



SOUND  
RECORDING




# Intellectual property



# How does copyright law work?







# The Case of the Copyright Monkey



## 2 Key copyright concepts



# Copyright duration

Format	Duration
Literary, artistic, dramatic and musical	Author life + 70 years <b>OR</b> 1 <sup>st</sup> publication/performance + 70 years
Sound recording	Date of recording + 70 years
Film	50 after last to die of director, producer, screenplay author, composer
Broadcast	Date of broadcast + 50 years
Typographical work	Publication + 25 years
Unpublished work	Author life + 70 years <b>OR</b> 31 December 2039

Adapted from Secker & Morrison: Copyright and E-learning, Facet, 2016



# Layers of copyright



= 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

	Research and private study (Section 29)	Limited copies for personal educational use
	Quotation, criticism and review (Section 30)	Portions of a work can be used in private academic work
	Illustration for instruction (Section 32)	Limited extracts can be used for teaching purposes
	Educational copying (Section 36)	Limited copies can be made for educational purposes if no licence exists
	Accessible copies (Section 31A & 31B)	Copies can be made for users with disabilities



# 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!)

[http://bit.ly/RS\\_HandyGuides](http://bit.ly/RS_HandyGuides)

## FAIR DEALING FACT SHEET



**OFFICE OF SCHOLARLY  
COMMUNICATION**

Cambridge University Libraries

# Third party copyright

Material that has been created by other people

Tables, figures and diagrams

Long extracts of text

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!

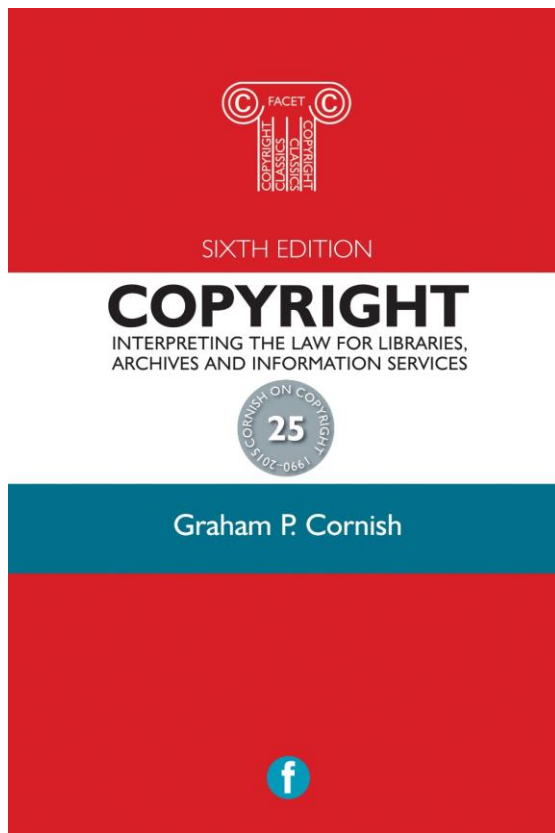


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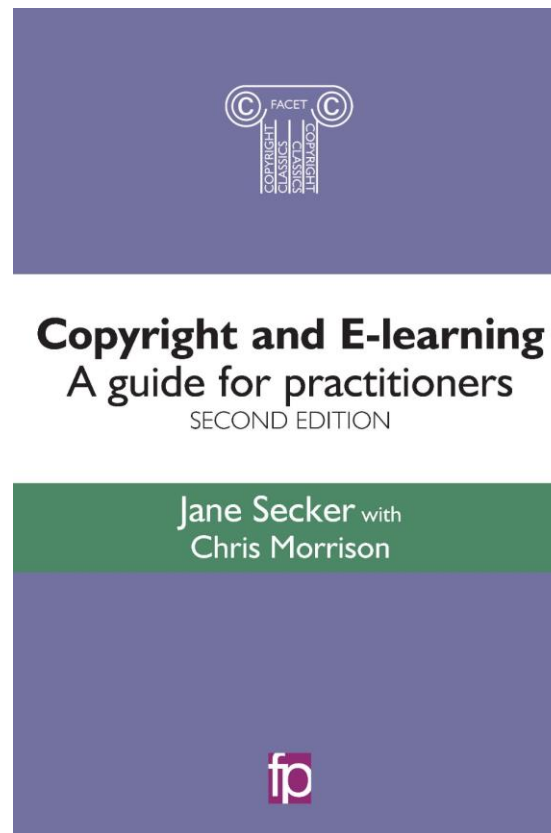
## Where to turn for help

# Useful resources: Books

**Graham Cornish:  
Copyright**



**Jane Secker & Chris Morrison:  
Copyright & E-Learning**



# Useful resources: Websites



## TRENDING NOW

Most visited pages over the last 30 days



### Domain: Duration

Domain: Duration explains how long copyright lasts and what you need to consider when calculating the copyright term of different types of works.



### Getting Permission

When you want to use a work that is in copyright, you need to get permission from all copyright owners. Some works have several rights attached to them and each right may have more than one owner...



### Education

The use of materials protected by copyright is essential to the learning process. Educational resources exist in all formats that are referred to as 'works' in copyright law.

Create

<https://www.create.ac.uk/>

CopyrightUser

<https://www.copyrightuser.org>

UK Copyright Literacy

<https://copyrightliteracy.org/>



# Cambridge University Libraries Copyright Group



## Help is here!

Copyright for Researchers: 3rd party copyright

Copyright introduction Authorship and IP **3rd party copyright** Creative Commons Copyright and theses Resources

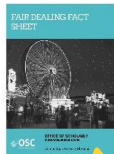
What is 3rd party copyright?



Third party copyright is when the rights to materials you may want to use belong to someone else, for example images of artworks or extracts of text. If you are using this material in your work you will need to ask 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.

Although there are some exceptions to this when using material for educational reasons these do not apply when publishing your work or when making a copy of your thesis available via Open Access. A hardbound copy of your thesis submitted for educational purposes is classed as an unpublished work and educational exceptions can be used to justify the use of materials. However, making a digital copy available is viewed as publishing and so normal copyright restrictions apply.

Dealing with exceptions



Obtaining permission

Although some uses of copyright material fall under exceptions for education, most of the time you will need to seek permission. The first step in doing this is to establish the identity of the copyright holder which in many cases will be either the author or the publisher.

You should check the work you want to use for any copyright statements which give this information e.g. © The author. Publishers often have a Rights and Permissions section on their website which can also be useful. If you want to use material from a website try contacting the webmaster.

You need to obtain informed open consent to use materials. This means that you need to make clear exactly how the work will be used and how you plan to make your work available. For example, if you are using a photograph, you should say that you wish to use material in your theses, you need to make clear that this will be available online.

When approaching rights holders you should include:

• A reference for the material you need

• What you want to use the materials for

• Where [PDF]. If the copyright holder is a publisher or the Copyright Clearance Centre tool to request permission. You should acknowledge this in your work e.g. "Permission to reproduce this material was granted by [rights holder information]". You should always keep a copy of the permissions in case you need to refer back to it.

Search this Guide



Email the Cambridge University Libraries  
Copyright Group

[copyright-help@lib.cam.ac.uk](mailto:copyright-help@lib.cam.ac.uk)

Use the Copyright for Researchers LibGuide  
[bit.ly/CopyrightForResearchersLibGuide](http://bit.ly/CopyrightForResearchersLibGuide)

**Just  
launched!**







# OSC

Office of Scholarly Communication

# THANKS FOR WATCHING