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THE LONDON SCHOOL
OF ECONOMICS AND
POLITICAL SCIENCE ■

COPYING

COPYRIGHT IS PART OF A WIDER SET OF INTELLECTUAL PROPERTY RIGHTS WHICH OFFER PROTECTION AND CERTAIN EXCLUSIVE RIGHTS TO THE OWNER OF A WORK. FOR EXAMPLE COPYRIGHT LAWS USUALLY GRANT THE OWNER OF A WORK THE EXCLUSIVE RIGHT TO REPRODUCE THAT WORK AND TO MAKE DERIVATIVE WORKS.

LICENCE

OWNER OF A WORK USUALLY OWNS COPYRIGHT IN THAT WORK, WHICH IS LIKE ANY FORM OF PROPERTY, CAN BE BOUGHT, SOLD OR LEASED. IN THE CASE OF A BOOK, THE AUTHOR WILL USUALLY OWN THE COPYRIGHT. HOWEVER HE OR SHE MAY GRANT AN EXCLUSIVE LICENCE TO A PUBLISHER TO PUBLISH THE BOOK. THE AUTHOR MAY ALTERNATIVELY SELL (ASSIGN) THEIR COPYRIGHT TO THE PUBLISHER. IF THE COPYRIGHT IS LICENCED, THE LICENCEE (THE PARTY RECEIVING THE LICENCE) WILL ENJOY CERTAIN RIGHTS IN RESPECT OF THE RELEVANT COPYRIGHT WORK.

RIGHT

COPYRIGHT

A short guide to copyright

for LSE staff

September 2015



A SHORT GUIDE TO COPYRIGHT

FOR LSE STAFF

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WHO OWNS COPYRIGHT AND WHAT IS PROTECTED?

The creator of a work usually owns copyright in that work, however like any form of property, copyright can be bought, sold or leased. In the case of a book, the author will usually be the copyright owner, however he or she may grant an exclusive licence to a publisher to publish the book. The author may alternatively sell (assign) their copyright to the publisher. Where copyright is licensed, the licensee (the party receiving the licence) will enjoy certain rights in respect of the relevant copyright work.

Who owns copyright depends on the format of the work as well, so in the case of a sound recording the producer owns the copyright in the sound recording. The copyright in a film is owned by the producer and principal director and in a broadcast is owned by the person or organisation who makes the broadcast.

Other forms of copyright may subsist in a sound recording, film or broadcast. For example, there may be additional rights in the script or music used in making the film.

However, if a work is created by an employee in the course of their employment, the copyright in that work will be owned by the employer, unless there is an agreement to the contrary. This booklet does not cover wider intellectual property rights, but generally if you are employed to undertake a task, then the copyright in the work created in the course of that task will be owned by your employer. Staff with any queries about broader IPR issues are advised to contact LSE's Legal and Compliance Team. Conversely, students will own copyright in all their work unless there is an agreement to transfer the copyright to the School.

Often the easiest way to determine who owns the copyright in a work is to look for the internationally recognised copyright symbol ©. This is not a definitive statement as to ownership of the copyright in a work, but it is good practice to include this along with the name of the copyright holder and the date of publication on any work where you wish to claim copyright. So this publication for example contains the following ©LSE 2015. However never assume that a work is not subject to copyright because it doesn't include the copyright symbol. Also note that copyright does not need to be registered and comes into being when a relevant work is created.



HOW LONG DOES COPYRIGHT PROTECTION LAST?

Copyright protection for literary, dramatic, musical or artistic work lasts for the life of the author and continues after the author’s death for 70 years from the end of the calendar year in which the author died. The exception is for works that are computer generated, where protection only lasts for 50 years from the end of the year in which they are made. In this context, computer generated means works generated by a computer in circumstances such that no human author was responsible. It does not cover works created using word processing software, but is likely to cover systems for which the user merely needs to hit “Start” to have the computer create the work.

- **Copyright protection for a typographical arrangement of a published edition expires 25 years from the end of the calendar year in which the edition was first published.**

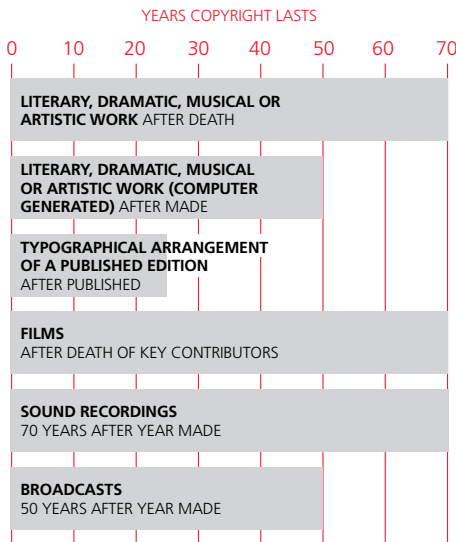
- **For films, copyright expires 70 years from the end of the calendar year in which the last to die of the principal director, the author of the screenplay, the author of the dialogue, and the composer of the music (created for and used in the film) dies.**
- **For sound recordings, copyright lasts for 70 years from the end of the calendar year in which it was (1) made, (2) published or (3) made available for the public.**
- **For broadcasts, copyright lasts for 50 years from the end of the calendar year in which the broadcast was made.**

Copyright in unpublished archives and manuscripts is complex and the rights one has vary depending upon when the work in question was made.

COPYING FOR PRIVATE RESEARCH AND STUDY

Copyright is not all pervasive and does not prevent copyright works being copied in any way. UK law sets out a number of “Permitted Acts” or exceptions to copyright. However the permitted acts are defences in a court of law; they are not rights. For example, you would only be deemed to have infringed copyright if you were to copy a “substantial” part of a work. Unfortunately, like much of the act, terms such as “substantial” are not defined. What amounts to “substantial” will vary according to what is being copied.

There are a number of exceptions which permit copying for specific purposes and these are subject to “fair dealing”. Fair dealing does not specify how much you can copy of a work but it should not impact economically on the owner of a work and be considered “fair”.



Some specific exceptions copying:

- for research (for a non-commercial purpose) and private study;
- for quotation, criticism, review and news reporting; and
- for public administration (primarily a defence used by parliament and in court proceedings)

Much of the copying that you might undertake for your private non-commercial research in libraries will fall under fair dealing. So, for example, if you photocopy an article from a journal while conducting your own non-commercial research it will probably amount to “fair dealing” provided you accompany it with a sufficient acknowledgment (unless an acknowledgment is not practically possible).

Whether research is commercial or not will have to be judged on a case by case basis. However, where research is carried out and it is envisaged that the research will ultimately be used in a project with some commercial value, it will probably not be permitted under the fair dealing exceptions. It is the purpose of the research, not the purpose of the researcher, that is key eg, if research is conducted to raise funds even if the work is for a charity, then the research will be commercial.

If you are requesting a photocopy of an article via the Inter-library loan, you will need to indicate if you are requesting material for commercial or non-commercial purposes. You can get further information about interlending and copyright law here: lse.ac.uk/library/usingTheLibrary/accessingMaterials/interLibraryLoans.aspx

COPYING FOR TEACHING

Copying for the purposes of “illustration for instruction” is permitted provided there is a sufficient acknowledgement and, provided such purpose is non-commercial. However, the copying must be fair and accompanied by a suitable acknowledgement. Only small amounts of the work should be copied under Section 32 of the Act.

In order to permit multiple copying for teaching purposes (ie, photocopying or scanning), LSE obtain a licence from the Copyright Licensing Agency (CLA).

THE COPYRIGHT LICENSING AGENCY (CLA) HIGHER EDUCATION LICENCE

LSE purchases annually a CLA Higher Education Licence (the HE Licence) which is a blanket licence covering paper to paper and digital copying of most UK publications (but only in respect of the giving or receiving of instruction). A number of US and international publishers are also covered. More information is available on the CLA website: www.he.cla.co.uk

The HE Licence is specific about the amount of copying that can be undertaken and specifies that you can copy publications (that are covered by the licence), but you must not copy (either singly or in aggregate) more than 5 per cent of the work in question or where the work is a book, more than one chapter from that book, or, where the work is a journal, a single article from an issue.

WHAT THE LICENCE DOES NOT COVER

If you are making copies for teaching purposes you should ensure that you are familiar with the terms of the HE Licence – do not assume that a publication is covered by it. Certain categories of materials are excluded from the licence as are certain specific works. The excluded categories are (amongst other things) unpublished works, printed music (including words) and bibles. The full list of excluded categories is and excluded works is available on the CLA website. CLA also offer an online tool to check if material is covered by their licence. See he.cla.co.uk/check-permissions/ for more information.

The HE Licence permits paper copying of copyright works (eg, books and journals), provided certain conditions, set out in the licence, are met. If in doubt seek expert advice from one of the contacts listed at the end of this booklet. Please note that the published materials must be owned by LSE.

Any digital copying or scanning for teaching purposes must be undertaken by the Library due to the terms and conditions associated with this part of the licence. The School are required to keep records of all items scanned for teaching purposes and submit this to the CLA. Therefore, if you wish to use scanned or digital copies of readings in teaching, for example to make them available from your Moodle course you should contact the Scanned Reading Service: (epacks@lse.ac.uk). **Please do not upload any copyright materials to Moodle as these need to be processed by the Library.**

Help or advice relating to copyright and e-learning is available from the Learning Technology and Innovation (lتي.support@lse.ac.uk)

lse.ac.uk) and there is guidance on the website: lتي.lse.ac.uk/copyright

You and the School are liable for any copyright infringement, so if you are in doubt please ask for advice!

PAPER COURSE PACKS

Where material within them is covered by the HE Licence, paper course packs can be produced without the need to get additional copyright clearance or the need to keep records. However staff are advised to contact the library before preparing a paper course pack as they can offer expert advice and support about whether material is covered by the CLA Licence. For further information about the paper course pack service offered by the Library contact: Library.Teaching.Support@lse.ac.uk

OTHER LICENCES HELD BY THE SCHOOL

The LSE hold a number of other licences which regulate copying of works. These include:

- **The Educational Recording Agency Licence.** This licence covers off-air recording of TV and radio broadcasts.
- **The Newspaper Licensing Agency Licence.** This licence covers the reproduction of newspaper articles from both national and some regional titles.

Further information about all these licences is available from the LSE Legal Team web page: lse.ac.uk/intranet/LSEServices/Legal%20Team/copyright/Home.aspx

IMAGES AND MAPS

Images, including photographs, illustrations or diagrams from books, journals or the web which qualify for copyright protection will be subject to copyright in their own right and must be treated accordingly. Original photographs such as those held in LSE Archives may still have copyright protection. Researchers wishing to copy or film photographs should check with Archives staff whether the photograph they require is still in copyright and staff can advise on the procedure to follow. A selection of photos from LSE Archives with no known copyright restrictions are available on the photo sharing site Flickr: www.flickr.com/photos/lselibrary/

Like other copyright works, it may be possible to copy images under one of the fair dealing exceptions without infringing copyright provided you comply with the various conditions imposed as discussed above. For example, a lecturer could copy an image (which has been made available to the public) for the purposes of quotation, criticism or review of the image in a lecture to students, provided a suitable acknowledgment is given.

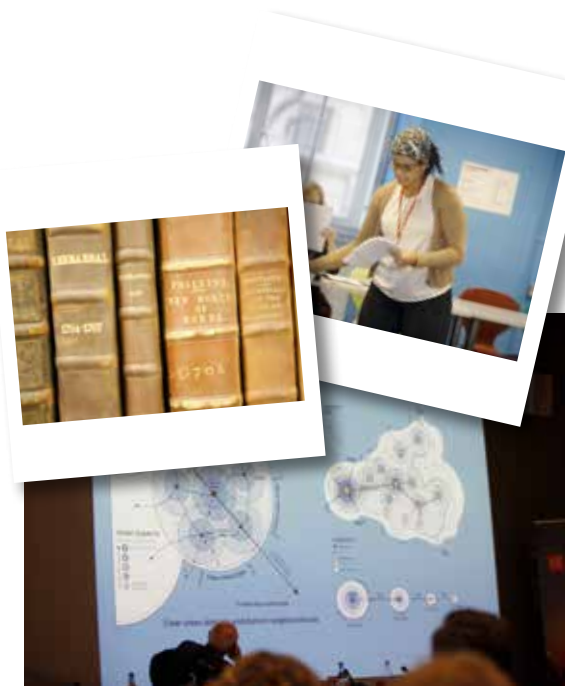
LTI maintain a list of useful sources for images on their website: <http://lti.lse.ac.uk/using-multimedia/multimedia-resources.php>

Under fair dealing a maximum of four copies of a single extract may be made from any Ordnance Survey map, with the size of the extract limited to A4. Copies may be made for research, private study or for submission to Court relating to judicial proceedings. Copies may NOT be made for professional or business use, or for planning applications.

Please note that the Library also has access to Ordnance Survey maps through Digimap. Digimap is a service that delivers Ordnance Survey Map Data to UK Higher Education.

Data is available either to download to use with appropriate application software such as GIS or CAD, or as maps generated by Digimap online. Digimap allows users to view and print maps of any location in Great Britain at a series of predefined scales. To access Digimap contact the Data Library (datalibrary@lse.ac.uk) for more details.

If you wish to use Google Maps in your teaching and research then generally these can be used for educational and non-commercial purposes provided you acknowledge your source. Further information about the use of Google Maps and Google Earth is available from: www.google.co.uk/permissions/geoguidelines.html



THESES AND OTHER UNPUBLISHED MATERIALS

Unpublished materials may include archives (personal papers, letters) and theses (the Library holds those accepted for a PhD). Provided you comply with the relevant conditions, it may be possible to copy the materials under one of the fair dealing exceptions set out above and therefore avoid infringing copyright. For example, you may copy small extracts of unpublished thesis provided you make a suitable acknowledgment and the copying is being done for a non-commercial purpose.

Copyright in LSE theses are held by the author and the University of London until October 2007 and after October 2007 by the author and LSE. LSE theses are now made available via **LSE Theses Online** <http://etheses.lse.ac.uk/>, under open access, however copyright restrictions still apply for those wishing to reproduce the work. Copyright of other theses rests with the author or the university to which it was submitted, and usually no quotation from it or information derived from it may be published without the prior written consent of the author or university as may be appropriate.

If you wish to make use of LSE Archives for research or teaching you must contact Archives and Special Collections, who can advise on obtaining copyright permission. You will be asked to sign a copyright declaration form before copies can be made. Some archive collections may not be able to be copied either for preservation reasons or conditions attached to the collection by the depositor or owner.

FILMS, SOUND RECORDINGS AND OFF AIR BROADCASTS

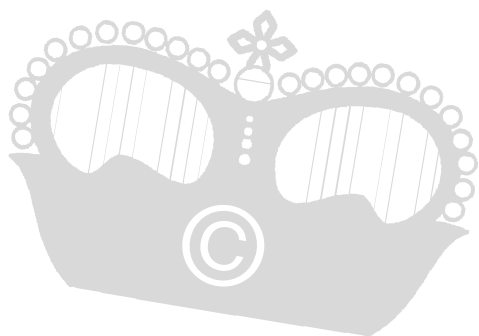
The existence and duration of copyright in films and sound recordings is discussed on page 4. It may be possible to copy films and sound recordings (without infringing copyright) by relying on a fair dealing exception and complying with the requisite conditions of that exception. For example, a lecturer can copy a film (which has been made available to the public) for the purposes of giving criticism and review of the film in a lecture to students, provided a suitable acknowledgment is given.

Music can be played for educational purposes, but if you wish to play music for a public event, or for entertainment then you will require a PRS Licence and should contact LSE's Legal Team.

If a film or sound recording is broadcast then it can be copied (including digitisation) under the terms of the Educational Recording Agency (ERA) Licence. LSE subscribes to **Box of Broadcasts** (<http://bobnational.net>) which can be used to record TV and radio broadcasts for teaching purposes under the Educational Recording Agency (ERA Licence). More details are provided below.

Recordings must be carried out in accordance with the terms of the ERA Licence which specifies:

- They must be for non-commercial educational purposes
- They must not be edited or modified (though extracts may be recorded)
- They must be marked with the date of the recording, the title of the recording, the name of the broadcaster, and the following statement: "This recording is to be used only under the terms of the ERA Licence".



CROWN COPYRIGHT AND THE OPEN GOVERNMENT LICENCE

Crown copyright exists in works “made by Her Majesty or by an officer or servant of the Crown in the course of his duties” such as legislation, government reports and other official material. If the work in question was commercially published within 75 years of the end of the calendar year in which it was made, Crown copyright will last for 50 years from the end of the calendar year in which it was published. Conversely if it is not so published, Crown copyright will last for 125 years.

To re-use such materials, the Open Government Licence is recommended. This is a set of terms and conditions under which Crown copyright and other government and public sector materials can be re-used by the public sector.

The terms and conditions of the Open Government Licence are set out here:

www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

Recordings made under the ERA Licence may be shown to registered students within the premises of an educational establishment. This means that recordings made under the ERA Licence can be accessed via Moodle, although access is restricted to the UK.

Box of Broadcasts (BoB) (<http://bob.national.net>) is covered by the ERA Licence and enables all staff and students at LSE to choose and record any broadcast programme from 60+ TV and radio channels. The recorded programmes are then kept indefinitely (no expiry) and added to a media archive with all content shared by users across all subscribing institutions.

The system allows staff and students to record and catch-up on missed programmes on and off-campus, schedule recordings in advance, edit programmes into clips, create playlists, embed clips into Moodle, share what they are watching with others, search a growing archive of material.



COPYRIGHT AND THE INTERNET

The majority of resources stored in electronic format (such as material on the Internet) will be subject to copyright restrictions, unless there is an explicit statement to say otherwise. Therefore they are the property of the copyright holder (who might be the creator, the publisher, employer etc). Even if there is no copyright statement on the material you are viewing, you must not assume that it is copyright-free.

Key points to remember when using electronic material are:

- always check any copyright notices, or terms of use associated with any electronic resources you use
- never assume that as you can easily access information, that it is freely available to reproduce
- remember that distributing material in electronic format (eg, by e-mailing it to colleagues or students, uploading it to Moodle, or placing it in a shared drive or folder) constitutes copying and is likely to infringe the rights of the copyright owner unless you have permission from the owner
- if in any doubt always ask permission from the copyright owner before you copy or distribute their work.

Further information about copyright and digital resources is available from the Learning Technology and Innovation's copyright webpages: lti.lse.ac.uk/copyright/index.php or in the separate booklet "Copyright and E-learning".

Don't forget that any digital copying or scanning of copyright content for teaching (eg, books, journals, webpages) must be undertaken by the Library due to the terms and conditions associated with the CLA licence. If you need any help or advice relating to copyright and e-learning you should visit the Learning Technology and Innovation website or contact a member of LTI staff.

E-BOOKS AND E-JOURNALS

The great range of electronic resources provided via Library Search, including e-books and e-journals, are subject to similar copyright restrictions to printed materials. In most cases the publisher or service provider will have limited their use by an individual licence agreement, which will often cover copying or downloading. Staff should read any copyright information and seek advice from their Academic Support Librarian if the licence or terms of use are not specific. See the Library website for details of your Academic Support Librarian.

CREATIVE COMMONS

Sometimes when material is published on the internet the content creator, such as an author or artist is happy to share their work, provided those using it abide by certain conditions. Creative Commons Licences are an effective way of sharing your material more openly and the licences provide an alternative to conventional copyright protection. For example, some content creators are happy for their work to be re-used provided they are acknowledged and it is used for a non-commercial purpose. From the Creative Commons website you can search for

materials that can be re-used without needing to request permission. See <http://search.creativecommons.org/>. Alternatively you can attach a licence to work that you publish on the internet to indicate you are happy for it to be re-used in a certain way.

Did you know you can also carry out a search in Google to locate material licenced under Creative Commons using the Advanced Search feature and specifying the usage rights?

TEXT AND DATA MINING

Text and data mining is the use of automated analytical techniques to analyse text and data for patterns, trends and other useful information. Text and data mining usually requires copying of the work to be analysed. A new exception (Section 29A) now permits text and data mining for the purposes of non-commercial research provided you have lawful access to the collection you are using. This means you will still need to have a personal or institutional subscription to access material or it should be a free to access website..

MORAL RIGHTS

An individual author of a copyright work will also have certain “moral rights”. The two most important rights are:

- the right to be identified as the author (though the author needs to “assert” this right). A failure to so identify will amount to an infringement of the author’s moral rights. Even if you have the copyright owner’s permission to reproduce the work, the obligation to identify the author will remain.
- the right to object to derogatory treatment of the work (this can include any deletion,

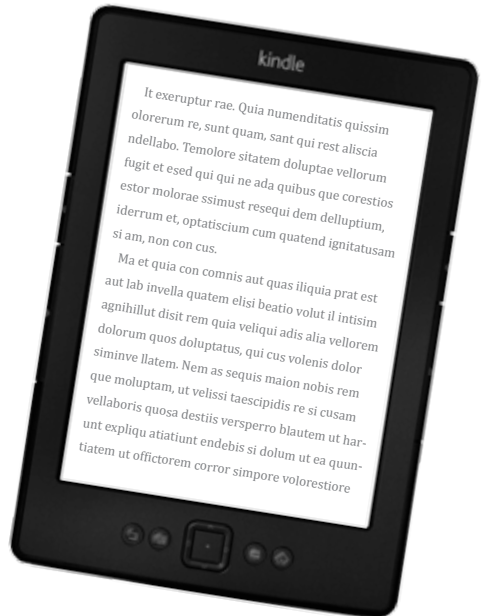
addition, alteration to the work which affects the reputation of the author). If a derogatory treatment of the work is made public, it will infringe the author’s rights.

Unlike copyright itself, moral rights cannot be assigned and remain with the author.

PERFORMANCE RIGHTS

In broad terms, performance rights will come into being when an individual gives a performance. A performance in this context would include a variety of different types of performance from a poetry reading to an improvised lecture.

Performance rights usually only need to be considered when a performance is to be recorded (either sound only or film). You will infringe an individual’s performance rights if, without their consent, you record their performance or play a recording (which was made without consent) in public.



WHERE TO GO FOR MORE ADVICE

Copyright training is run regularly (at least one a term) so please visit the Learning and Development website (lse.ac.uk/training) for the latest course schedule.

Copyright queries are dealt with by different people within the School.

- For queries related to library copying, scanning or readings for use in Moodle contact: **Library.Teaching.Support@lse.ac.uk**
- For copyright queries related to Moodle, learning technologies and the use of digital publications please contact: Jane Secker, Copyright and Digital Literacy Advisor, Learning Technology and Innovation **j.secker@lse.ac.uk**
- For queries relating to archival and unpublished material contact: **library.enquiries@lse.ac.uk**
- For queries related to contracts, intellectual property or brand protection please contact Kevin Haynes, LSE Legal and Compliance Team **k.j.haynes@lse.ac.uk**

FURTHER READING

Cornish, Graham.(2015) *Copyright: Interpreting the Law for Libraries Archives and Information Services*. London: Facet Publishing

Padfield, Tim (2015) *Copyright for Archivists* and users of archives. London: Facet Publishing.

The UK government's official Intellectual Property Office website: **www.ipo.gov.uk**

Copyright User website
<http://copyrightuser.org/>

For those interested in pursuing the legislative background to copyright here is a list of relevant reading:

Copyright, Designs and Patents Act, 1988 (c.48)
www.legislation.gov.uk/ukpga/1988/48/contents

UK IPO Guide to Copyright Exceptions
www.gov.uk/exceptions-to-copyright

UK IPO Guide to Copyright Exceptions for Education and Teaching
www.gov.uk/government/uploads/system/uploads/attachment_data/file/375951/Education_and_Teaching.pdf

DISCLAIMER

The information contained within this document, is intended as general guidelines and an interpretation of current copyright issues. It is not intended and should not be construed as legal advice.

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