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Copyright basics for Academic staff

This document focuses on: What is copyright is, ownership, along with best practice in relation to learning and teaching

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# Executive Summary

The purpose of this document is to provide an overview of what copyright is (from a UK law perspective), how long does it last for, along with going over ownership, responsibility, and best practice. This document sets out the appropriate sequence of inquiry that should be employed when trying to apply copyright in a learning and teaching context. Below is a summary of key points that are found within this document.

* Copyright is created and applied automatically in the United Kingdom (UK), when a work is created in a fixed format, i.e., an image taken using a mobile phone
* The four areas of; original, fixed and a category of protected work, along with domicile or residence in the UK, must be met for copyright to be awarded to a newly create work (under UK law)
* Normally a person who creates the work owns the copyright to it, however that’s not always the case, as.
  + Your employer will own the copyright of work you produce as a result of being employed by them. From a UofG perspective, the institution will own the copyright to your teaching materials, unless you have a written agreement to the contrary – you should examine the University’s [IP and Commercialisation Policy](https://www.gla.ac.uk/media/Media_185772_smxx.pdf) for further clarity (section 14).
* UofG students who are not employed by the University will own any IP they create. You can further information regarding this in the University’s [IP and Commercialisation Policy](https://www.gla.ac.uk/media/Media_185772_smxx.pdf) (section 9).
* You should always contact students for permission if you intend to use their work in your teaching materials.
* It is the responsibility of the person making the copy to ensure copyright best practice and compliance is adhered to.
* There are potential consequences for both you (the individual) and University if copyright has been infringed
* Written permission is the best type to obtain from a copyright holder/owner if you’re required to do so. Verbal permission wouldn’t stand up to scrutiny in a court of law. Emails are sufficient evidence for written permission (if granted).

# What is copyright?

Copyright is a legal protection, automatically assigned to a piece of work as soon as it is in a fixed format (e.g. written or recorded). Copyright protects the works of authors and performers for a spec Copyright is a legal protection, automatically assigned to a piece of work as soon as it is in a fixed format (e.g. written or recorded). Copyright protects the works of authors and performers for a specific period of time. The current copyright legislation in the United Kingdom is the [Copyright and Patents Act 1988](http://www.legislation.gov.uk/ukpga/1988/48/contents). The act has been amended several times, so it is important you consult the most up to date version.

There are currently four areas, which must be met for your work to receive copyright protection, these are listed below:

1. **Original** – The work must be original, i.e. you must have created it and not copied from anyone else.

2. **Fixed** - Copyright does not protect ideas. Works must be presented in a physical form in order to receive copyright protection.

3. **The types of works that are currently protected** - Copyright protects work that fall under one of the categories below:

* Literary Works
* Dramatic Works
* Musical Works
* Artistic Works
* Sound Recordings
* Films
* Broadcasts
* Typographic arrangements of published editions
* Websites

4. **UK Nationality, domicile or residence or first publication in the UK** - For a work to be protected under the UK's copyright laws, the author's nationality, domicile or residence must be in the UK or else the work must have been first published in the UK (this would include where it has been simultaneously published elsewhere within 30 days).

Copyright exists automatically when qualifying work is created, but many people use the copyright symbol to make this clear, e.g. ‘John Smith ©

# Copyright in learning and teaching

When you make any 3rd party materials available to students, its important to consider copyright, which is a complex and at times contentious area. To add to the complexity, answers are not a simple, binary yes or no answer, furthermore copyright law and policy can be open to interpretation. It is at this juncture you can examine the resources developed by the library and guidance on offer, which will help save your valuable time when producing quality teaching and learning materials.

UK copyright law has provisions that enable the rightsholder to maintain control over their work(s) and enable reuse under certain conditions. These are through UK copyright exceptions which enable excerpts of 3rd party copyright protected material(s) to be used without having to contact the rights holder for permission, providing the usage is considered “[Fair](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing)”. In addition, the University has several blanket licences and services (these should be considered first before using the exceptions), i.e., CLA, Box of Broadcasts, ERA, that enable you copy material for use in your teaching.

In the following section you will find FAQs around copyright ownership and responsibility, along with a glossary of terms. If you cannot find the answer you’re looking for in this document or other copyright resources, then please contact us at: [copyright-queries@glasgow.ac.uk](mailto:copyright-queries@glasgow.ac.uk)

**You can find further copyright related resources aimed at UofG staff/students and researchers at** [**this webpage**](https://www.gla.ac.uk/myglasgow/library/help/copyright/guidance/)**.**

# FAQs around copyright ownership & responsibility

## Who owns Copyright?

In short, the person who creates the 'fixed' or physical work(s) owns the copyright.

The circumstances around the owner of copyright materials will vary depending on the work(s) that have been created. In the case of literary, musical or works of art the author could be the author, composer or illustrator/artist. In today's world, computers are used daily and now works created on them factor into copyright - in this medium the author is the person who undertakes arrangements necessary for the creation of the work, such as the programmer who created them.

Ownership can be passed on, e.g. after death. It can also be transferred when published, e.g. author signing transfer, it can also be transferred when published, e.g. author signing transfer agreement to publisher after article is published

## Do I own the copyright of teaching materials I create at the University of Glasgow?

Unless you have made agreement contrary to this, the University of Glasgow (your employer) owns the copyright to your teaching materials. This is in accordance with [UK Government policy](https://www.gov.uk/guidance/ownership-of-copyright-works) and the University’s [IP and Commercialisation Policy](https://www.gla.ac.uk/media/Media_185772_smxx.pdf) (section 14).

*N.B: You will also find information around the ownership of Scholarly materials (section 15), in the University’s* [*IP and Commercialisation Policy*](https://www.gla.ac.uk/media/Media_185772_smxx.pdf)

## Can I use students work in teaching materials without their permission?

You should ask a student(s) for permission when you intend to use their work in teaching materials you produce. As it is written in the Law, students who are not employed by the University will own any IP they create. For further information around IP relating to students work, you should examine the University’s [IP and Commercialisation Policy](https://www.gla.ac.uk/media/Media_185772_smxx.pdf) (section 9).

## Whose responsibility is it, to make sure to ensure copyright compliance is adhered to?

Ultimate responsibility for any potential infringement lies with the person making the copy.

The University Library provides information and non-legal guidance to educate both staff and students, in making them aware of copyright law and how best to comply. It is the responsibility of the person making the copy to ensure they do not infringe copyright.

## If copyright is infringed what are the possible risks?

**To you:**

* You may be asked to remove and or edit the teaching material(s) that contain the infringing copyright protected work(s)
* Potential reputational damage within the University
* Financial penalties

**To the University:**

* Removal of a valuable resource
* As a result of copyright infringement, publishers may restrict access to resources
* Financial penalties
* Reputational damage

## When seeking permission from a copyright owner/creator, is it best practice to obtain written permission?

In short yes, it is always best to obtain written permission from a copyright owner/creator as other types of permission, i.e., verbal would not stand up to scrutiny in a court of law.

You can find about more information obtaining permission by viewing this [document](https://edshare.gla.ac.uk/id/document/6542).   
   
**N.B, remember and maintain all written correspondence (i.e., emails) between yourself and the copyright owner/creator.**

## When using Blogs and Wikis for teaching, are there any copyright related issues that should be considered?

Like everything else that is in a fixed format, blogs and wikis have copyright associated with them. A good starting point to consider is students, as authors/creators they will own the copyright of their posts, comments, and contributions they make. Copyright is automatically generated when work is created in a fixed format, however licencing should be considered, i.e., Creative Commons could be considered. This is an exercise students could be involved, deciding what licence would be the most applicable,

Students should be made aware of best practice, i.e., obtain written permission form the copyright holder if they intend to include 3rd party copyright protected material, unless there is a licence which covers the use.

**For further non-legal guidance please visit** [**this external CLA article**](https://www.cla.co.uk/blog/higher-education/social-media) **which goes over sharing materials via social media from both an academic and student perspective.**

# Glossary

**Accessible Copy** – This is an accessible copy of a piece of work that provides easier access to those with disabilities, for example large text or brail.

**Attribution** – Citing the author and their work, N.B, make sure you adhere to any specific conditions around the attribution, i.e., Creative Commons licence or requirements specified by the copyright owner/creator.

**Box of Broadcasts (BoB)** – Is a [video streaming service](https://learningonscreen.ac.uk/ondemand) the University subscribes to, which enables UK based UofG staff and students to record from 60+ Freeview TV and radio channels on and off campus.

**Copyright Licencing Agency (CLA)** – This licencing body works on behalf of rights holders to provide licences to organisations so they can copy and re-use extracts from published copyright content. To find request the digitisation of published material (from the library’s collection), you should use [this webpage](https://www.gla.ac.uk/myglasgow/library/staff/readinglists/#howdoirequestdigitisedcopiesofbookchaptersandarticles%3F) to find out more.

**Creative Commons (CC)** - [Creative Commons](https://creativecommons.org/) is a non-profit organisation that helps creative works be shared and built upon via the licences they have developed, allowing creators control of how their work is reused and distributed.

**Digitisation** – Converting traditional analogue formats (like printed materials) to an electronic format. You should make use of the Library’s [Reading List service](https://www.gla.ac.uk/myglasgow/library/staff/readinglists/) to request the digitisation of book chapters and journal articles (from the library’s collection and or covered by the CLA licence). These digitised resources can be made available via your Moodle course(s).

**Educational Recording Agency (ERA)** – The [ERA licence](https://era.org.uk/the-licence/) enables subscribing institutions to record broadcasts for non-commercial educational purposes by making ERA recordings. The UofG has an ERA licence, which allows all licenced ERA recordings to be accessed on and off campus, by staff and students who are physically based within the UK**. N.B, BoB should be examined first, before considering using this licence.**

**Fair Dealing** – This is a legal framework that allows copyright protected work to be used (under certain conditions), without having to contact the rightsholder/copyright owner. There is no legal definition of what [Fair Dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing), however some factors that should be considered are; only use the amount of work that is required to fulfil your purpose, the use should not negatively impact the copyright owner, and always provide attribution for the creator.