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using Text based resources in teaching and learning materials

The purpose of this document is to provide non-legal guidance around the use of text (book chapters, journal articles, magazine), when used in online teaching and learning materials. This document sets out the best practices that should be employed.

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# Executive Summary

The purpose of this document is to provide guidance on how excerpts of text-based resources (books, journal articles, poems etc..), can legally be used in your teaching and learning materials. Below is a summary of key points that are found within this document.

* The Copyright Licence Agency’s (CLA) Higher Education Licence covers photocopying and scanning for course use. Please see the following page for information on photocopying for course use [Reading Lists @ Glasgow: Photocopying](https://moodle.gla.ac.uk/mod/page/view.php?id=315589) All scanning for course use must be routed via the [Reading Lists @ Glasgow service](https://www.gla.ac.uk/myglasgow/library/staff/readinglists/). The Library provides this service under the terms of the CLA licence and will digitise/scan excerpts of published print books and journals covered by the CLA licence. Scans are made available via your reading list, which can be embedded into Moodle.
* Providing images are taken from print sources covered by the University’s Copyright Licensing Agency ([CLA](https://www.cla.co.uk/)) licence, staff can then include them in teaching materials, which can be shared via a secure environment like Moodle to enrolled students. Remember to use the [CLA permissions tool](https://www.cla.co.uk/checkpermissions) , to make sure the book or journal is covered by the CLA licence, and cite the source and the CLA licence if using the image.
* If the CLA licence does not cover the book or article you wish to make copies of then you could consider using the following UK copyright exceptions:
	+ If the usage is for non-commercial, teaching purposes, then [section 32](https://www.legislation.gov.uk/ukpga/1988/48/section/32) could be used to show limited excerpts from a book or journal, providing the use is considered “[fair](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing)” and acknowledgement is provided for the creator.
	+ Providing the material(s) have been made available to the public (and the use is considered “fair” and aligns to either, quotation, criticism or review ), then [section 30](https://www.legislation.gov.uk/ukpga/1988/48/section/30) could be used to potentially cover the use of extracts taken from a book or journal (acknowledgement to the creator must be provided).
* You can link to Open Access educational based resources or those that have a Creative Commons licence associated with them. In both cases it is advisable to provide attribution (acknowledgement) to the creator.
* Before using your own published literary/written work in teaching materials, it is recommended that you examine the contract you signed with the publisher, to make sure no terms and conditions are violated.

# Introduction

Literary works (books, journals, poems) and written works (databases, software, and computer programs) have copyright protection associated with them. Similarly, to audio-visual, or artistic (images, illustrations etc..) works, these types of works can be used in teaching materials or used as part of a learning activity. An example of this may be sharing a book chapter with a student for the purposes of critiquing or reviewing.

The following sections of this document will examine how extracts of literary work can be incorporated into your teaching and learning materials legally, without having to contact the copyright owner for permission.

**Before continuing onto the remainder of the document, please examine the key points below regarding its content:**

* None of the text and content within this document should be considered legal advice.
* The law surrounding the UK Copyright exceptions is open to interpretation, there is no binary ‘yes’ or ‘no’ answer as to how the exceptions can be applied.
* The text contained within this document should not been interpreted as instruction or dictation, but as guidance which you can choose to consider when you are creating your teaching and learning materials.

# Text and Images under the Copyright Licencing Agency (CLA) licence

## What is the CLA licence?

The CLA licence (which University holds) covers photocopying and scanning of certain literary works (subject to licence terms) for course use. The [licence](https://www.cla.co.uk/higher-education-licence) allows to copy and share up to 10% or, one chapter/article (whichever is greater), from a published book or journal. Scanning for course use must be routed via the Reading Lists @ Glasgow service. Mandatory single returns to the Copyright Licencing Agency means a decision has been taken to centralise scanning within the Library.

## Reading Lists @ Glasgow

Staff should make use of the University library’s [Reading List service](https://www.gla.ac.uk/myglasgow/library/staff/readinglists/), which offers digitisation/scanning to ensure teaching resources are available to your students. Working in alignment with the CLA licence, extracts of published print books and journals are aggregated into reading lists. Created lists can be added as a resource to your Moodle course along with detailed information about each resource, to further enhance and focus their learning experience.

If you would like Reading List(s) to be created, please email library-readinglists@glasgow.ac.uk , and provide the following information:

1. Course title
2. Course code (if known)
3. Anticipated number of students, an estimate is fine.
4. Time period (semester 1/semester 2/semester year)
5. Highlight an essential/core text, so the Reading Lists team can investigate if they are available in an electronic format. (N.B print will be purchased for the High Demand Collection, where no electronic version is available.)
6. Highlight any book chapters or articles you would like digitised.

**As it can take around six weeks to complete to complete both the list creation and review process, please submit your list as early as possible.**

Alternatively, if you would like to create your own Reading Lists, please email libraryreadinglists@glasgow.ac.uk to be set up with access to the system.

**Any questions regarding this service (Reading Lists @ Glasgow), should be directed to the following email address:** **library-readinglists@glasgow.ac.uk**

**N.B, not all works are covered are covered by the CLA licence. The Reading Lists team conducts all necessary checks and if any item is not covered by the CLA licence, the team will be in touch to discuss alternatives.**

**For more information about the CLA, please view their** [**guide**](https://www.cla.co.uk/sites/default/files/CLA-HE-User-Guidelines.pdf)**.**

## Copying and sharing images taken from published books or journals covered by the CLA licence.

Providing the images are from print sources covered by the University’s CLA licence, staff can copy and share images from a published book or journal within teaching materials, course packs. Images taken from these sources can made available to enrolled students in a face-to-face lecture environment or through a secure online platform like Moodle. These types of images are on occasion referred to as ‘[disembedded images](https://cla.co.uk/sites/default/files/CLA-HE-User-Guidelines.pdf)’ (page 15).

On the condition that the use is under the CLA Licence terms, then there is no requirement for Universities to report the copying of disembedded images.

You can determine if a book or journal is covered under the CLA licence by making use of the [CLA’s permissions tool](https://www.cla.co.uk/checkpermissions).

# Alternative solutions if literary work is not available under CLA licence.

## Section 30, Quotation, Criticism, Review

This exception covers a broad range of work, which includes the use of extracts from a book or a journal under this exception. However, if you intend to make use of this exception, then you must adhere to the following:

* The use must fall under either, quotation, criticism or review.
* The material is available to the public.
* The use of the material is considered “fair” (see section titled “Fair Dealing” for information)
* You only use the amount required to fulfil your intended purpose.
* You must provide sufficient acknowledgment (credit), to the creator of the image(s) when using their work (unless it is impossible for reasons of practicality)

## Section 32, Illustration for Instruction

This exception is relevant for the educational community, as it allows the use of all types of works (including images) providing the usage is for non-commercial teaching purposes.

* Attribution to the rights holder (creator) is provided (unless it is impossible for reasons of practicality)
* The use of the material is considered “fair” (see following section for information)
* The copied materials must be used to illustrate a teaching point about the subject being taught.

## Fair Dealing

**The above copyright exceptions are tied to the legal framework outlined below.**

Fair Dealing is a legal framework designed to allow the lawful use of copyright protected work without having to seek permission from the author under certain circumstances. Sufficient acknowledgement must be provided to the author when their work is used unless it is impossible to do so.

There is no legal definition of what Fair Dealing is, however the [CDPA](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing) does refer to some case law (a legal test) which does provide some factors that should be considered when trying to decide if a use is considered fair or not. A direct quote of these factors can be viewed below:

* *“does using the work affect the market for the original work? If a use of a work acts as a substitute for it, causing the owner to lose revenue, then it is not likely to be fair*
* *is the amount of the work taken reasonable and appropriate? Was it necessary to use the amount that was taken? Usually, only part of a work may be used”*

*N.B., unless it is impossible to do so, you must provide attribution (credit)*

## Linking to materials that are Openly Licenced.

There are a growing number of educational based resources being made available under Open Access (OA) or open licences being assigned to them. These types of materials, along with those that are available as Open Educational Resources (OER), are ideal for use in teaching materials if relevant. However, it would be advisable to provide attribution when making use of Open licenced work and determining if the creator has set specific criteria on how they should be cited.

You may also consider using articles that have a Creative Commons (CC) licence associated with them. The CC licences have varying levels or reuse, from CC-BY, which is the most “open” type, that would allow work to be used in an educational capacity. However, it is advisable to become familiar with CC licences, as they can have varying levels of reuse and conditions. You can find out this information, by visiting their [website](https://creativecommons.org/licenses/) and examining the resources highlighted below.

* [UofG Creative Commons Basics: Licences and Attribution](https://edshare.gla.ac.uk/id/document/5473)
* [UofG Learning Object: Attribution](https://edshare.gla.ac.uk/791/2/story_html5.html)
* [UofG Learning Object: Licences](https://edshare.gla.ac.uk/144/4/story_html5.html)

# Using your own literary / written work in teaching materials

It may be reasonable to consider that due to you writing the published piece of work and your intended usage being for non-commercial teaching purposes that its ok to use it without any copyright risk. However, this may not be the case as there could be the possible risk of it being interpreted as “self-plagiarism” and or violating terms and conditions of the contract you signed with the publisher. It is therefore advisable to consider the following:

* Check the terms and conditions of the contract you signed with the publisher to determine if your intended usage would be permitted. If there are any clauses or working you are uncertain about, it would be advisable to contact the University’s legal team to seek clarification and advice, and/or;
* Examine how the published work has been made available, as book sections and journals articles may have a Creative Commons (CC) licence associated with them. Always check the conditions of the [CC licence](https://creativecommons.org/licenses/) associated with a price of work, as there are varying levels of reuse, and/or;
* If there is not a Creative Commons licence associated with the work, then it would be prudent to read the publishers copyright and self-archiving policies associated with work (example links below), and/or;
* Contact the publisher regarding your intended usage to determine if this acceptable and gain written permission (if required).
* If all other options are exhausted, then you could make a risk-based assessment to consider if the UK Copyright exception Illustration for Instruction would be suitable to use (refer to pages 5 – 6 of this document, for information around this area)?

**Links to example publisher pages (books**)

* [Cambridge press](https://www.cambridge.org/core/services/open-access-policies/open-access-books/green-open-access-policy-for-books)
* [Routledge (Taylor and Frances)](https://www.routledge.com/our-products/open-access-books/taylor-francis-oa-books)
* [Springer Open](https://www.springer.com/gp/open-access/books)

**Link for Journals**

* [Sherpa Romeo](https://v2.sherpa.ac.uk/romeo/) (this online source aggregates and analyses publishers open access policies globally)

# Frequently asked Questions

## Is there anything that cannot be scanned under the CLA licence?

Some works that cannot be scanned under the CLA licence are:

* Printed Music (including words)
* Maps and charts
* Newspapers
* Workbooks, work cards and assignment sheets

Some types of material (books or journal articles) cannot be scanned under the CLA licence if the author or publisher specifically excluded them. For further information on works, artists and publishers that are excluded from the CLA licence, please visit this [web page](https://www.cla.co.uk/excluded/he-print). The [international territories page](https://www.cla.co.uk/international/territories) shows a list of Non-UK publishers. Please direct all queries to the Reading Lists @ Glasgow team.

## Can I scan upload a scan from a lawfully acquired book that I own?

Request for digitising (scanning) from books should always be directed to the [Reading Lists @ Glasgow Service](https://www.gla.ac.uk/myglasgow/library/staff/readinglists/). Doing so, ensures all scanning is done lawfully and that all reporting conditions are met.

## How much can be scanned under the CLA licence?

Under the current CLA licence, one chapter of a book, one article from a journal/magazine issue, and websites (or 10% of the total, whichever is greater). The CLA licence enables the distribution of multiple copies of excerpts from library resources to enrolled students on distinct courses and modules.

Only in exceptional circumstances, i.e., in response to the global pandemic, has the limits of licence been extended for a limited period.

As previously discussed, any requests for scanning/digitisation, should firstly be directed to [Reading Lists @ Glasgow](https://www.gla.ac.uk/myglasgow/library/staff/readinglists/) service.