Copyright Basics for

(UofG students)

This document focuses on:

* Copyright Ownership
* Copyright best practice in  
  relation to what can I use in your

academic work

Level: Beginner

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# Executive Summary

The purpose of this document is to provide UofG students with an overview of how IP/copyright ownership is applied to their materials from a UofG perspective. There’s also guidance on the sharing of materials, and can third party copyright protected materials be used for private research and study? Finally, given the prevalence of social media, there is guidance on how to use these platforms. Below is an executive summary of key points throughout the document.

* There is no requirement register works for copyright in the UK, as this protection is automatically generated when a work is available in a ‘fixed’ format. You can have further protection, by choosing to use the internationally recognised copyright symbol “©” when making your work available
* 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).
* It is advised to obtain written permission from a copyright owner when seeking permission to use their work
* The UK copyright exceptions can allow excerpts of copyright protected material to be used for non-commercial [private study](https://www.legislation.gov.uk/ukpga/1988/48/section/29), and or [quotation](https://www.legislation.gov.uk/ukpga/1988/48/section/30), providing the usage aligns to fair dealing factors. *N.B, the exceptions should only be used if no suitable blanket licence is in place, no written permission to use material granted, or no copyright free alternative could be found*
* You cannot share any of the work you have copied using the [Private study exception](https://www.legislation.gov.uk/ukpga/1988/48/section/29), via email or if your phone if you have taken any photographs of pages within a book/journal
* Copyright and Intellectual Property still apply to the web & social media platforms, despite the relaxed/informal nature of them, remember the following:
  + No social media platform will be held accountable if you upload content which is unlawful, and or violates copyright law
  + Check the social medias platform terms and conditions when signing up, and search for copyright information when doing so
  + Only link to lawful, genuine sources when posting on social media platforms or reuse content that has a Creative Commons licence associated with it
  + Don’t share copyright protected content you have downloaded illegally via Moodle, email, or social media platforms
  + Do not share any copyright protected material(s) you have downloaded from a UofG Moodle course, via email, any website, or social media platform

# Introduction

During your academic studies, you may be required to use third party content, such as text from a book or journal, or copyright protected images/video. These types of materials will be protected by copyright (UK Law), and therefore will have limits regarding the amount that can be legally copied and how it can be reused. This is especially relevant with the pivot to online learning and teaching, along with new technologies that enable the sharing of content through online platforms.

There are however legal remedies in UK copyright law, that enable you to legally copy reasonable amounts of work for the purposes of non-commercial research and private study. A legal framework called Fair Dealing, is used to not only help determine “what is a reasonable amount?” but also permits you to make single copies of limited amounts of copyright protected work.

**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 planning to utilise the UK Copyright exceptions for the purpose associated with this document.

# 1. Do I need to register my work, so it can be copyright protected?

There’s no need to register your work, as copyright is assigned automatically (under UK Law), when a work is created in a fixed format (i.e., a photograph taken using a mobile phone). Several steps can be taken to demonstrate evidence that you created the work at a specific point in time.

One of the steps that you can employ is to add the internationally recognised copyright symbol “©” when you’re publishing or making your copyright protected work available. On a similar theme, you could add a watermark to your documents and images to further indicate they’re protected by copyright. Finally, you could produce a copyright notice to deter possible infringement and make it clear your work is protected. A copyright notice demonstrates you have an awareness of copyright and take any infringement seriously.   
  
The UK Copyright Service, have guidance you can refer to when writing your copyright notice, which can be viewed at the following webpage: [Using Copyright Notices](https://copyrightservice.co.uk/copyright/p03_copyright_notices).

***N.B, a fuller explanation of how copyright is created (UK Law), can be viewed in the appendices section of this document.***

# 2. Do I own the copyright of work I’ve created and for coursework I produce?

Yes, students own the copyright of original work they have created, i.e., emails, exam scripts, dissertations, course work, projects, and assignments. By law, students who are not employed by the University will own any IP (intellectual property) they create. Where a student is being sponsored by a third party, they may be required to assign IP to the University of sponsoring body, subject to the terms and conditions which apply to the studentship. For further details regarding ownership of IP (from a student’s perspective), please view the University’s [IP and commercialisation policy](https://www.gla.ac.uk/media/Media_185772_smxx.pdf) (section 9).

# 3. Can I copy materials from the University Library for private study?

Yes, copying material such as an article from a journal or extract from a book is permissible, providing the intended use is for non-commercial research and private study. The UK copyright exception [Section 29](https://www.legislation.gov.uk/ukpga/1988/48/section/29), is what permits the copying conditions outlined in the previous sentence, however you must make sure the use would align to “[Fair Dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing)”. Below are some factors that you must consider when trying to determine if your use is “Fair”.

* Only use the amount of work required to fulfil your purpose, i.e., don’t copy pages of a book unnecessarily, if you all you need is two sentences to illustrate your point.
* Would your usage damage the interests of the creator, and impact them negatively financially?
* Always provide attribution (citation) for the creator and their work unless it is impossible or impractical to do so.

## 3.1: Can I share the copy I make with friends?

No, you cannot share the copy with anyone else (including friends). This includes sharing via email, social media and through print. The relevant copyright exception (section 29) doesn’t permit the sharing of the single copy you produce.  
  
**N.B, this also covers using a mobile phone, under section 29, you could photograph a page from a book for your own private study (providing the copying is Fair). However, you’re not permitted to share the copy (image) with other individuals, as this would violate the terms of the exception.**

## 3.2: How much can I copy?

There is no legally defined amount or exact percentage of what can be copied under fair dealing exceptions. Its at this point you should refer to the guidance around Fair Dealing and consider the factors we previously looked at (shown below):

* Only use the amount of work required to fulfil your purpose, i.e., don’t copy pages of a book unnecessarily, if you all you need is two sentences to illustrate your point.
* Would your usage damage the interests of the creator, and impact them negatively financially?
* Always provide attribution (citation) for the creator and their work unless it is impossible or impractical to do so.

# 4. Using other people’s work

**The steps outlined below, is the suggested process you should take when you’re considering making use of someone else’s copyright protected work in your course work, essays, and projects. You should examine each of the steps, before considering making use of the UK copyright exceptions.**

1. Contact the creator/rightsholder, explaining your intended use and ask for permission to use their work. You can find about more information obtaining permission and orphan works by viewing this [document](https://edshare.gla.ac.uk/id/document/2418).

***N.B, when obtaining permission, make sure it’s written as verbal wouldn’t stand up to scrutiny in a court of law****.*

1. Find an alternative source. Whether it’s a piece of text, image, video, or audio, it’s worthwhile taking time to search online for more openly licenced alternatives, e.g., [Creative Commons licenced](https://creativecommons.org/licenses/) materials.

***N.B, this*** [***document***](https://edshare.gla.ac.uk/id/document/5522) ***contains lists of online sources for copyright free, images, audio   
 and video.***

1. Examine if there’s a licence in place which may allow you to use the copyright protected work in your course work, projects etc. The University has blanket licences that allow you to use the resources covered by them in your private studies, but not able to share them with other individuals or by other means, e.g., online. You may want to copy, or share works that are not covered by a licence paid for by the University, for example using the [Filmbank](https://www.filmbankmedia.com/) licence to show films to a public audience in a non-educational setting. In some circumstances you may still be required to seek written permission from the copyright holder or organisation (like Filmbank).

## 4.1: Using UK copyright exceptions, if other steps (options) don’t provide a solution or alternative

**If the steps on the previous page do not resolve the issue of using other peoples work, then you may consider using one of the UK copyright exceptions to defend the use of copyright protected materials in your work.**

There are UK copyright exceptions that allow you to make copies of copyright works, and use them in your written course work, essays, and projects without a licence or having to contact the creator/copyright owner for permission. As previously discussed, whenever you make use of a UK exception, the usage must align to Fair Dealing to ensure the copyright holder/creator is not impacted financially or morally. Below we examine the relevant copyright exceptions (a detailed explanation of Fair Dealing can be found in the appendices section of this document).

## 4.2: Section 29, Research and Private Study

As discussed on pages 6 – 7, this exception enables you to copy excerpts from journal articles or extract from a book, providing the intended use is for non-commercial research and private study, and usage is aligned to [Fair Dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing).

## 4.3: Section 30, Quotation, Criticism, Review

This exception covers a broad range of work, which includes the use of images, text, videos 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 Appendices for full explanation)
* You only use the amount required to fulfil your intended purpose.
* You must provide sufficient acknowledgment (credit), to the creator of the work(s) -unless it is impossible for reasons of practicality.

# The Web and social media

Social Media can be viewed as being “casual” or informal, however this doesn’t mean copyright laws & intellectual property don’t apply to these platforms. You should be aware of the following points covered below, when you consider using platforms, like Facebook, Instagram, Twitter and TikTok.

* You should not upload anything you don’t own, unless you have written permission from the rights holder (copyright owner)
* Examine the terms and conditions associated with the social media platform you sign up to & check for copyright information (if you don’t find, do not assume that copyright doesn’t exist)
* When posting links on social media, only link to genuine, lawful content or reuse content that has a Creative Commons licence associated with it
* Do not share copyright protected content (i.e., items from a reading list) you have downloaded from a UofG course found on Moodle and repost on a Social Media platform, any website or via email
* Don’t email or share copyright protected material you have legally downloaded to anyone else, especially via social media or Moodle
* If you encounter your own content posted on someone else’s site, then you’re well within your rights to contact the infringing owner, requesting your material is removed
* Remember, no social media platform will be held accountable if you upload content which is unlawful, and or violates copyright law

# Appendices

## Copyright (UK Law)

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 of 4. **Original** – The work must be original, i.e. you must have created it and not copied from anyone else.

2 of 4. **Fixed** - Copyright does not protect ideas. Works must be presented in a physical form in order to receive copyright protection.

3 of 4. **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 of 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 ©

## Fair Dealing

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)*

Aside from the above ‘Fair Dealing factors’, you could also consider implementing the following technical measures to help increase the usage being considered “fair”.

Wherever possible try to make use of [low-resolution](https://www.computerhope.com/jargon/l/low-resolution.htm#:~:text=%22Low%20resolution%22%20is%20a%20relative,may%20appear%20blurry%20or%20indistinct.) copies of images.