Copyright basics for teaching staff

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

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Table of Contents

[Executive Summary 2](#_Toc132792768)

[FAQs around copyright ownership & responsibility 3](#_Toc132792769)

[Who owns Copyright? 3](#_Toc132792770)

[Do I own the copyright of teaching materials I create at my educational establishment? 3](#_Toc132792771)

[Can I use students work in teaching materials without their permission? 4](#_Toc132792772)

[Whose responsibility is it, to make sure to ensure copyright compliance is adhered to? 4](#_Toc132792773)

[If copyright is infringed what are the possible risks? 4](#_Toc132792774)

[When seeking permission from a copyright owner/creator, is it best practice to obtain written permission? 5](#_Toc132792775)

[When using Blogs and Wikis for teaching, are there any copyright related issues that should be considered? 5](#_Toc132792776)

[Can I use someone else’s copyright protected work in my teaching materials? 6](#_Toc132792777)

[Glossary 7](#_Toc132792778)

# 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. Below is a summary of key points that are found within this document.

* 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 because of being employed by them. This will apply to the teaching materials you have created, unless you have a clause in your contract that stipulates otherwise. It may be advisable to examine the contract you signed, along with your institutions Intellectual Property (IP), and or copyright policy.
* Usually, students who are not employed by your university/college will own any IP they create. It may be advisable to examine your institutions IP/commercialisation (or applicable policy), to determine the exact conditions around the ownership students have.
* 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 your educational institution 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).
* If there’s no suitable licence or service in place, e.g., CLA, Box of Broadcasts (BoB), and other legal means have been exhausted, then you could make the risk-based decision to use the appropriate UK copyright exception to defend the inclusion of copyright protected material(s) in your off/online teaching materials

# 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 my educational establishment?

Unless you have made agreement contrary to this, the educational establishment (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) (ownership of works). You should also examine your contract and your institutions policy that relates to ownership of works (usually IP).

## 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.

## 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.

If you have any doubt, then it may be advisable to check with your establishments copyright officer, or person (department) who provide guidance in this area.

## 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 education sector
* Financial penalties

**To your employer (educational establishment):**

* 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/6905).   
   
**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.**

## Can I use someone else’s copyright protected work in my teaching materials?

Potentially you could make the risk-based choice to make use of the applicable UK copyright exception to defend the inclusion of 3rd party copyright protected work in your off/online teaching materials. You should only consider using a copyright exception if a suitable license/service, e.g., CLA, Box of Broadcasts, isn’t already in place, and you’ve examined other legal alternatives, e.g., copyright free alternatives, Creative Commons etc.

Providing the use(s) are for non-commercial teaching purposes, then Illustration for Instruction ([section 32](https://www.legislation.gov.uk/ukpga/1988/48/section/32)) could potentially be used. The usage must align to [Fair dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing) and be accompanied by ‘sufficient acknowledgment’ (credit) for the creator of the work you are using (unless is impossible to do so, for reasons of practicality).

You can view more in-depth information about Fair Dealing and the copyright exceptions in document titled ‘[Using other people’s copyright protected work’](https://edshare.gla.ac.uk/id/document/6907).

# 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.

**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.

**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.

**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**. Services such as Box of Broadcasts, Click View, work in tandem with the ERA licence**