Greg Walters

University of Glasgow

Using other people’s work in your teaching materials, course work, projects, and thesis -relevant to teaching staff, students, and researchers

Version 1: 19/04/2023

Table of Contents

[Introduction 2](#_Toc132815970)

[Using other people’s work 3](#_Toc132815971)

[Using UK copyright exceptions if the above steps don’t provide a solution or alternative 4](#_Toc132815972)

# Introduction

The purpose of this document is to provide best practice to **teaching staff, students, and researchers** on how to use other people’s copyright protected work (legally) in your academic/professional practice, i.e., teaching materials, projects, thesis. This is achieved by providing a process that should be followed when considering using other people’s work. There are specific steps for the various audiences, which will be highlighted both in the best practice process and copyright exceptions.

**Before continuing, it is suggested you read the “**[**Copyright basics: What is copyright (UK Law), Fair Dealing & the UK copyright exceptions**](https://edshare.gla.ac.uk/id/document/7122)**” document, as this will give you a grounding with these legal frameworks and policies.**

**Some additional note:**

* 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 use someone else’s copyright protected work

# Using other people’s work

**The steps outlined below, is the suggested process teaching staff, students, and researchers should consider when making use of someone else’s copyright protected work in your academic or professional practice. You should examine each of the four steps below, before considering making use of the UK copyright exceptions.**

1. Has the copyright expired? Copyright lasts for a set period of time, after which the work “falls” into the public domain, with no types of restrictions. View this [document](https://edshare.gla.ac.uk/id/document/7124) provides information about the varying lengths of copyright associated with different types of work.
2. Contact the creator/rightsholder, explaining your intended use and ask for permission to use their work. Before starting this process, it is important to determine who owns the work, e.g., author, photographer, or publisher? For printed materials [PLS Clear](https://plsclear.com/), may be of some use, and for web-based material, you should examine the terms and conditions.

Once you have determined who the copyright owner is, factor in the following:

* The length of time for obtaining permission may vary, it could take from several days, to weeks or months. Allow for adequate time, and if you don’t receive a response, do not assume its ok to use their work.
* Be exact about your intended use, provide as much detail as possible
* Consider how you will use the material: if a fee is involved, then it may not be suitable for use in your thesis (researchers

***N.B, it may be worthwhile investigating if there are templates available at your institution which you could use when obtaining permission from a copyright holder.***

***Please view*** [***this document***](https://edshare.gla.ac.uk/id/document/6905)***, to find out more information and best practice, when obtaining permission.***

1. Find an alternative legal 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/6902) ***contains lists of online sources for copyright free, images, audio and video.***

1. Examine if your institution subscribes to a licence or service like; [CLA](https://www.cla.co.uk/), [Box of Broadcasts](https://learningonscreen.ac.uk/bob/), [Digimaps](https://digimap.edina.ac.uk/), which may allow you to use the copyright protected work in your course work or teaching materials.

***N.B, Step (4), may not be applicable for research-based students producing a published thesis or those developing a Massive Open Online Course (MOOC), as these types of courses/materials are available to users out with the University. Licences or services like CLA or BoB, are intended for enrolled students/staff (physically based in the UK for BoB), who attend the subscribing institution.***

# Using UK copyright exceptions if the above steps don’t provide a solution or alternative

**If the above steps do not resolve the issue of using other people’s work, then you may consider utilising 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 under specific circumstances without a licence or having to contact the creator/copyright owner for permission. As mentioned during the introduction, you should examine [this document](https://edshare.gla.ac.uk/id/document/7122) to understand the Fair dealing, UK copyright law and copyright exceptions to ensure the copyright holder/creator is not impacted financially or morally. The following pages contain a list of copyright exceptions relevant to this document’s audiences (staff, students, and researchers).

* **Section 29: Private Study and Research – relevant to students and researchers**: 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).
* **Section 29(a): Text and datamining – relevant to researchers and academic staff**: The UK Copyright exception ([29A](https://www.legislation.gov.uk/ukpga/1988/48/section/29A)) allows researchers to copy a work to analyse it using automated techniques, for the purposes of non-commercial research. Data and text mining technologies can be utilised, without the risk of infringement. Journal subscriptions are still required (personal or institutional), as you must have lawful access to the copyright protected work. When a work is copied, sufficient acknowledgement must be provided, unless it is impossible to do so.
* **Section 30 Criticism, Review, (Quotation), and News Reporting – relevant to staff and students**: This exception allows all types of publicly available published works to be quoted for both non-commercial and commercial purposes (except photos cannot be used for news reporting), providing the usage aligns to [Fair dealing](https://www.gov.uk/guidance/exceptions-to-copyright#fair-dealing).

**N.B., this is the one copyright exception that could potentially be used when defending the use of copyright protected works in Massive Open Online Courses (MOOCs) and other publicly available online courses.**

* **Section 32, Illustration for Instruction – relevant to staff and students:** Copyright protected work is not infringed when either an individual teacher or student are copying to give or receive instruction (or in preparation to do so), and the copying has been done to illustrate a teaching point about a subject being taught. All types of works can be used, e.g., images, audio, video, and text-based materials. This exception only applies if the copying is done for non-commercial, teaching purposes, proper attribution (citation) is provided to the copyright owner, and the usage aligns with fair dealing.
* **Section 34, Performing or showing work in course of activities of an educational establishment – relevant to staff and students**: The performance of literary, dramatic, and musical works, can be delivered to an in-person audience consisting of teachers and students at an educational establishment. Sound recording, film (and broadcast), can be shown to an audience at an educational establishment for the purposes of instruction. **N.B., persons, such as parents, friends of pupils or members of the public are classed as external to the institution. Therefore, if a educational establishment intended to include parents, friends of pupils or members of the public in the audience, when showing copyright protected work, it would have to obtain written permission from the rights holder to do so.**