Appendix to Copyright Policy

Guide to Copyright Licences
Currently Held by Borders College

June 2016
# History of Changes

<table>
<thead>
<tr>
<th>Version</th>
<th>Description of Change</th>
<th>Authored by</th>
<th>Date</th>
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<tbody>
<tr>
<td>May 2014</td>
<td>Updating the date on front cover and footers throughout. Also update review dates at the end of the document. Added Version Control Table. Adam Smith</td>
<td>Jamie McIntyre</td>
<td>29/4/2014</td>
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<td>June 2016</td>
<td>Included statement about the fair-dealing exception in the Copyright, Designs and Patents Act 1988. Included computer software in list of works protected by Copyright. Section 1 “Internet and other electronic materials” – included a statement about copying from electronic resources purchased by the College. 1 British standards licence removed as no longer required. Statement regarding the copying of British Standards is now included. Removed NLA licence as it is now combined with the CLA licence. Included statement about the incorporation of the NLA charges into the CLA licence (formerly a separately licence). Removed sections 2 and 6 relating to British Standards and NLA. Changed numbering sequence. Included a question in the FAQs about printing copies from materials that are supplied electronically, with particular reference to British Standards Institute and Pearson Education. Changed references to FE Liaison Librarian to Librarian throughout to reflect potential changes to library staffing structure.</td>
<td>Jamie McIntyre</td>
<td>June 2016</td>
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1 Introduction

This document is an appendix to the Borders College Copyright Policy.

Copyright is defined in the Copyright Designs and Patents Act 1988 as a property right that is applied to all original works of literature, art, drama, music, sound, video, film and computer software.

The right to copy an original work belongs to the creator of the work and exists from the moment a work is created.

Copying original works is prohibited by the law unless a creator has given permission.

Rather than applying to each individual creator of a work for permission the Copyright Designs and Patents Act of 1988 allowed for the establishment of licensing bodies to issue licences on a collective and blanket basis.

Borders College purchases licences from a number of agencies to allow staff and students to make limited copies from a variety of formats.

The College currently holds licences with

- Copyright Licensing Agency (CLA) incorporating the Newspaper Licensing Agency licence (NLA)
  Covers limited copying from books, magazines and newspapers
- Educational Recording Agency (ERA)
  Covers copying of off-air broadcasts from terrestrial TV broadcasters
- HMSO (Crown Copyright) Core Licence
  Covers copying of government and legislative documents
- Performing Right Society Ltd (PRS)
  Covers live and recorded public performance of music
- Phonographic Performance Ltd (PPL)
  Covers the use of background music in public areas in the College such as the Union, the Restaurant and the Salons.

Section 29 of the Copyright, Designs and Patents Act includes a provision for “Fair-dealing”, which allows copying for research and private study (both must be non-commercial), criticism / review / quotation, and news reporting; as well as parody, caricature and pastiche (section 30A) and illustration for teaching.
Internet or Other Electronic Materials

Computers make it almost effortlessly possible to copy text, videos and images from the Internet. It may seem harmless but Copyright Law also applies to materials on the Internet.

Borders College purchases learning and teaching resources from companies and organisations such as Pearson Education and the British Standards Institute. Some organisations permit the copying of their materials to distribute to other staff or students. Borders College staff should pay close to attention to the terms and conditions attached to each resource.

Please be aware that there is currently no licence available which permits the copying of materials from the Internet or materials that are originally created in electronic format.

Therefore, Borders College staff should always ensure they have the permission of the Copyright owner before copying materials from the Internet.

This does not preclude the use of materials from the Internet but prior permission in writing must be obtained from the Copyright Owner.

The Librarian will assist in obtaining written permission from Copyright holders.

All that may be allowed with such material is a single copy for your own private research or study (and this must be for ‘non-commercial’ purposes). It is not permitted to photocopy or reproduce these copies, and they must not be stored electronically (eg on the VLE).

It is permissible to publish links to websites as part of course/information packs or on the VLE, to assist learners to find the information themselves from the Internet. It is good practice to link to an organisation’s homepage where possible.

Downloading software, music, or video clips from the Internet should not be undertaken without prior permission of the Copyright Owner.

The college does not have a licence which permits copying material found on commercially-produced CD-ROMs/DVDs. The licence which accompanies the CD-ROM/DVD must be checked by all users to ensure appropriate use.
2 Copyright Licensing Agency (CLA)

Please be aware that the CLA has the right to carry out surveys and/or inspections in licence-holding establishments.

This licence allows a limited range of paper-to-paper photocopying or scanning or retyping paper resources. The college must have previously acquired a legal copy of the original work to be copied/scanned.

As of August 2015, the licence purchased from the CLA also incorporates the Newspaper Licensing Agency Education Establishment Licence fees. This licence was previously purchased separately as the Newspaper Licensing Agency Licence.

Copying is only permitted for educational and internal, non-commercial purposes.

Details of the licence terms are on the notices posted beside college photocopiers. These also list what the licence does NOT cover. If you are unsure whether the copying you are about to do, or have been asked to do by another member of staff, is covered by the licence please seek advice before copying. It will be your individual responsibility to ensure that all your copying conforms to the terms of the licence.

The CLA licence allows college staff to:

- Photocopy licensed material and distribute copies to authorised persons (learners/staff)
- Scan extracts of licensed material to produce digital copies
- Retype extracts of licensed materials to create digital copies
- Incorporate digital copies into presentation software (eg PowerPoint)
- Fax or email digital copies to authorised users
- Use digital copies on a secure VLE/MLE/college Intranet (but not on a publicly accessible website)
- Make and distribute acetate copies to authorised persons (learners/staff) unless such copies are available commercially
- Limited copying from some national newspapers
Restrictions on Photocopying, Scanning and Retyping

- The licence covers the majority of books, journals and periodicals published in the UK and 17 other countries. A full list of excluded categories, publishers and countries is available at each site.
- You may NOT copy/scan/retype any extract which exceeds 5% of the published volume/issue or, if greater, one complete chapter from a book or one article from a journal/periodical or one short story or poem exceeding 10 pages.
- You may NOT copy/scan/retype again a 5% extract you have previously copied for the same class/group of learners.
- You may NOT copy/scan/retype different 5% extracts from the same book at different times (known as ‘progressive copying’).
- There are some exemptions for copying on behalf of visually impaired learners. Details are available at each site.
- If material to be scanned incorporates or is adjacent to the identity of the author of the work, the digital copy must incorporate the identity of the author too.
- The text of retyped extracts must NOT be edited or modified in any way and must be reproduced verbatim, including punctuation.
- All photocopied, scanned or retyped extracts must include full details of the source.

What is Not Covered by the CLA Licence

- Some local and national newspapers
- Learning Packs: (the reproduction of copyright works within learning packs being written by college staff)
- Ordnance Survey maps
- Sheet music
- Internet
3 Educational Recording Agency (ERA)

Please be aware that the ERA has the right to carry out surveys and/or inspections in licence-holding establishments.

The ERA holds a mandate from its members, principally the terrestrial television broadcasters and music licensors.

The ERA licence permits

- The college to record TV and radio broadcasts, and make copies of such recordings, for the educational (non-commercial) purposes only of the college
- Licensed recordings can be retained, stored and copied in both analogue and digital format and then relayed to staff or students within the college premises or off-site (within the UK)
- Members of staff are permitted under the licence to record programmes at home for use in college. The only stipulation is that all such copies are to be brought in to college for labelling and logging before use
- All recordings must be clearly labelled with title and date of recording, name of broadcaster, plus the statement ‘This recording is to be used only for non-commercial educational purposes under the terms of the ERA Licence’ on the outside of the package for video tapes/CD-ROMs/DVDs, or as an opening credit/webpage for digital copies

What is Not Covered by this Licence

- This licence does not cover any Open University programmes
- This licence does not cover copying commercially-produced or pre-recorded videos, audio tapes, CD-ROMs or DVDs
- The licence does not permit adaptation, amendment, distortion or mutilation of material. All recordings must be used as they were broadcast
- The licence does not allow any recordings made to be offered for sale or hire
Using ‘Catch-up’ and ‘On demand’ video services

Catch-up and On-demand services may include services such as BBC iPlayer, ITV Player, 4oD on Demand, YouTube, Vimeo, MSN, Blinkbox,

This list is not exhaustive but the same principles apply to other video sharing services.

These services give users the right to access their programmes for personal, non-commercial purposes.

These services have their own terms and conditions of use. Terms and conditions can be accessed when visiting the relevant websites.

The ERA and ERA+ licences held by Borders College allow College staff to copy from some but not all of these services. Staff should check the terms and conditions of the particular service they are using before copying a programme. Staff who are in any doubt whether or not they have permission to copy a programme from an on-demand service should contact the Librarian for clarification.
4 HMSO (Crown Copyright)

Please note, HMSO has agreed to waive the Crown’s copyright for Legislation, Statutory Instruments and Government press notices. These may be reproduced without the requirement for licence, subject to terms and conditions, including the requirement to reproduce the materials accurately and to include the following statement on all copies:

_Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen’s Printer for Scotland_

The HMSO licence permits

- The re-use/copying of a wide range of core government information which is subject to Crown Copyright

What is Not Covered by this Licence

- Crown copyright computer programs, software, personal identity documents, materials with ‘Trading Fund’ status, materials covered by security classification, legal or policy restrictions
- ‘Value Added’ Crown Copyright products which require specific ‘Value Added’ licensing
- Materials where the re-used version must be approved by the relevant Department eg, Companies House, Driving Standards Agency, HM Land Registry, Met Office, Ordnance Survey, Patent Office. This list is not exhaustive
- Government departmental logos, military badges/insignia, royal arms etc
- Materials subject to third-party intellectual property rights and not Crown Copyright alone
5 Performing Right Society (PRS)

The PRS is the UK association of composers, songwriters and music publishers and has reciprocal links with similar rights agencies throughout the world.

The PRS licence permits

- the public performance of their members’ works on college premises either by live recital or sound recording. Live music events such as bands, or recorded music events such as discos, are charged an additional ‘per-event’ fee
- recorded background music played on TVs, radios, stereos/CD players, computers or any other means in communal areas

What is Not Covered by this Licence

- Playing music as an essential part of curricular delivery (eg, playing music to learners taking the SQA Higher Music listening examination) is exempt from requiring this licence
6 Phonographic Performance Limited (PPL)

- This licence is required for playing any recorded music – tapes, CDs, mini-discs etc
- This licence covers the playing of recorded music in areas such as the Union, the Restaurant and salons at Scottish Borders Campus and social and public areas of the other Borders College campuses

What is Not Covered by this Licence

- Recorded music being used in the college other than as listed above
- Recorded music being used for commercial purposes
- Re-recording music from commercial recordings on to other media eg, CD, minidisk, MP3 player, blank tape
- Performance of live music at any college event
7 Frequently Asked Questions

What kinds of works am I not allowed to copy without permission?

Any literary, dramatic, design, musical or artistic work. Computer software is also protected by Copyright Law.

What about copying for ‘educational’ use?

The term “educational use” is not mentioned in UK Copyright legislation. The ‘fair-dealing’ clause in the Act allows you to make a single copy of something for your own private study, but making multiple copies of a work without permission or a related licence is an offence.

How do I know if something is protected by Copyright?

There is no definitive way of telling if something is protected by Copyright so it is important to check you have permission to copy something before using it. Even if there is no Copyright notice or a © symbol the work may still be protected from copying. If you are in doubt about whether you can make a copy you should contact the Librarian.

If the College purchases something electronically, can I print extra copies for students?

It is important to the check the terms and conditions from the supplier. Organisations like the British Standards Institute and Pearson Education do not permit copying of the materials they supply electronically.

How do I get permission to copy something?

The College pays for licences to cover limited amounts of copying from a variety of works. Therefore, it is advisable to check with the FE Liaison Librarian if the work you want to copy is already covered by a licence. If it is not covered by an existing licence the FE Liaison Librarian can assist in obtaining permission from the Copyright owner.
What about copying something to put on Moodle?

Copyright still applies to items that have been copied to be put onto Moodle. If staff want to copy something and put it on Moodle they should ensure the College has a licence that covers the copying or has permission from the creator to copy their work.

Can I copy books for students with disabilities?

Yes, the ‘Print Disability Licence’ permits a single accessible copy of Published copyright works to be made for anybody in the organisation with a print disability. Copying can be done for any student who has a disability that prevents them from reading as easily as others.
Equality Impact Assessment

(Rapid impact assessment tool)

What Impacts may there be from this proposal on any group’s ability to use the College services?

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<table>
<thead>
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<th>Positive Impacts (Groups affected)</th>
<th>Negative Impacts (Groups affected)</th>
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<td>This appendix is for guidance only. There were no perceived negative impacts with changes made to this document in June 2016.</td>
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Actions taken to alleviate any negative Impacts:

Recommendations:

From the outcome of the rapid equality impact assessment, have negative impacts been identified for any protected characteristic or any other potentially disadvantaged group?

Has a full Equality Impact Assessment been recommended?

Yes   □
No    ✗

Reason for recommendation: