

Copyright and the VLE

FOR SCANNED TEXT ON THE VLE

Scan text yourself, or ask your SAs to do it for you: either by emailing them a list, or leaving books at the library issue desk and sending the SAs a notification email.

Stick within the limits specified by the license.

Only scan text from books in OUR library.

Ensure that all scans, however produced, are sent to the Scanning Coordinators for compliance checking, record keeping and publication on the VLE. You may reach them on copyright@courtauld.ac.uk

FOR IMAGES ON THE VLE (INC POWERPOINTS)

As long as your use of the image is for the purposes of teaching in a non-commercial context, you're free to use it as long as your use supports the concept of fair dealing and you acknowledge its source or owner.

Remember that the use of copyright images in commercial publications, or for promotional purposes, remains restricted under the terms of the 1988 Act.

What is copyright?

Copyright is an intellectual property right giving legal protection to original intellectual and creative work by authors, artists, musicians, photographers and others. It exists to prevent the unauthorised reproduction of work (including photocopying, scanning, recording, publishing), and safeguards the rights of creators to profit from their intellectual property and to be acknowledged as its creator. Only the copyright owner or their agent is entitled to authorise copying from an original work.

Original works are automatically protected by copyright law in the UK, whether or not the © symbol is used, and include:

- Written work such as books or articles
 - Typographical arrangements of written work
 - Artistic works such as paintings, drawings and photographs
 - Moving images such as film, video and DVDs
 - Work in electronic form such as web pages, software and databases
 - Music in written, recorded and electronic form
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The rights of copyright owners are protected in the UK by the Copyright, Designs and Patents Act 1988 (the 'Act').

All copying or scanning on University premises must take place under one of the exceptions to the Act, under a licence, or with the permission of the rights holder.

However recent and welcome amendments to the Act from 1 July 2014 affect the use of copyright material in education, and aim to create a system for managing rights which is better suited to the digital age.

These are part of a wider set of exceptions covering 'research and private study', 'text and data-mining', 'education and teaching', 'archiving and preservation', 'public administration' and to permit 'accessible formats for disabled people'.

The July 2014 exceptions do not cover 'personal copies for private use', 'caricature, parody and pastiche' or 'quotation' which are expected to come into force on 1 October 2014.

For more information please see the Intellectual Property Office website <http://www.ipo.gov.uk/copy.htm>

Scanned Text

Sharing scanned text with colleagues and students on the VLE either requires written permission from the copyright owner, or must be covered by a licence. The Courtauld holds a Copyright Licensing Agency (CLA) Higher Education Copyright Licence, which covers the use of scanned extracts from books and periodicals for educational purposes under certain conditions.

HOW DO I GET SCANNED DOCUMENTS ONTO THE VLE?

You have two options: either you may scan documents yourself, or your Section Assistant will do the scanning for you. If you choose to work with Section Assistants you may either take out the book on your library card, deposit it at the issue desk and email the SAs. They will collect it, scan, and return it to the library for you. Or you may simply email them a list of your requirements.

Whichever choice you make it is imperative that all scanned texts are then passed to one of our two new Scanning Coordinators who will check them for compliance with our CLA license and upload them to the VLE on your behalf.

This is because only Designated Persons registered with the Copyright Licensing Agency may authorise the distribution of scanned extracts for educational purposes. The Courtauld's Designated person is now the Head of Digital Media who has overall responsibility for the VLE, and to whom the two Scanning Coordinators report.

To recap: either you (if you scanned the book yourself) or your Section Assistant must send a copy of the text to the Scanning Coordinators at copyright@courtauld.ac.uk. They will check copyright, add coversheets, maintain a list of scanned texts for submission to the CLA, and upload your document to the VLE. Finally, they will contact you by email to confirm that the scanned text is now available for your students.

HOW MUCH MAY BE SCANNED UNDER THE LICENCE?

The following limits apply per course or module:

- Books - up to one chapter or 5%, whichever is the greater
 - Journals - up to 1 article or 5%, whichever is the greater
 - Conference proceedings - up to 1 paper or 5%, whichever is the greater
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- Anthologies of short stories or poems - up to 5% of a published edition or 1 short story or poem of not more than 10 pages in length, whichever is greater
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Where two chapters from a book amount to 5% or less of the total number of pages in the source edition, this is permitted under the terms of the licence. Multiple editions cannot be used to copy more than 5% in total.

All scans must be made from books in the Courtauld's library.

WHAT CANNOT BE SCANNED UNDER THE LICENCE?

Only works from countries that have opted to allow scanning from their works, or from global mandating publishers may be used. There are also excluded categories and works where titles or publishers may be excluded. Inspection or proof copies, and personally owned staff copies cannot be used for scanning.

RECORD KEEPING AND UNAUTHORISED SCANNING

Records will be kept of all digital copies made under the CLA Licence, including details of all courses, options or modules on which the material has been used. Under the terms of our License we are obliged to submit these records to the Copyright Licensing Agency.

COPYRIGHT COMPLIANCE AUDITS

Please note that the Copyright Licensing Agency may carry out an Audit of the VLE at any time to verify that the Courtauld is correctly administering and observing the terms of the CLA Licence.

SCANNING FOR PERSONAL USE

You may photocopy or scan printed material for private study or non-commercial research or for the purposes of criticism or review, provided that only a single copy is made. These are often referred to as the 'fair dealing' exceptions. The precise amount you may copy is not defined in legislation, but the accepted limits are the same as for teaching purposes given above.

Scanned Images

This section covers images scanned for the purposes of teaching, or obtained from websites or elsewhere in electronic format, and either uploaded directly to the VLE or used in PowerPoints which are then uploaded as a record of a lecture.

Images are protected by copyright as artistic works under The Copyright, Designs and Patents Act 1988. They include:

- building plans and blueprints • maps, charts and graphs
 - drawings and paintings • photographs and illustrations
 - logos
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Until June 2014 the position on images, alongside the use of any other copyrighted material in teaching was clear: you could not use them for any other purpose unless they were out of copyright; you had obtained explicit permission in writing or e-mail from the copyright owner (or representative such as DACS); or it was clearly stated that the materials were freely available for teaching purposes or licensed for use in teaching and learning materials. This meant that if images were not explicitly covered by a licence or a notice authorising copying, permission was required:

- to give out copies to students in handouts
 - to copy images and use them in the VLE, online archives, the intranet or web pages
 - to copy images for use in PowerPoint presentations
 - to include in a published work
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However amendments to the Act in June 2014 define a new exception called Illustrations for Instruction. This applies to images and other copyright works used in teaching: the principal requirements being that the teaching must be of a non-commercial nature and the ownership and source of the image must be sufficiently acknowledged.

The term 'illustration' is not defined. However, it is likely to be interpreted to mean that an image may be used to illustrate or reinforce a teaching point, but cannot be copied merely for aesthetic purposes to make a presentation look more attractive. Until it is decided otherwise, it is safe to assume that most college and university courses are non-commercial, whether or not a tuition fee is charged.

You may also copy an image without seeking permission:

- for your own private study or non-commercial research
 - for examination purposes, including assessed essays, dissertations or theses, provided the use is fair.
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The good news regarding images!

The underlying concept here is one of 'fair dealing':

- **Am I using this image in a way that will not adversely affect its commercial value?**
 - **Am I restricting its distribution via my course on the VLE rather than placing it on a public website?**
 - **Am I using it in a low enough resolution so that it could not be copied by anyone else for commercial print purposes?**
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- **Have I acknowledged the source of my image and its owner as fully as possible in my Powerpoint?**
 - **Is the context one of enhancing or making a point as part of teaching or research, rather than decoration?**
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If the answer to all of these questions is **Yes**, the June 2014 amendments to the Act are likely to support the use of such images in teaching. On our part, we have a duty to inform students that any images, or other copyrighted material they download from our VLE must be treated fairly, and with respect to the conditions given above.
