



# Copyright Policy

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<b>Version:</b>	<b>2.1 (September 2022)</b>
Category:	Policies - Statutory and Compliance
Owner(s):	Legal Counsel
Approved by:	The Board of Governors
Access:	<b>Public</b> – Anyone can view this document
Scope:	This policy applies to all staff (including contractors and volunteers), students and visitors at Fairfield School of Business (FSB)

## Introduction

This policy sets out the School's rules regarding:

- (a) The ownership of copyright in certain types of works created by School employees or students. Specifically, this policy addresses the ownership of copyright in scholarly publications, dissertations, teaching materials and other outputs where they are not deemed 'commercially valuable IP', as they are not likely to generate income for the School.
- (b) The use of third-party copyright materials in research, learning, teaching and other professional activities.

The policy applies to all School employees and students. The policy also applies to any users of copyrighted works owned or curated by the School, its employees or students.

### **The Copyright, Designs and Patents Act 1988 (CDPA)**

In the UK, copyrighted materials are protected by the Copyright, Designs and Patents Act 1988 and subsidiary legislation. In addition, the School has a number of licences that determine the terms of using copyrighted materials such as scholarly publications, archive collections, newspapers, databases, audio and visual recordings, and music. Failure to comply with copyright law or licences could have serious consequences; for example, the withdrawal of database access or the loss of licence privileges and could ultimately give rise to legal action against the individual or the School.

## Compliance

The School will ensure compliance with copyright law by:

- Ensuring staff and students understand copyright issues and are guided on what does and does not constitute acceptable ("fair") use;
- Treating infringement of copyright as a breach of conduct and investigating instances under its disciplinary procedures.

## Definitions

**Copyright** provides protection for any intellectual property by ensuring that it cannot be copied or altered without the permission of the copyright holder. Copyright does not need to be officially registered; the act of creating a work is enough for it to be protected. Nor does it

need to display the © symbol. It is important for the work to exist in some tangible form as an individual cannot copyright an idea.

The copyright legislation refers to copyright subsisting in four broad areas:

- literary, dramatic, musical works or artistic works (this includes books and periodicals etc);
- films;
- sound recordings, broadcasts, cable programmes and computer generated works;
- publishers' copyright of typographical arrangements.

There is also a specific copyright in databases, and the legislation has been interpreted to include most other material including electronic resources such as the Internet.

Copyright legislation has a provision known as “fair dealing” which allows individuals to make copies of material under certain circumstances.

All students are required to comply with all current legislation and breaking copyright law will be treated as a disciplinary offence by the School. You may also be sued by the copyright owner.

**Intellectual property** is something that you create using your mind - for example, a story, an invention, an artistic work or a symbol.

You own intellectual property if you:

- created it (and it meets the requirements for copyright, a patent or a design)
- bought intellectual property rights from the creator or a previous owner
- have a brand that could be a trade mark, for example, a well-known product name

Intellectual property can:

- have more than one owner
- belong to people or businesses
- be sold or transferred

Intellectual property rights allow you to make money from the intellectual property you own.

## Ownership of copyright and intellectual property

Fairfield School of Business owns all IP created by its employees, including copyright, unless it is created in a private capacity that is inconsequential to the employee's role. However, to ensure that creators can still access and benefit from their works, special provisions may apply for certain types of outputs, as indicated in the sections below.

Undergraduate students own all IP they create, including copyright, unless it is created as a result of being an employee of the School or where contractual agreements (e.g., with sponsors or collaborators) are in place, the terms of these agreements will take priority over the terms of copyright ownership herein.

### **Students' dissertations**

Copyright in dissertations and theses belongs to the student, unless a separate agreement (e.g., with a sponsor) is in place.

## Appendix – Guidance on “Fair Dealing”

Fair dealing provides an exception to copyright that allows an individual to copy a reasonable proportion of literary, dramatic, musical or artistic works. In simple terms this includes almost all print and paper based material but excludes films, videos/DVDs, sound recordings or broadcasts (all of which are dealt with in sections below). The general understanding of “fair dealing” is that copying does not infringe copyright, provided that:

### Photocopying

- it is for personal use, for private study that is neither directly or indirectly for a commercial purpose;
- it is for research for non-commercial purposes;
- it is for criticism, or review and provided that sufficient acknowledgement of the original work is made;
- it comprises no more than:
  - one article only from a single issue of a periodical, or one paper from a set of conference proceedings;
  - a maximum of one complete chapter of a book;
  - the whole report of one law report case;
  - the whole of a poem or short story not more than ten pages in length, if contained in a collection of such works in book form;
- it is no more than 5% of a work, whichever is the greater.

In other words you can copy one complete chapter of a book even if it is more than 5% of the total length of the book and you can copy two or more chapters from a long book provided that the total copied does not exceed 5% of the total length.

Any copying beyond these limits can only be done with the permission of the rights holder or under licence.

### Scanning

It is probably reasonable for you to scan a copy of copyright material for your own personal use provided it is within the fair dealing limits outlined above. You are not allowed to make scanned copies available to anyone else or to make them available across a network unless you have permission. You can get more details about scanning by asking a member of Library staff.

### Using electronic resources

All electronic resources are covered by UK copyright legislation. Most are also covered by licences. Both place restrictions on what you are allowed to copy and what you are allowed

to do with those copies. You must ensure that you do not infringe copyright legislation or the licence for the resources you use. The School treats such infringement as a disciplinary offence.

It is your responsibility to read the licence restrictions for any resources before making copies from them. There is usually a link on the e-resource home page that provides details of the licence. If you are in any doubt please ask a member of Library staff but in brief you can usually:

- read an article on screen;
- download an article from an issue of a journal, but not the whole issue, for your own personal use for research, teaching or private study;
- download a chapter from a book, but not the whole book, for your own personal use for research, teaching or private study;
- download an article or chapter and print it for your own personal use for research, teaching or private study.

You are not permitted to:

- use the material for any commercial purpose;
- share the material with unauthorised users. This will normally mean anyone outside of the University;
- make more than one copy or printout of any one article or chapter from a book or make an excessive amount of copying from a single journal issue or book;
- make the material available on a network to be accessed by others including within CUOnline;
- print the material and make copies available to others;
- change the material in any way including any copyright statements attached to it

### **Copying from the Internet**

Despite appearances almost everything on the internet will be protected by copyright. Just because there is no copyright statement does not mean that you are allowed to copy it.

You will probably be able to:

- download or print an insubstantial part of such material for your own research or private study, provided it is not for commercial purposes;
- provide links to other web sites but you should always link to the home page of the site where copyright notices or other important information is likely to be found. If you do want to “deep link” direct to pages below the home page you are strongly advised to seek permission of the owner of the site.

You should not:

- share any information copied or downloaded from the Internet across a network or CU Online without the permission of the rights holder;

- suggest that, because you have provided a link to others, they have the right to copy this information without permission. You and they need to be sure you know what permission you have for any website you make available to them or warn them that they are responsible for checking what copyright permission they have if they wish to copy material from the site;
- make inappropriate or derogatory references to the site which will infringe the moral rights of the copyright owner;
- imply that if they follow the link they will be using your own work. You must make it clear that the link is to someone else's work.

Downloading material from web sites will almost certainly be an infringement of copyright unless there is a statement on the site that explicitly grants such permission. Even in circumstances where the site owner grants permission to copy it is quite possible that the site contains copyright material for which the site owner has no rights. It is your responsibility to check this as copying this material without permission will almost certainly be an infringement of the copyright owner's rights.

### **Databases**

Information in databases is also covered by copyright. Before downloading information you should read the licence for the source you are using, all of which differ. In general terms, however, you will probably be able to:

- Download a reasonable part of the database for personal use;
- Print off a reasonable part of a database for personal use.

You are not allowed to use material from a database for commercial purposes or to share the information with others.



## Version Tracking:

Version	Author / revisions by	Changes summary	Approved by	Date
1.0 – 1.5	Legal Advisor Head of Academic Support Centre	Executive Committee	Board of Governors	Sep 2017 Sep 2018 Sep 2019
1.6	Annual review and update. Transfer of key responsibility from Head of Quality to Head of Legal Services. Minor factual corrections throughout.	Quality Audit Manger Head of Legal Services	Board of Governors	Oct 2020
2.0	Substantial re-write to scope, definitions and legal framework to clarify purpose of policy. New format applied.	Quality Manager Legal Counsel	Board of Governors	Dec 2021
2.1	Annual review and update, minor changes to formatting.	Quality Manager Legal Counsel	Board of Governors	Sep 2022

**Date of next review:** September 2023