



Copyright Policy

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Copyright Policy

Introduction

1. Copyright is an intellectual property right which is designed to provide legal protection for an author/creator of certain types of original work to control their use. If copyright exists in such works, then, in essence, other people cannot copy or adapt such materials without the permission of the person who owns the copyright in question. Most online use of such a work involves some form of copying.
2. Spurgeon's College is committed to:
 - acknowledging and protecting copyright, whether such copyright is owned by it, its employees, students or third parties; and
 - adhering fully to any terms and conditions it has agreed to with third parties, including those contained in any copyright licences it holds.

Purpose

3. In order to avoid reputational damage and the incurring of liability, the College must ensure that:
 - any activity undertaken by College employees and students must, where applicable, take account of copyright law; and
 - College employees and students must act in accordance with licences or other terms and conditions that the College has agreed to, for example, with publishers, funding bodies or other relevant parties.

Scope

4. This policy takes an overview of copyright laws and covers all printed, electronic and digital copyrighted material used within the scope of College activity. For the avoidance of doubt, this material includes, but is not limited to, text, images, databases, drawings, graphic designs, logos, sound recordings, films, broadcasts, computer programs (software), and electronic material stored on local and remote drives and on internet sites.

5. This policy is solely concerned with issues relating to the use of third-party material. It does not cover the College's ownership of copyright in materials created by individual members of staff and students; this is covered by the College policy on Intellectual Property Rights.

Responsibilities

6. It is the responsibility of the Chief Operating Officer to ensure that all relevant licences are applied for and kept up to date.
7. The Chief Operating Officer is responsible for overseeing copyright compliance throughout the College.
8. Members of staff, students and others working for or on behalf of the College are required to follow and observe this Policy and should seek advice from the Librarian if unsure whether use or copying of material is lawful.

Permissions

9. Copyright lasts for a set period of time, during which it is illegal to do certain restricted acts without the permission of the copyright holder. In the UK these acts are defined in the [1988 Copyright, Designs and Patents Act](#) as the exclusive right to:
 - copy the work
 - issue copies of the work to the public
 - rent or lend the work to the public
 - perform, show or play the work in public
 - communicate the work to the public (which covers making available on the Internet)
 - make an adaptation of the work or do any of the above in relation to an adaptation.
10. Before copying or otherwise using material authored by others, the individual must determine whether that material is subject to copyright by considering whether the following exemptions apply:
 - Lawful under statutory exception
 - Permitted by "fair dealing" or other law,
 - Permitted by licence or
 - The copyright term has expired, and the work is now in the public domain.
11. If none of the above apply, the individual *must* obtain permission from the copyright holder. This permission should be retained by the individual who requested it until such time as use of the copyrighted material is no longer required. If the copyrighted material is transferred to an archive, the permission documentation must be transferred also.

12. The College has licences in place that cover the proposed use of third-party copyright material (see Appendix A for further details).
13. Employees of the College and students may be able to make limited use of third-party copyright materials without the need to gain the permission of the copyright holder under the 'fair dealing' exemption stated above. Further guidance on this and best practice can be found in Appendix A or obtained from the Librarian.

Copyright Guidelines

14. Guidelines in Appendix A explain in more detail how copyrighted material can be used in the College, the terms of the licences the College holds and some of the rules which apply to different types of media.
15. All staff and students are expected to familiarise themselves with such guidance.
16. The College will place copyright guidelines adjacent to all relevant equipment that may be used for reproducing copyrighted materials. General guidance on copyright, regulations and licences is coordinated by the Library.

Compliance and Penalties

17. If an employee or student of the College suspects, or becomes aware of, any potential copyright infringement, whether by them or others in the College, or if they receive an external complaint alleging potential copyright infringement by either the College, an employee of the College or student, they must immediately notify the Chief Operating Officer.
18. In such circumstances, the College may, pending the outcome of the external complaint, temporarily take down the allegedly infringing material.
19. Remedies provided under law to copyright holders (which may be against the infringer and or the College) include fines and imprisonment under civil and criminal law.
20. In addition:
 - Any misconduct or breach relating to this policy by any College employee may lead to disciplinary action under the appropriate College procedures.
 - Policy violations by students will be dealt with as cases of academic misconduct and the Academic Misconduct (Malpractice) Policy will apply.
21. If members of staff are accused of copyright infringement in the normal course of their employment, they should contact the Chief Operating Officer who will investigate the claim and assist in the negotiation process, providing advice and support. It should be noted however that ignorance is no defence under copyright law.

22. If students are accused of academic-related copyright infringement they should contact their Tutor or Supervisor.

Appendix A: Guidelines on Copyright

1. These guidelines aim to explain the basics of copyright and the terms of the licences the College holds.
2. They are not exhaustive and should be read in conjunction with the Spurgeon's College Copyright Policy. Copyright is a complex area, and this guidance is not intended to be a substitute for legal advice or further enquiry in case of uncertainty.

What is Copyright?

3. Copyright is a property right over work produced by an author or creator. In some circumstances copyright is held by another individual or body, an author's next of kin, for instance, or a publishing company. Importantly this right covers the reproduction of the work even in an altered state or using another media. The legal rights over material can be both economic (concerned with the financial interests of the copyright holder) and moral (relating to the reputation of the author or creator).

What materials are covered by copyright?

4. Copyright applies to works produced in paper form and to sound and visual recordings held on tape, disc, or other format including the internet¹. These may be literary, dramatic or musical works, illustrations, photographs, recordings, broadcasts, designs and other artistic works, computer programmes, data sets, and even specific typographical arrangements. Copyright protection is automatic and copying anything without permission breaches the owner's copyright and is illegal. An author's copyright lasts for 70 years after the author's death², but this is not always a good basis on which to copy a particular work as copyright may have been passed on to another party.

What can I copy without permission?

5. Works protected by copyright cannot be reproduced, distributed, downloaded or otherwise used without the explicit permission of the copyright owner, unless:
 - You are copying work under 'fair dealing' and educational exceptions
 - The College holds a licence which permits its use
 - Copyright has expired (work will be in the public domain, which means that it is public property and may be used freely).

¹Students should be aware that copyright applies to any material or full text books available without license or permission from the author/publisher on internet platforms contained in the so-called dark web

² Note that 70 years timescale applies to works published in the UK. For works published in other countries, notably the United States, the copyright term may be greater than or less than 70 years.

6. Some copyright owners will allow certain types of use; it is always worth checking the copyright statement on the journal, on the title page of the book or look at any restrictions on the website. In all cases you must fully and accurately acknowledge the source.

Fair dealing and educational exceptions

7. Copyright law gives certain rights to those who wish to reuse copyright material. These are known as exceptions to copyright (or 'permitted acts'). Reusing a copyright work under an exception does not require permission from the copyright owner. The following are exceptions relevant to education and many are subject to the concept of 'fair dealing' being applied.

8. Fair dealing is a concept which is used in conjunction with specific exceptions. There is no legal definition of fair dealing, therefore no set amount of a work that can be used for a specific purpose. Instead, you should consider how a fair and reasonable person would view the use of the work.

9. Some factors that should be taken into account:

- You must acknowledge the author and/or copyright owner, where practicable to do so.
- Copying must be for non-commercial purposes.
- The copying must not act as a substitute for the work.
- You must not copy more than is necessary for achieving the purpose of the exception.
- The copying must not affect the market for the work i.e., it must not cause the copyright holder to lose revenue.

10. The following are often given as guidelines on the extent of copying which might be considered to be 'fair dealing', but please note that an acceptable amount could be less, depending on the nature of the work or the importance of the part of the work copied. No more than:

- 5% of a work, or
- One chapter of a book, or
- One article from a journal issue, or
- One poem or short story from an anthology, or one paper from a set of conference proceedings.
- One separate illustration or map up to A4 size (but illustrations which are integral to chapters/articles may be included as above)
- Short excerpts from musical works and no copying for performance purposes.

11. The main educational exceptions relevant to the College are:

- **Private study or non-commercial research.** This exception allows students and researchers undertaking private study or non-commercial research to make single copies of all types of copyright work, irrespective of medium type (and subject to the fair dealing amounts).

- **Text mining and data analysis.** For example, for students to extract articles from a database for analysis.
- **Teaching/Instruction** Allows the copying from works in any medium as long as the use is solely to illustrate a point, is not done for commercial purposes and the audience is limited to teachers/instructors/members of the class and other directly connected with the activities of the establishment.
- **Performing, playing or showing work,** for the purposes of educational instruction within the institution. For example, playing a DVD in a class. Public access is not permitted.
- **Copying & recording broadcasts.** Free to air broadcasts can be recorded for non-commercial purposes. However, the College ERA licence takes precedence over this exception.
- **Copying extracts of works by Educational Establishments.** Around 5% of a work may be copied per year for the purposes of non-commercial instruction, provided that there is no licence available that would otherwise allow the work to be used. It is therefore important to check whether the work you would like to use can be obtained under a licence first.
- **Criticism, review, parody and quotation.** This exception is of relevance to scholarly publications and teaching. It is the exception that may sometimes be relied upon in relation to exam questions, book reviews, or to discuss academic themes.
- **Disability** This exception allows making accessible copies of copyright works for the personal use of disabled people, as long as this is for personal use and an accessible copy is not already commercially available.
- **Libraries.** This exception allows copying by libraries and archives for the purposes of preservation.

Copyright Licences

12. There are a number of agencies that operate licencing schemes and collect royalties on behalf of copyright owners. These agencies provide licences to allow specific educational use of the copyright works which they are authorised to licence.
13. The College subscribes to several of these licencing schemes including:
 - CLA Licence for Higher Education (Copyright Licencing Agency)
 - NLA Licence for Higher Education (Newspaper Licencing Agency)
 - ERA Licence (Educational Recording Agency)
 - CCLI Church Copyright Licence (Christian Copyright Licencing International)
14. Members of the College will only be able to use other people's works lawfully under a licence scheme if they comply fully with the terms of the particular licences. For example, the terms will often stipulate that hard copy works may only be scanned and electronically available works may only be stored and

digitised by 'designated persons' and that they may only be made available to 'authorised persons' (e.g., registered students on a particular course of study). Please check with Library staff for the terms of each licence in case of uncertainty.

CLA Licence

15. The CLA licence:

- allows the creation of digital copies from originals which are either owned by the College, or from a copyright fee paid (CFP) copy of a chapter/article supplied by an organisation holding a document delivery licence with CLA e.g. the British Library
- allows photocopying and scanning of (whichever is the greater) up to 10% or one chapter of a book or one article of a journal issue
- allows scanning of items to be available to students on a course of study
- allows scanning for educational purposes only
- does not allow blanket scanning or commercial onward use (scanned copies are not intended to substitute primary purchases)
- covers UK and US publications (and some other International Territories) [here](#)

16. Further information can be found at:

[https://www.cla.co.uk/sites/default/files/CLA HE User Guidelines 16 19.pdf](https://www.cla.co.uk/sites/default/files/CLA_HE_User_Guidelines_16_19.pdf)

17. To check whether work is covered by the CLA licence you can use the permissions checker at <https://www.cla.co.uk/check-permissions-start>.

18. Only designated persons are authorised to prepare and distribute digital copies made under the College's CLA licence. This applies to scans of copyrighted material uploaded to Moodle. All teaching staff are authorised as designated persons.

19. According to our copyright license agreement, every article or chapter that is uploaded onto Moodle should be accompanied by a standard 'Statement of Copyright'. This is available from the Librarian and must appear as the first page of any copied file.

20. Copies of any new material that has been scanned and uploaded to Moodle should be emailed to the Librarian for auditing purposes.

NLA Licence

21. This licence is administered by the CLA, and allows for the copying and circulation of newspaper cuttings within the College:

- for distribution to personnel for their internal use, and/or
- for distribution to students for their educational and instructional purposes.

22. A statement of copyright should be included as for the CLA licence.

ERA

23. The ERA Licensing scheme permits staff to copy, access and use television and radio broadcasts for **non-commercial** educational purposes.
24. All scheduled free to air radio and television broadcasts may be recorded for the purposes of making ERA Recordings.
25. The College can also access and download content from on-demand services such as [BBC iPlayer](#), [All 4](#), [ITV Player](#), [Demand 5](#) and [S4C \(On Demand\)](#) in a similar way to personal private users. However, access to some broadcast services (such as pay tv services) may be restricted.
26. Podcasts from ERA Members' services can be downloaded for educational use but materials directly accessed from YouTube are not supported by the ERA Licence. The Terms and Conditions of YouTube refer to 'personal use only' and do not address the non-commercial educational use of ERA Repertoire that is permitted under the ERA Licence when sourced as otherwise permitted by the ERA Licence.
27. Only broadcast material owned or represented by ERA Members is licensed through the ERA Licence. This means that some broadcasts and material included in them, such as advertisements, are not covered.
28. Users should check with the Librarian for the specific terms and conditions of each service under the licence.
29. Licensed recordings can be retained, stored and copied (in both digital and analogue formats). Recordings can be made on physical formats such as DVDs or stored in digital form. All recordings, must be clearly and appropriately labelled to include:
 - Date (when the recording was made)
 - Name of the broadcaster
 - Programme title
 - The wording 'This recording is to be used only for educational and non-commercial purposes under the terms of the ERA Licence'

Church Copyright Licence

30. The College has a Church Copyright Licence to cover activities within the Chapel. The CCLI Church Copyright Licence permits churches to project or print out the words and music to worship songs and hymns. With this licence, the College is covered for recording services on behalf of those unable to attend in person. Further, the licence permits the creation of custom musical arrangements where no published version exists.

31. The licence permits you to:

- Store song lyrics in a computer or create overhead transparencies for projection to assist with congregational/assembly singing.
- Print songs, hymns and lyrics in service sheets.
- Create your own customised songbooks or hymnals.
- Arrange, print and copy your own vocal or instrumental arrangements of songs for congregational/assembly use, where no published version is available.
- Translate song lyrics into another language for congregational singing, where no published version is available.
- Record your services/meetings including the 'live' music by audio or video means for those unable to attend. The quantity of recorded copies allowed per service cannot exceed 25% of the maximum number of size category.

32. The licence does not permit you to:

- Photocopy or duplicate typeset sheet music
- Alter the words or music of any authorised hymn or song
- Rent, sell, lend or distribute copies made under the licence to anyone outside the church/school
- Assign or transfer the licence to any other church/school or group without CCLI's approval. This is a congregation-specific licence, meaning it is not tied to a specific building.

Seeking permission

33. If a work does not fall under educational fair use exceptions or is not covered by a licence then permission needs to be sought from the copyright holder.

34. Permission will need to be gained for more extensive quotation, any form of image (illustrations, graphic images, drawings, maps, tables) material published on the internet, unpublished works and also music. There is a common misconception that if material is publicly available on the web it is free to use, copyright laws will still apply. Public Domain is not the same as publicly accessible.

35. This process can take time, and it is essential to request permissions as early as possible. A good starting point is usually the publisher. The copyright owner for images is usually located on or by the image or acknowledged at the source. For more information on finding copyright owners, please see the [IPO website](#).

36. If you are having difficulty locating the owner, please contact your supervisor for support and guidance.

What if permission is not granted?

37. In the event you cannot trace the copyright holder, do not receive a response (a record of efforts must be kept in these cases) or are denied permission you can

remove the extract and replace with either a reference or reduce the amount to be considered as fair dealing.