



Copyright Policy

Date approved: 26 February 2015
Approved by: Executive Board
Review date: February 2018
Responsible Manager: Mark Breadner
Group Executive Lead: Chris Payne

Accessible to Customers/Students: Yes

1. Consultation

Consultation undertaken with:-

- Newcastle College Yes
- West Lancashire College Yes
- Intraining Yes
- Rathbone Yes
- Kidderminster College Yes
- Group Services Yes
- Newcastle Sixth Form College Yes

2. Applicability of Policy to Organisation

This policy applies to:-

- Newcastle College Yes
- West Lancashire College Yes
- Intraining Yes
- Rathbone Yes
- Kidderminster College Yes
- Group Services Yes
- Newcastle Sixth Form College Yes

3. Scope and Purpose of Policy

This policy applies to employees, students and customers in all parts of NCG. It also applies to people who are on our premises but not employed, such as visitors and external contractors.

4. Policy Statement

No member of staff or student may reproduce copyright works other than to the extent permitted by law, by permission from the copyright owner or by the appropriate licences subscribed to.

5. Linked Policies

IT Acceptable use policy
Employee Disciplinary Policy
Student Disciplinary Policy.

6. Linked Procedures

Copyright Guidance for Staff (Appendix A)
Overview of Copyright Licences (Appendix B)

7. Equal Opportunities Statement

In accordance with NCG procedures an equality impact assessment was undertaken for this policy on 10 Feb 2015.

8. Location and Access to the Policy

The Policy is located as follows:

- NCG Intranet: Group Services: Group Policies and Procedures
- NCG Website: Media Centre: Guide to Information: Our policies & procedures

9. Person Responsible for the Policy

The Group Director Planning and Performance is responsible for this policy.

10. Variations to the Policy

The policy applies across the whole of NCG and its subsidiary companies.

Background Information

1. Introduction

The Copyright Policy applies to all materials or works that are covered by the relevant UK legislation (eg, Copyright, Designs and Patents Act, 1988) and any re-enactment of this legislation. The law protects works from being copied, modified or disseminated without the written permission of the copyright owner.

Copyright protection extends to all information recorded in a permanent or semi-permanent way. This includes paper forms, audio-visual forms and electronic forms such as computer software and internet based information. Copyright is inherent in any of the above and does not need to be registered to exist.

2. **Copyright and the Individual**

The infringement of copyright by staff or students may expose NCG and the individual to legal action and claims for substantial damages. Infringement of copyright discovered in NCG may result in disciplinary action.

It is the responsibility of the individual reproducing any copyright work to ensure that the appropriate permission from the copyright owner has been gained.

It is the responsibility of staff carrying out the induction of new staff and /or students to ensure that the requirements of this policy are communicated in an appropriate manner.

3. **Licences**

NCG subscribes to various licences which give permissions outside of the strict remit of the law. These licences are held within the NCG Divisions where appropriate.

4. **Guidelines**

Documents giving an overview of copyright licences (Appendix A) and copyright guidance for staff (Appendix B) giving examples of acceptable practices are available.



Copyright Licences (Appendix A)

Audio-Visual Materials: Audio Cassettes and CDs, DVDs and Videos, Broadcast Recordings

Audio Cassettes and CDs

The divisions of NCG hold no specific licence for copying audio cassettes and CDs. Before you make a copy of such materials seek advice direct from the relevant publisher or producer.

DVDs and Videos

The divisions hold no specific licence for copying pre-recorded DVDs and videos. Before you make a copy of such materials seek advice direct from the relevant publisher or producer.

Broadcast Recordings

Newcastle College holds an Educational Recordings Agency (ERA) licence, which covers the recording and use of broadcasts that are publicly available. This covers:

- BBC, radio and television
- ITV Network
- Channel 4 and E4
- Five Television.

Recordings from encrypted channels, e.g. satellite channels, are not covered by the ERA. Recordings made under the licence can be used in class or loaned to students. Some recordings can be digitised and uploaded onto a VLE, please seek further advice. All videos, audio cassettes and DVDs that contain material recorded under the ERA licence must be labelled with the title and date of the recording together with the statement, “**This recording is to be used for educational purposes**”.

Electronic Materials: Electronic Resources, Websites, CD-ROMs and Digital Music & Video Clips

Anything originating in a digital format, for example e-books, online journals and other digital learning resources is not covered by the CLA and will usually be available on its own licensing terms and conditions. This exclusion also applies to works published on CD-Rom or on the Internet. Websites will

usually explain their restrictions on the use of video, photo, music or text resources obtained from the internet.

Electronic Resources

The college libraries subscribe to a range of electronic resources that support teaching and learning, and can be embedded into browser and VLEs. Use of these resources is restricted to educational use, and they must only be accessed by members of the college. For further information please seek advice from Library staff.

Group e-Learning has also sourced a number of resources that are free to educational institutions and are available online.

If you use electronic resources that are not recommended by either the Library or Group e-Learning then you will need to ensure that it is acceptable to use them in an educational environment or seek permission from the rights holder.

Websites

Most websites are free at the point of use and you can make links to them. However, it is essential to check any legal requirements that may be attached to particular sites if you plan to use them in your teaching. You must use material as directed in the terms of use or conditions of use of the website, if applicable.

Webpages are subject to copyright law in the same way as literary, artistic and musical works. Copying from the web needs the permission of the copyright holder, and it should be noted that copyright holders may be able to trace infringements through the use of technological prevention measures.

You can usually print from a website for personal use, although some site owners may block printing functionality. To print multiple copies for use in class or to print something on behalf of a student you will need to see the permission of the rights holder.

You must not copy and paste any material from a website into your own webpages or documents without the permission of the rights holder. Small excerpts may be permissible providing they are correctly referenced, please seek advice from library staff.

CD-ROMs

You cannot copy, print-out, download or cut & paste from a CD-ROM, unless the relevant licence agreement allows this.

Digital Music & Video Clips

You cannot download, save or rip from a CD or the internet any music files (eg, MIDI, MP3, WAV files).

You cannot download, save or rip from a DVD or the internet any film or video clips (eg, MPEG, DIVX, AVI, WMV, ASF files).

Media files are not to be stored on shared drives unless they are required as a specific requirement of work. Shared drives are regularly policed for copyrighted and unauthorised material.

Other Legal Requirements: Public Sound Broadcasts, Dramatic Performances and Photographs

Public Sound Broadcasts

The colleges hold a Phonographic Performance Limited (PPL) licence which allows the playing of background music in certain specified areas. It also covers playing music at featured events such as discos for a certain number of annual events.

Divisions also hold a Performing Rights Society (PRS) Licence which allows the playing of music via TV's, radios and other media. This licence is also needed for the playing of music in films.

Dramatic Performances

It is permissible to stage a performance (dramatic or musical) for the purposes of instruction. However there are restrictions, and you cannot:

- Involve in a performance people who are not students or lecturers
- Include people in the audience who are not lecturers, students or are otherwise connected with the educational activities of the divisions. If you anticipate attendance by a wider audience then the permission must be sought from the rights holder.
- Make a film or sound recording of a live performance of a dramatic or musical work or the reading of a literary work without the permission of the performers and the rights holder.

Photographs

Under the CLA licence you can copy a published photograph, but you cannot use a photograph supplied by an outside agency unless they had obtained permission from the rights holder.

You cannot take photographs of students or staff without their permission; this is covered by the Data Protection Act, 1998.

Further information is available from:

Copyright Licensing Agency (CLA) licence
<http://www.cla.co.uk/>

Educational Recording Agency (ERA) licence
<http://www.era.org.uk/>

Newspaper Licensing Agency (NLA) licence
<http://www.nla.co.uk/>

Phonographic Performance Limited (PPL) licence
<http://www.ppluk.com/>

Performing Rights Society (PRS) licence
<http://www.prsformusic.com/>

Ordnance Survey Maps licence
<http://www.ordnancesurvey.co.uk/oswebsite/education/copyright/>

Copyright Guidance for Staff (Appendix B)

Printed Materials: Books, Newspapers, Magazines and Exam Papers

Books and Magazines

Copying from books and magazines is covered by the Copyright Licensing Agency (CLA). Divisions hold CLA licences which cover copying by individuals and for some class materials. There are restrictions on the amount of a publication that can be copied:

- Books – up to 5% of one book or a single chapter, whichever is the greater
- Magazines – up to 5% of one magazine or a single article, whichever is the greater
- Poetry – One poem from an anthology, not exceeding 10 pages in length.

Materials that have been copied in accordance with the guidelines can be:

- Copied onto acetates for use with OHPs
- Scanned into an electronic version
- Retyped as extracts on to a computer
- Incorporated as digital copies into presentation software (eg, PowerPoint)
- Emailed to other authorised users.

****Excluded works**

Other restrictions are also in place regarding the use of CLA licenced materials. These include:

- **Not** copying or saving electronically adverts, logos or trademarks
- **Not** taking photographs of students or staff without their permission
- **Not** editing or manipulating digital copies in any way
- **No** repeat copying; this is prohibited for any one course or module. Eg, if you have copied a book chapter for a lesson you cannot copy a second chapter of the same book for the same class, even if this is for a separate lesson. An extra licence fee is required for such use and permission must be sought in advance
- **Not** selling photocopies to students for commercial purposes; charges can be made but only to recoup costs.
- Printed music
- Maps and charts
- Newspapers
- Workbooks, work cards and assignment sheets

- Any work on which the copyright owner has expressly and prominently stipulated that it may not be copied under a CLA license.

Further information can be obtained from:

http://www.cla.co.uk/licences/excluded_works/excluded_categories_works_edu

It is permissible to copy whole books or magazines to an enlarged size for use by visually impaired staff or students, provided that there is no large print edition available and at least one copy of the original item has been purchased by the division.

Newspapers

Copying from newspapers is covered by the Newspaper Licensing Agency (NLA), and covers the following areas:

- Copying newspaper text for management or educational purposes
- Copying up to 250 copies of an article from any of the main national newspapers
- Adjust extracts in size or layout to either A4 or A3, but no other alterations can be made
- Each copy must be marked with “**With permission, copied from** (title of newspaper), **dated** (today’s date)”

The licence only covers printed text; it does not give permission to copy photographs or adverts.

Exam Papers

You cannot:

- Copy anything done for an examination in terms of setting questions, communicating questions to candidates or answering questions
- Copy exam papers without permission from the Examination Board or test paper publisher
- Photocopy a musical work for a candidate to perform
- Sell copies of exam papers to students.