

What is copyright?

- + Intended to protect intellectual creation.
- + Current UK law: Copyright, Designs and Patents Act 1988
- + Does not protect ideas – protects expression of ideas

What can be protected by copyright?

- + **Literary works** – any work, other than a dramatic or musical work, which is written, spoken or sung
 - all works expressed in print or writing (irrespective of quality or style)
 - articles, lecture notes, computer programs, spoken conversations (if recorded), song lyrics.
- + **Artistic works** – graphic works, sculptures, collages, works of architecture, works of artistic craftsmanship (irrespective of quality)
 - Photographs, technical drawings,

What can be protected by copyright?

- + **Musical works** – exclusive of any words or action
 - tune to a song, orchestral score
- + **Dramatic works** – work of action, capable of being performed
 - Dance, mime, script for films, plays and choreographic works

What else can be protected by copyright?

- + **Films** – films, YouTube videos
- + **Sound recordings** – includes recordings of other copyright works.
- + **Broadcasts** – fairly narrow definition, does not cover on-demand services or most Internet transmission (eg YouTube) .
- + **Typographical arrangements of published editions** – overall appearance of page or pages.

Example: a recorded University lecture

Various elements of a recorded lecture each qualify for protection under the law of copyright:

- + The **lecture materials** written and shown - *literary (and possibly artistic) works*
- + The **digitised recording** itself made by the University - *film*
- + The **words spoken** by the lecturer once fixed by the recording - *literary work*
- + Any **lecture materials** incorporated but not personally produced by the lecturer eg images and clips and extracts from other copyright works ('Third Party Materials').
- + The lecture will also constitute a 'performance' and qualify for performance rights.
- + There may also be performance rights associated with Third Party Materials e.g. if a clip is of a performance.
- + If those attending the lecture are recorded there are data protection issues and exceptionally there may be copyright and performance rights in what they do and say.

Qualification requirements

Copyright arises automatically –
no requirement to register

Qualifying work must be:

+ recorded in material form;

+ original (not copied)

Result of “labour, skill and judgement”

Who owns the copyright

- + **Usually the author or creator of the work;**
- + If work is created in the course of employment, the copyright usually belongs to the employer.
- + University – ownership of copyright is set out in **Intellectual Property Policy**:
 - The University owns copyright in some works created by staff in the course of their employment, BUT
 - copyright in ‘scholarly output’ produced by staff (**lecture notes, academic publications** etc) belongs to the staff themselves. **University has a licence to use.**
- + Copyright can be transferred like any other asset but transfer must be in writing.
- + When published, copyright may be transferred to publisher.

Who owns the copyright?

- + The copyright in freelance or commissioned work will usually belong to the author of the work, **unless specified otherwise in the contract between the parties.**
- + If you are arranging for any works to be created for the University, consider asking for the copyright to belong to the University. (advice available from The Legal Office)
- + Example: **e-learning materials created by a third party.**

What infringes copyright?

The owner of the copyright in a work has the exclusive right to:

- + Copy the work;
- + Issue copies to the public;
- + Rent/lend the work to the public;
- + Perform, show or play the work in public;
- + Communicate the work to the public;
- + Make an adaptation of the work;
eg translation
- + Authorise others to carry out any of the above.

What infringes copyright?

- + Use of whole or a substantial part of a work without the permission of the author.
- + What is a substantial part?
quality of what is taken rather than *quantity*.
Eg. 1990 World cup clips
14-37 second clips (goals) – deemed substantial part.
- + Reproducing single image from a film on poster or website could potentially be deemed to infringe.

When can I use other people's works?

'Fair Dealing' & Educational Exceptions

- + Private study or non-commercial research
- + Teaching / instruction
- + Criticism, review and quotation

When can I use other people's works

Fair dealing

A matter of **fact, degree and impression** in each case.

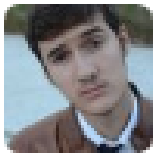
Consider:

- + How would a fair-minded and honest person have dealt with the work?
- + Does using the work affect the market for the original work?
- + Is the amount taken reasonable and appropriate?
- + Requirement for sufficient acknowledgement of the copyright work and the author.

When can I use other people's works

- + Direct permission has been granted by copyright owner;
- + Under licence;
- + the copyright has expired: **complicated!**
 - duration of copyright depends on type of work, but typically
life of author +70 or +50 years

Twitter



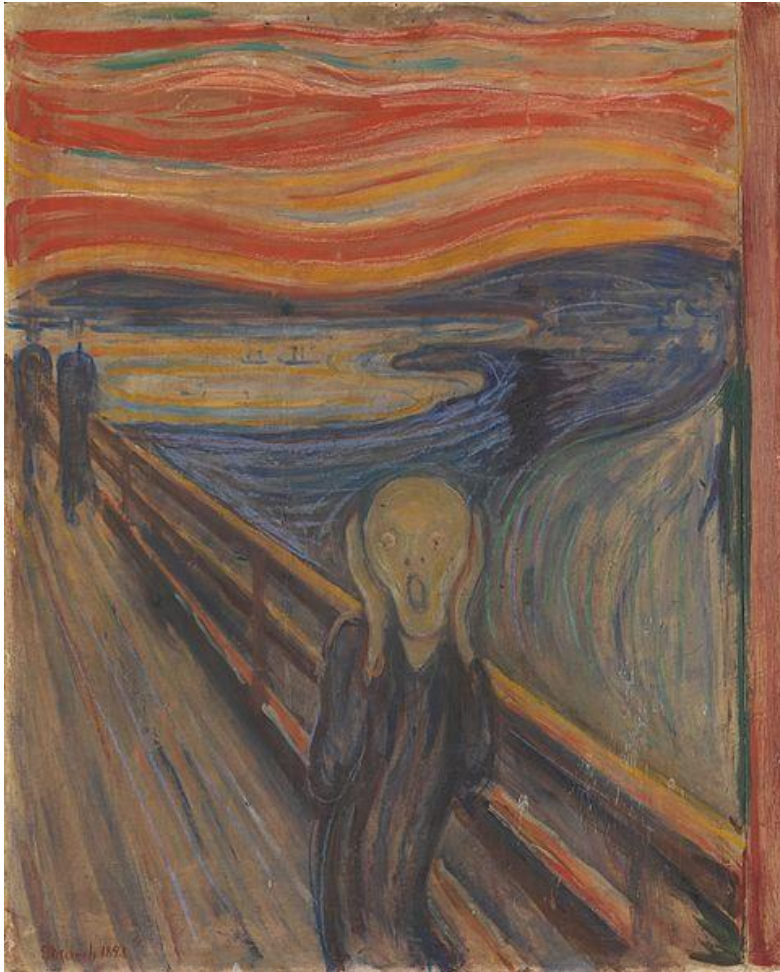
Dave Shaw @MrDaveShaw · Feb 5

Just seen someone arranging CDs in a pond on campus like they're lily pads. I can only assume it's some kind of modern art? #bathuni

YouTube

- + Terms and conditions state that “When you upload or post Content to YouTube, ... you grant to each user of the Service, a worldwide, non-exclusive, royalty-free licence to access your Content through the Service, and to use, reproduce, distribute, prepare derivative works of, display and perform such Content to the extent permitted by the functionality of the Service and under these Terms”.
- + **BUT** person posting content to YouTube may not be the owner of the copyright in all elements of the recording.

Images found online



found on
Wikipedia Commons