

For Office Use Only:			
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Copyright Policy

Scope

This policy applies to all staff, current students, governors and alumni of Havering College of Further & Higher Education.

Objective

It is the policy of Havering College of Further and Higher Education (HCFHE) to ensure that current legislation is adhered to and that the college is not brought into disrepute or suffers claims of negligence owing to ignorance of such legislation.

Definitions and Terminology

1. The relevant legislation in this case is the Copyright, designs and patents act 1988, (CDPA) ch.48, HMSO and its amendments (for further details see <http://www.ipo.gov.uk/cdpact1988.pdf> and also Appendix I).

2. Copyright and Plagiarism

It should be recognised that there can be cross-over points between copyright and plagiarism, but that in law these are discrete entities. Incidents of plagiarism are not unlawful, but are contrary to academic codes. At Havering, these are dealt with under the Regulations for Academic Offences.

Policy

1. This policy recognises that:

All staff and students should understand their responsibility to ensure compliance with relevant legislation and should be aware that any infringement may constitute a breach of the law.

The responsibility for adhering to the requirements of the copyright licences rests wholly with the individual.

2. The CDPA protects works in printed and digital form, including those found on the Internet. Examples include:

- Literary works (including computer programs and databases)
- Dramatic works
- Musical works
- Artistic works
- Sound recordings
- Films
- Broadcasts
- Typographical arrangements and layouts

3. Strategy

To achieve compliance with the Policy, the college will:

- Provide information on licences held to its students and staff
- Produce guidance and scenarios for training purposes to its students and staff
- Post guidance information on the intranet
- Stamp incoming newspapers with the college logo
- Include a copyright compliance phrase and require a signature to reprographic request forms
- Advertise the need for compliance next to all reprographic devices
- Include copyright information during staff and student induction sessions, in student handbooks and the Code of Conduct
- Provide staff with individual copies of the policy

4. Ownership of copyright

It should be noted that staff and students producing work of their own are also protected by copyright as follows:

- Students: Own their own work, be that written, photographic, audio, sculpture, painting etc.
- Staff: Where a written, theatrical, musical or artistic work, or a film, is made by an employee in the course of his/her employment, his/her employer is the first owner of any copyright in the work (subject to any agreement to the contrary). In the course of employment is not defined by the Act but in settling disputes the courts have typically had to decide whether the employee was working under 'contract of service'.

Where a person works under a 'contract for services' s/he may be considered by the courts to be an independent contractor and his/her works may then be considered to be commissioned works.

5. Penalties

The penalties for breach of the Act can be severe and can attract substantial fines if brought to court e.g. £10,000 in the case of a breach of a JFMG licence.

Suspected breaches of the Act can be reported to the relevant authority at:
<http://www.copywatch.org/index2.htm>

Students and/or staff found contravening the Policy and in breach of the Act are subject to disciplinary procedures.

6. Obtaining permission for reproducing works

If permission has been sought and granted from the copyright holder, a copy of the written permission should be lodged centrally with the Head of Learning Centres for secure keeping.

Related Documents

Guidance Note LRC/GN/01 – Copyright Guidance

Amendments to the Copyright, Designs & Patents Act and related legislation

- The Copyright (Computer Programs) Regulations 1992 (Si 1992 No. 3233);
- The Duration Of Copyright And Rights In Performances Regulations 1995 (Si 1995 No. 3297);
- The Copyright And Related Rights Regulations 1996 (Si 1996 No. 2967);
- The Copyright And Related Rights Regulations 2003 (Si 2003 No. 2498);
- Database Right (SI 1997/3032, Part III);
- The Copyright And Rights In Databases Regulations 1997 (Si 1997/3032);
- Broadcasting Act 1990;
- Broadcasting Act 1996;
- Legal Deposit Libraries Act 2003;
- The Electronic Commerce (EC Directive) Regulations 2002 SI 2002/2013;
- Duration of Copyright and Rights in Performances Regulations 1995, SI 1995/3297
- Copyright and Related Rights Regulations 1996, SI 1996/2967
- Copyright (EC Measures Relating to Pirated Goods and Abolition of Restrictions on the Import of Goods) Regulations 1995, SI 1995/1445
- Registered Designs Regulations 2001, SI 2001/3949
- Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002
- Copyright (Visually Impaired Persons) Act 2002
- The Performances (Moral Rights etc) Regulations 2006
- The Intellectual Property (Enforcement, etc.) Regulations 2006
- The Parliamentary Copyright (National Assembly for Wales) Order 2007
- Standing Or Interpretation Of Certain Provisions Of The Copyright, Designs And Patents Act 1988;
- Repealed Or Superseded Provisions Of The Copyright, Designs And Patents Act 1988;
- Statutory Instruments - 2007 No.1116 COPYRIGHT DEVOLUTION, WALES
- Directive 91/250/EEC on the legal protection of computer programs;
- Directive 92/100/EEC on rental right and lending right and on certain rights related to copyright in the field of intellectual property;
- Directive 93/83/EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;
- Directive 93/98/EEC harmonizing the term of protection of copyright and certain related rights;
- Directive 96/9/EC on the legal protection of databases;
- Directive 98/84/EC on the legal protection of services based on, or consisting of conditional access;

- Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society;
- National Health Service and Community Care Act 1990
- Courts and Legal Services Act 1990
- Health and Personal Social Services (Northern Ireland) Order 1991, SI 1991/194 (N.I.1)
- High Court and County Courts Jurisdiction Order 1991, SI 1991/724 (L.5)
- Judicial Pensions and Retirement Act 1993
- Charities Act 1993
- Trade Marks Act 1994
- Criminal Justice (Northern Ireland) Order 1994, SI 1994/2795 (N.I.15)
- Criminal Justice and Public Order Act 1994
- Merchant Shipping Act 1995
- Criminal Procedure (Consequential Provisions) (Scotland) Act 1995
- Arbitration Act 1996
- Education Act 1996
- Government of Wales Act 1998
- Competition Act 1998
- Northern Ireland Act 1998
- Scotland Act 1998
- Competition Act 1998 (Competition Commission) Transitional, Consequential and Supplemental Provisions Order 1999, SI 1999/506
- Health Act 1999 (Supplementary and Consequential Provisions) Order 1999, SI 1999/2795
- Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000, SI 2000/90
- Powers of Criminal Courts (Sentencing Act) 2000
- Conditional Access (Unauthorised Decoders) Regulations 2000, SI 2000/1175
- Enterprise Act 2002
- Communications Act 2003
- Health and Social Care (Community Health and Standards Act) 2003
- Serious Organised Crime and Police Act 2005
- Government of Wales Act 2006
- The Criminal Justice and Public Order Act 1994 (Commencement No. 14) Order 2007

Copyright Guidance Note

Scope

This guidance note applies to all staff, current students, governors and alumni of Havering College of Further & Higher Education.

Objective

This guidance note is intended to provide additional salient information to the Copyright Policy (LRC/PO/01) to enable college staff, students and alumni to go about their business without being in breach of the Copyright, designs and patents act 1988, (CDPA) ch.48, HMSO and its amendments.

Guidance

1. The College holds a number of additional licences which grant permission for copying, playing of audiovisual materials, electronic storage etc. on a limited basis. Examples of these licences are given below.
2. Exceptions to the licences exist and these are given below.

Licences

The major licence which permits certain copying of works is the **CLA**, granted by the Copyright Licensing Agency. This licence is held by the Estates Department.

Broadly, the CLA allows multiple copies for student use, as follows:

- one complete chapter from a book,
- one article from a journal or magazine,
- a short story or poem not exceeding 10 pages in length from an anthology,
- in the case of a published report of judicial proceedings, the entire report of a single case,
- or 5% of the publication, if greater than the above.

NB. These limitations apply per course of study and/or module per year. Repeated copying of the same material by students from the same group *is not* permitted.

Notable exclusions to copying are:

- Works from some overseas countries;
- Printed Music (including the words),

- Newspapers (these are covered by the NLA licence),
- Maps, charts, or books of tables,
- Some Correspondence Courses (see the CLA 'Explanatory Leaflet'),
- Publications which specifically say they are not to be copied under the CLA Licence,
- Published examination papers and published tests,
- Workbooks, workcards or assignment sheets,
- Privately prepared teaching material,
- 'Copy Permitted' publications ('photocopiables') (these are sold with a licence from the publisher permitting photocopying to the extent indicated on the publication).
- All items on the '*List of Excluded Categories and Works*'.

If you wish to copy any material from any of the excluded categories above, you should contact the rights holder(s) directly for their permission in the first instance.

If in any doubt, reference should be made to the guides displayed next to photocopiers around the college.

Examples of licences and their coverage is given in the table below:

Licence name – Granting authority	Coverage	Exceptions	Held by:
PRS - Performing Rights Society	<ul style="list-style-type: none"> • Public performance of live music • Jukeboxes, TVs, phone 'on hold' music • Restaurant background music • Fashion show 		Operations Manager - Estates
PPL - Phonographic Performance Licensing	<ul style="list-style-type: none"> • Background music • Radios in offices, workshops • Recorded music 	<ul style="list-style-type: none"> • Jukeboxes • Hired recordings 	Operations Manager - Estates

Radio Microphone Licence - Joint Frequency Management Group	<ul style="list-style-type: none"> Declared UHF radio frequencies 	<ul style="list-style-type: none"> Frequencies other than those declared 	Senior Technician - B Block
Show licence - Individual publishers	<ul style="list-style-type: none"> Performances of specific named shows/plays 		Senior Technician - B Block
Temporary events licence - Havering Borough Council: Environmental Health Dept.	<ul style="list-style-type: none"> Up to 15 ticketed performances per annum, otherwise a <i>Premises Licence</i> required. 	<ul style="list-style-type: none"> Non-ticketed events 	Senior Technician - B Block
MCPS Licence - Mechanical Copyright Protection Society	<ul style="list-style-type: none"> Music used as backing to a film 	<ul style="list-style-type: none"> Adapting music or lyrics of Repertoire works Use of more than 120 mins of Repertoire works in a film Broadcasting on the internet 	AH-Media & Performing Arts – B Block
NLA - Newspaper Licensing Authority	<ul style="list-style-type: none"> Copying from mainstream daily newspapers and named regional publications 		Operations Manager - Estates
Ofcom licence – Office of Communications	<ul style="list-style-type: none"> 2-way radios used by Estates 3 specified frequencies 	<ul style="list-style-type: none"> Frequencies other than those declared 	Operations Manager - Estates
TV Licence	<ul style="list-style-type: none"> Permission to view terrestrial and Freeview channels 		Operations Manager - Estates
ERA+ Licence -	<ul style="list-style-type: none"> Off-air 	<ul style="list-style-type: none"> No stills 	Operations

Educational Recording Agency	recording of TV and radio by students and staff, all year	capture <ul style="list-style-type: none"> No commercial gain by selling on 	Manager - Estates
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Other allied licences

Software licences - Individual suppliers		<ul style="list-style-type: none"> No copying of software No exceeding of licence numbers 	Mainly ILT, but also others
Online databases - JISC licences		<ul style="list-style-type: none"> No commercial gain by selling on information 	Head of Learning Centres and others

It is incumbent upon the individual to familiarise themselves with the terms of the licence(s) which are most likely to affect their work.

Additional sources of guidance

The Further Education Reprographics Forum – Interactive Tool Kit
<http://www.fereprographicforum.org.uk/copyright/index.htm>

Intellectual Property Office <http://www.ipo.gov.uk/types/copy.htm>

Copyright Licensing Agency & British Library
http://www.cla.co.uk/assets/91/bl_cla_faq.pdf

Joint Information Systems Committee (JISC)
<http://restricted.jisc.ac.uk/freearea/copyright2/0000.html>