

STATEMENT ON COPYRIGHT

1 The Copyright Designs and Patents Act sets out the basic provisions of English Law on Copyright and applies to all original literary, dramatic, musical and artistic works; in sound recordings, films, broadcasts, cabled programmes; and in the typographical arrangement of published editions (books, periodicals etc). Computer programmes are included as literary works.

2 The author/publisher is usually the owner of the copyright in a work. The copyright owner has the exclusive right to:

- a) copy
- b) issue copies to the public
- c) perform, play, show to the public
- d) broadcast, include in cabled programme
- e) adapt or act in the above ways in relation to the adaptation

3 Any person acting as above without the licence of the copyright owner is infringing the copyright. Infringement is a criminal offence and persons guilty of the offence are liable to fine or imprisonment or both. In addition, civil proceedings may be brought by the copyright owner for damages.

4 Infringement also occurs when persons deal with, possess or import infringing copies; provide the means, apparatus or premises for making infringing copies. An infringing copy is any copy made without the copyright owner's permission.

5 A few exceptions prevail:-

a) i) A person may make one copy for research or private study, if it is paid for, without infringement. The copy must not be of more than 1% of any work – e.g. 1% of a poem, short story, book. This is termed “fair dealing” and is allowed by the Act;

ii) “Fair dealing” does **not** allow anyone to copy material who knows that the same material is being provided at the same time to more than one person for the same purpose. Therefore, even if each student in a class of 12 separately requests a copy of the same thing, 12 infringing copies have been made.

b) Copying may be done for purposes of educational instruction provided:-

i) it is done by the person giving or receiving that instruction;

ii) it is **not** by reprographic process – e.g. photocopy or scanning.

c) Similar provision permits copying of sound recording, film, broadcast or cable programme.

d) Copying for setting/answering examination questions is permitted except for reprographic copies of music scores for performance by examination candidates.

e) Performance of a work, film, broadcast, etc. before an audience consisting exclusively of teachers and students is not an infringement where done in the course of instruction.

f) Librarians may copy works as described in (a) above – under the “fair dealing” provision. They are also allowed to supply one article per issue from periodicals, provided it is paid for.

g) Under the licence arrangement with the Copyright Licensing Agency the statutory fair dealing provision is widened in some instances, but copying is still subject to detailed provisions/restrictions which are posted adjacent to University photocopiers, and which must be observed at all times.

6 Computer programmes are defined as literary work under the Act and the same provisions apply to them as printed materials. Any person using computer software must be aware of the copying restrictions and ensure only licensed software is used.

7 The University is licensed for recording of broadcast or cabled programmes for educational purposes.

8 It is implicit in the terms and conditions of employment of all University staff that every employee shall agree not to create any copies of copyright material without permission/licence of the copyright owner.

9 Students are required upon enrolment to agree to comply with the requirements of copyright legislation and licenses.

10 Anyone who does not comply with the requirements outlined in this statement will be subject to disciplinary procedures. The existence of copies obtained by infringement will be a disciplinary matter.

It is the responsibility of every individual to ensure compliance with copyright law. For further information on Copyright compliance please contact the University's Copyright and Digitisation Co-ordinator **Gary O'Dea** via g.odea@wlv.ac.uk / tel: 01902-323435 or visit the University's Copyright web pages via www.wlv.ac.uk/lib/copyright

Updated by: Gary O'Dea - 13/11/2007

Approved by: University Secretary – 13/11/07