

Statement on Copyright

Introduction

The University of Wolverhampton recognises that creating and using copyright material is a key component of the higher education environment. The aim of this statement is to outline the responsibilities of all members of the University's community when using material which is protected by copyright.

University regulations relating to ownership of copyright in materials produced by academic staff and research students are detailed in relevant terms and conditions¹. The University of Wolverhampton's Intellectual Property Policy explains the arrangements the University has put in place to deal with other intellectual property created by staff and students. The University of Wolverhampton Publications Policy addresses copyright issues in relation to the publication of scholarly works through traditional and Open Access routes.

Copyright is a legal right that protects the use of a work once it has been physically expressed. The 1988 Copyright Designs and Patents Act (CDPA), with amendments in 2003 and 2014, sets out the basic provisions of UK law on Copyright and applies to all original literary; artistic; dramatic and musical works; sound recordings; films; broadcasts; and the typographical arrangement (the layout) of published editions (books, periodicals, etc). Computer programs and databases may also be protected.

Who owns the copyright?

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

- a) Copy
- b) Issue copies (in physical or digital form)
- c) Perform, play or show the work in public
- d) Communicate the work to the public
- e) Rent or lend the work to the public
- f) Make an adaptation

Copyright Restrictions

Copyright is infringed if any of the rights of the copyright owner (as listed above) is carried out without the permission of the copyright owner. Infringement may be a civil and/or a criminal offence, depending on the circumstances. Persons guilty of the offence could be liable to a fine or imprisonment, or both. In addition, civil proceedings may be brought by the copyright owner for damages.

Infringement also occurs if a person provides facilities for infringing those exclusive rights or assists in the making or distribution of any copies made without the copyright owner's permission.

¹ See Academic Staff – General Terms and Conditions and Research Degree Regulations

Licences

At the time of this policy's inception, the University holds licences from official licensing organisations to enable the limited copying of resources for educational purposes.

These licences are:

The [Copyright Licensing Agency \(CLA\) Higher Education Licence](#) – for the limited copying or scanning of extracts from copyright material and use of multiple photocopies.

Please note that the proportion of a work that can be copied consists of whichever is the greater of **10%** or:

- one chapter of a book
- one article of a journal issue
- one paper of one set of conference proceedings
- one report of a single case from a report of judicial proceedings
- one scene from a play
- one short story or one poem or one play of not more than 10 pages in an anthology of short stories, poems or plays

The [Newspaper Licensing Agency \(NLA\) Education Establishment Licence](#) – which allows limited copying from both printed and online NLA media access publications (newspapers) for classroom and study use, as well as limited digital copying for internal PR activity.

The [Educational Recording Agency \(ERA\) Licence](#) – which permits students or teachers to use material sourced from broadcasts (whether on television or radio) for educational purposes.

Exceptions to Copyright Relating to Education and Teaching

Copyright exceptions allow for individuals to use copyright works without permission of the copyright holder under limited circumstances. Caution should be taken when using material under these exceptions as any such use is expected to meet a test of 'fair dealing'. The amendments to the CDPA made in 2014 changed the exceptions to copyright law in several important ways, to make it more appropriate for the digital age.

Exceptions with implications for Higher Education Institutions², include:

- Use for research and private study
- Quotation for criticism and review
- Creation of accessible copies for disabled staff and students
- 'Fair dealing' for instruction
- Text and data mining

Where legitimate copies are made and used under licence or under a genuine exception, the original copyright holder must still be acknowledged.

² Further details about the exceptions can be found in the document 'Exceptions to copyright: education and teaching' on the Intellectual Property Office [Changes to copyright law webpage](#).

Responsibilities

All University staff, visitors and partners are expected to adhere to UK copyright law and the terms of our prevailing licences and should not create or distribute copies of material without permission or license of the copyright owner. This is a condition of employment for all University of Wolverhampton staff. Students are required upon enrolment to agree to comply with the requirements of copyright legislation and licences.

Where a takedown request is received for material that potentially infringes copyright, the Directorate of Academic Support will investigate the claim (see Notice and Takedown statement below). All staff and students are expected to comply with decisions to remove or cease using any material which is deemed to infringe copyright.

Anyone who does not comply with the requirements outlined in this statement may be subject to disciplinary procedures and will be held personally liable for their actions.

Support and Assistance

It is the responsibility of every individual to ensure compliance with copyright law, but it is understood that decisions about the reuse of copyrighted material can sometimes be complex. You are advised to take a cautious approach and always seek copyright owner permission where there is doubt. The Directorate of Academic Support will provide advice and guidance on best practice and due diligence where there is uncertainty regarding the use of copyright materials. Queries should be submitted to contentdevelopment@wlv.ac.uk.

Further information to help staff and students remain compliant with copyright legislation is also available on the University's [Copyright webpages](#).

Complaints and Takedown

If you believe that you own the copyright of any of the content on the University of Wolverhampton website or other University of Wolverhampton owned systems, and you have not given permission for its use, or your moral rights or other rights have been infringed, please contact us at contentdevelopment@wlv.ac.uk so that we can investigate your complaint.

Please include:

- Your name and contact details and those of the copyright holder where you are acting on their behalf
- Full details and URL (where applicable) of the content concerned
- Details of the infringement

If we agree that there has been an infringement or that content you own the copyright for has been used inappropriately, we will try to find a solution with which you agree, or we will permanently remove the relevant content from our system(s).

If we agree that you are the copyright owner we will try to find a solution with which you agree, or we will permanently remove the relevant content.

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