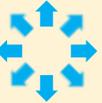


COPYRIGHT: INTERACTIVE Q&A

- This resource is intended to be used interactively, either as a **Slide Show in PowerPoint** or as a **PDF file**. If you are viewing this slide in Microsoft PowerPoint, please select 'Play from Beginning' now (via the Slide Show menu or shortcut in the bottom right corner). 
- If you are viewing this slide in your PDF reader, please navigate this resource using the hyperlinks and action buttons embedded in the slides, rather than scrolling through the document to read all information linearly. 
- The next slide contains a table of questions relating to the use of third party material for teaching purposes. Clicking on a question will link you straight to the answer to that question.
 -  When you see the teal coloured 'Next' button in the bottom right corner, click this to read additional information on the next slide.
 -  Click the red coloured 'Back' button to return to the table of questions.

	What's what	Restricted reuse	Due Diligence	Appropriate attribution	Residual risks	Applied advice
Copyright protection	What does copyright protect and what does this restrict?	How long does copyright protection last?	How can I tell whether a work is protected?	As long as I don't plagiarise, surely I can't infringe?	! Depictions of public domain data and art	What does 'CC0' mean?
Copyright permission	Do I need to obtain permission and what form would this take?	Aren't there already licences in place to cover teaching use?	Can I rely on Creative Commons licences?	Do I always need to credit the source?	! Contract terms and anti-copy protections	Where can I find licensed works that are free to use?
Copyright exceptions	What constitutes 'illustration for instruction'?	What other exceptions might apply?	How can I ensure that my use is fair dealing?	What constitutes sufficient credit?	! Quoting photos and films	Do the exceptions apply to students too?
"Is it OK to...?"	Is it OK to share copies of slides containing copyright works?	Is it OK to screen films in recorded lectures?	Is it OK to use photos from Google Images?	Is it OK to copy company logos or trade marks?	Is it OK to make changes to works I'm reusing?	Is it OK to use parodies/memes for teaching purposes?

Click any cell to start

COPYRIGHT PROTECTION

- The first set of slides explains how copyright protection works and explores the limits of this protection, including what is meant by the ‘public domain’.
- These slides also include an interactive ‘check your knowledge’ quiz question, which you can answer in Slide Show view in PowerPoint, or in your PDF reader.
- Click the red button in the bottom right corner to return to the table of questions at any time.



WHAT IS COPYRIGHT?

- Copyright provides automatic legal protection for original literary, dramatic, musical and artistic works of intellectual creation, as well as films, broadcasts, sound recordings and typographical arrangements (i.e. the visual layout of a publication). This covers a wide variety of creative outputs, from cinematography to song lyrics and software to sculptures – but copyright does not protect mere ideas, names, or simple facts.
- Reproducing copyright-protected work that is not your own, with or without acknowledgement, can infringe the exclusive rights enjoyed by the copyright owner, unless your use is covered by a copyright exception or you have obtained the rights owner's permission. Never just assume that material found online is copyright-free.
- UK copyright law includes exceptions allowing limited, reasonable reuse of protected works in certain contexts, without authorisation from the rights owner. For example, there are copyright exceptions relating to parody (for which it might be difficult to persuade a rights owner to grant permission) and to private study by individuals (for which seeking and granting permission would be plainly infeasible, given the number of individual transactions this would involve). Some copyright exceptions support use for teaching purposes, specifically.



INSUBSTANTIAL COPYING?

- Copyright can be infringed by unauthorised copying of the ‘*whole, or any substantial part*’*, of a protected work.
 - Copying insubstantial parts of copyright-protected works is not restricted. However, substantiality is determined qualitatively, so will always depend on the content and context. For example, courts have found an eleven word extract from a newspaper article and an eight second clip from a sports broadcast to each amount to a substantial part of a protected work.
 - UK law also specifies that an individual frame from a film (i.e. a screenshot) is a substantial part of the film from which it is taken.
- Therefore, while copyright protection does not restrict all copying, it is likely to be risky to rely upon limiting your copying to insubstantial parts, to avoid infringement. Insubstantial copying might include taking common phrases or minimal fragments but would likely exclude copying any excerpts of particular significance to the source work.
- Instead, it is important to ensure that, when copying from copyright-protected works without authorisation from the rights owner, your reuse is covered by an applicable **copyright exception**.



* Copyright, Designs and Patents Act 1988, s.16(3)(a).

COPYRIGHT DURATION

- Copyright owners have the exclusive right to control how their content is copied, performed, adapted, or shared online by other people, for the duration of copyright protection – subject to certain limitations intended to achieve a balance in the public interest (e.g. in relation to freedom of expression and education/teaching).
- Copyright protection lasts a long time – typically, for the lifetime of the creator plus 70 years – and it is not always straightforward to determine when the copyright in a particular work expires. For more obscure, less notable historical authors, identifying a year of death can be difficult; while in some instances expiry can depend on other factors, such as whether or not the material has been published, or which country the creator was from.
- When copyright expires, a work enters the ‘public domain’. This term refers specifically to material that is not protected by copyright and can be reused without restriction. Confusingly, the same term is sometimes used in other contexts to refer to material that has merely been made available to the public / become public knowledge.
 - In copyright terms, the specific meaning of ‘public domain’ is material that is no longer, or was never, protected by copyright. It is essential not to confuse these two very different meanings!



THE PUBLIC DOMAIN

- Copyright-protected works enter the public domain once copyright expires, becoming free to copy and share.
 - Most works will also include elements that are not protected by copyright because they are too trivial, commonplace or insubstantial to qualify for copyright protection, including names, facts and mere ideas.
- Copyright only protects the original expression of an idea, not the idea itself.
 - Sometimes it is difficult to know where an idea ends and the expression of that idea begins, in practice. Copying a *detailed* idea might risk copying protected elements of the work in which the idea is embodied (i.e. the original expression of that idea, which can be protected by copyright).
- The public domain also includes:
 - Material that has been expressly dedicated to the public domain by a rights owner who does not wish to restrict or control the reuse of their work – e.g. using the Creative Commons Zero ('CC0') tool.
 - Material that was never protected by copyright in the first place, because it pre-dates the existence of copyright – e.g. works of antiquity and folklore.



COPYRIGHT NOTICES

- Often, copyright-protected works will bear some kind of accompanying copyright notice, generally comprising the copyright symbol, the name of the copyright owner, and the year in which the work was created, or last updated (for example: 'Copyright © University of Reading 2020').
- However, copyright subsists automatically in original works, so rights owners do not need to include any particular form of words, or observe any other formalities, to qualify for copyright protection.
 - Note that in the USA, registration is encouraged for US publications, as a prerequisite for bringing an infringement action and being eligible for statutory damages. The UK has no official registration system.
- The absence of a copyright notice does not signify that a work is in the public domain, nor that a rights owner does not intend or could not act to enforce their copyright under UK law.
- Including a copyright notice on your own work is nevertheless a good idea, to remind potential users that copyright subsists and to deter infringing use. For teaching & learning materials created by University staff, the appropriate copyright notice is specified at clause 5.4 of the [Code of Practice on Intellectual Property](#).



COPYRIGHT EXPIRY

- Copyright protection is not indefinite: the general term in the UK is the lifetime of the (last surviving) author and then another 70 years. After expiry, the work can be used without restriction, having entered the public domain.
- Copyright expires at the end of the calendar year – not specifically on the 70th anniversary of the author's death:
 - e.g. Copyright in the published works of George Orwell (died 21 January 1950), will continue to subsist until the end of December 2020 (entering the public domain on 1 January 2021, almost 71 years later).
- Different countries have different copyright laws and copyright duration can vary, meaning a work can enter the public domain in one country while continuing to be protected by copyright in another country:
 - e.g. Works first published in the USA before 1925 are in the public domain *in the USA*, because under US law copyright duration for this material related to the date of publication, not the author's death date. Such works are *only* public domain in the UK if the US copyright had expired before 1956, or if the last-surviving author has been dead for 70 years.
 - Don't assume that a work is in the UK public domain just because it's in the public domain elsewhere.



COPYRIGHT EXPIRY

- Remember that copyright restrictions do not prevent all use of protected works in your teaching; but that public domain works can be used *without restriction*. It's important to verify that a work really has entered the public domain before making unrestricted use. For teaching taking place in the UK, the relevant copyright term lengths are those applicable under UK law, including various anomalies to the general rule of “lifetime plus 70 years”:
 - Anonymous works are protected for 70 years after publication, unless the author's identity becomes known during that time; while [^Crown copyright](#), protecting UK government works, lasts for 50 years after publication, or 125 years if the work is unpublished. (Many Crown copyright works are [^openly licensed](#).)
 - Publishers' copyright in the typographical arrangement (the layout of the words on the page) lasts for 25 years following publication of their edition of a work. This applies only to the typography.
- A single source might comprise multiple works, each entering the public domain at different times (e.g. a published edition of a book with a combination of anonymous and credited text and images). The relevant copyright duration in such circumstances is the one applying to the specific work you intend to reuse.



PLAGIARISM

- It is important to be aware that copyright infringement is not the same as plagiarism and it is possible to infringe copyright without plagiarising. Plagiarism and copyright infringement can be connected but are not synonymous.
 - Copying from a public domain work without acknowledging the source might amount to plagiarism in certain contexts, but will not infringe copyright (because public domain works are not protected by copyright).
 - Copying material with accompanying credit is not plagiarism, but might infringe copyright (if no copyright exceptions apply and no permission from the rights owner has been received).
- It is always good practice to include attribution for third party material used in your slides, including images, whether protected by copyright or not. This helps students to locate sources more easily and demonstrates the normal scholarly expectation that any third party material should be credited in their own work.
- Including sufficient accompanying acknowledgement also helps to avoid any misconception that third party content might belong to the University or have been “passed off” as original material, and is generally a prerequisite for relying on applicable copyright exceptions.



CHECK YOUR KNOWLEDGE

- Which of the following actions, in relation to works of known authorship, would be most likely to constitute copyright infringement in the context of preparing and delivering online teaching?

Quoting copyright-protected work without authorisation.

Option 1

Reproducing public domain work without authorisation.

Option 2

Quoting copyright-protected work without acknowledgement.

Option 3

CHECK YOUR KNOWLEDGE

- Which of the following actions, in relation to works of known authorship, would be most likely to constitute copyright infringement in the context of preparing and delivering online teaching?

Reproducing reasonable excerpts from copyright-protected material is fundamental to normal pedagogical practice – but, in copyright terms, might amount to copying a substantial part of a work (a restricted act). Copyright exceptions are likely to apply as long as you also identify the work’s creator and title/source. Copyright does not restrict copying of public domain works at all, although it is always good practice to acknowledge your sources.



Correct, well done!

Quoting copyright-protected work without acknowledgement. ★



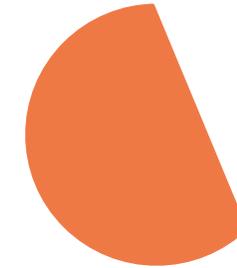
CHECK YOUR KNOWLEDGE

- Which of the following actions, in relation to works of known authorship, would be most likely to constitute copyright infringement in the context of preparing and delivering online teaching?

Quoting copyright-protected work without authorisation.

Reproducing public domain work without authorisation.

Option 2



Not quite – try again

Quoting copyright-protected work without acknowledgement.

Option 3

CHECK YOUR KNOWLEDGE

- Which of the following actions, in relation to works of known authorship, would be most likely to constitute copyright infringement in the context of preparing and delivering online teaching?

Quoting copyright-protected work without authorisation.

Option 1

Reproducing public domain work without authorisation.



Sorry, that's not right

Quoting copyright-protected work without acknowledgement.

Option 3

GRAPHS AND PHOTOGRAPHS

- Copyright protects original artistic works, including photographs, diagrams, doodles and sculptures. Artistic works don't need to have particular artistic merit to qualify for copyright protection; they just need to be original, intellectual creations of their 'author'.
- Copyright does not protect simple facts or data (but can protect the selection and arrangement of data in a table/database (which can also be protected by related 'database rights' if resulting from substantial investment).
 - Likewise, copyright is unlikely to protect some basic charts and graphs as visualisations of data, if the presentation is not original. However, many infographics are plainly original, in the sense of resulting from specific creative choices made by their author, so will be protected.
- Copyright does not protect works that merely reproduce existing works, which by definition are not original.
 - Scanning a work creates a facsimile copy, so no additional 'layer' of copyright can subsist in the scanned image (as distinct from the work being scanned). Likewise, it is difficult for a photo that merely reproduces a two-dimensional artwork, like a painting, to constitute an 'original', protectable work.



PUBLIC DOMAIN ARTWORK

- Cultural heritage institutions sometimes claim copyright protection for specific digitisations of public domain artworks – asserting that these constitute original, protectable works – with a view to recouping some of the digitisation costs by selling copies and licensing reuse.
 - Some photographs of existing works will indeed be original, depending on the extent of the creative choices that were available to and exercised by the photographer (e.g. regarding composition, lighting and angle of shot). However, the more ‘original’ a photo, the less successful it is likely to be as a digitised reproduction, for which the purpose is usually to reproduce the underlying artwork as faithfully as possible.
- The assertion of copyright protection for a faithful reproduction of a two-dimensional, public domain artwork remains untested in UK courts but is regarded as ‘*unlikely*’ to be valid by the UK Intellectual Property Office*.
- However, where you have a choice between copies, it is likely to be preferable to avoid using digitised copies of public domain paintings in which additional rights are asserted, unless those copies are licensed openly for free reuse (in which case it is prudent to utilise the copy in accordance with its licence terms).



* Intellectual Property Office (2014), [Copyright Notice: digital images, photographs and the internet](#), via gov.uk [online]

CREATIVE COMMONS ZERO

- The Creative Commons organisation is best known for developing a suite of licences that copyright owners can use to permit broad reuse of their work, subject to conditions – but they have also developed two distinct mechanisms for content providers to instead designate material as being in the public domain.
- The [Public Domain Mark](#) can be used by cultural heritage institutions (e.g. libraries and museums) to denote that a copy of a work they have shared online is free from all known copyright restrictions – i.e. that they believe that any copyright protection that might once have subsisted, has now expired.
- The [Creative Commons Zero](#) ('CC0') public domain dedication means the creator (or person who would otherwise have owned any copyright) has waived all of their rights under copyright law, worldwide:
 - Thus CC0 is not a Creative Commons licence but a mechanism for dedicating works to the public domain.
- Works made available with a Public Domain Mark or with the CC0 public domain dedication can be included in your teaching materials without any copyright issues (and used for any other purposes too), as long as the designation was made by someone authorised to do so (i.e. whoever would've otherwise controlled reuse).



LICENCES GRANTING REUSE

- The next set of slides details the circumstances in which permission from rights owners might be required to reuse third party copyright-protected works in teaching and learning materials.
- These slides also address questions about relying on licences granting blanket permission under standardised terms, such as Creative Commons (CC) licences.
- Click the red button in the bottom right corner to return to the table of questions at any time.



COPYRIGHT PERMISSION

- Copyright owners have the exclusive right to copy, and to authorise copying of, protected works (i.e. the rights owner's permission is required to reproduce any substantial part, unless a copyright exception covers the use).
 - In the context of delivering non-commercial teaching in a physical or virtual classroom, it is likely that you will be able to rely upon a copyright exception in relation to the reasonable reuse of third party copyright-protected works, as long as your use is fair, unlikely to conflict unduly with the interests of the copyright owner, and accompanied by sufficient acknowledgement identifying the creator and title/source.
- In circumstances where your intended use would exceed what could reasonably be defended as 'fair dealing' (for example, copying commercial stock photographs to decorate your slides), you would need permission to proceed.
- Copyright permission can take many forms, including a statement in a standardised set of terms and conditions, a bespoke licence agreement, or simple 'yes' in response to a reuse request, but must always come from the rights owner (or someone authorised to act on their behalf) and should always be recorded in writing.



SEEKING PERMISSION

- Prior to seeking any copyright permission from rights owners, you should first establish that:
 1. The work is protected by copyright and your use wouldn't be covered by an applicable copyright exception;
 2. You have identified the copyright owner(s) correctly and are approaching the right person; and
 3. The copyright owner has not already granted permission, for example via a Creative Commons licence.
- There is no need to seek permission unless the work is copyright-protected and your intended reuse is not supported by a copyright exception. In assessing whether any given exception might apply, it's important to consider not only whether your use falls within the scope of that exception in principle, but also whether that use is fair and reasonable in practice (i.e. to comply with the associated conditions, in the specific context).
- Obtaining permission from someone who is neither the copyright owner, nor authorised to act on their behalf, is worthless: if permission is necessary, use without the rights owner's authorisation will infringe.
- Always check any terms of use before seeking permission, in case these permit the use you wish to make.



OBTAINING PERMISSION

- Copyright owners are not obliged to grant permission, or even to respond at all – and you should never assume that a lack of response means the rights owner does not object to your proposed reuse.
 - In the context of teaching use, it is generally preferable to use material in accordance with the terms of a blanket licence or within the parameters of an applicable copyright exception, rather than seeking permission from a rights owner who might be unlikely to engage.
 - Where necessary, permissions requests should be open, honest and persuasive; you should *incentivise* rights owners to engage with you and grant permission (e.g. by emphasising the strictly non-commercial nature of your intended use).
- If you have obtained specific permission, you must always read any terms and conditions that apply to the permission granted and ensure that you are able to comply with these before using the licensed material.
 - It is important to keep a record of any permissions granted, so that the University can produce this as evidence in the event of any subsequent dispute.



BLANKET LICENCES

- Permission from the copyright owner should generally take the form of a written licence, providing authorisation to use the material in the manner requested. Licences do not transfer ownership of the copyright – they just provide permission (which may be temporary) to reuse the work (in ways that may be limited and specific).
- Rather than respond repeatedly to individual requests for permission to reuse their work, some copyright owners prefer to grant permission more broadly, to anyone who might be interested in reusing the work, subject to a standard set of terms and conditions.
 - The HE sector negotiates collective licences with rights owners' representatives, covering use of excerpted material from books, journals, newspapers and broadcasts, subject to compliance with the licence terms.
 - The suite of Creative Commons licences provides a convenient way for copyright owners to grant blanket permission, free of charge – authorising reuse as long as the user complies with the restrictions specified.
- Standardised licences can be helpful because they provide certainty that the copyright owner will not be able to object to your reuse – as long as you always abide by the terms and conditions.



COLLECTIVE LICENCES

- Generally, distributing multiple copies of course readings to students, whether in hard or soft copy, is a restricted act under UK copyright law, meaning permission from the copyright owner is required. The University therefore holds a licence from the Copyright Licensing Agency (CLA), the collective management organisation representing authors and publishers, generally permitting the reproduction of up to 10% or one chapter of a book, or 10% or one article from a journal, to students.
 - The Library oversees the provision of scanned and digital copies (as opposed to photocopies) made and shared under this licence, to ensure compliance with the additional terms applying to soft copies.
- Copying from newspapers is subject to the terms of the University's NLA licence, which permits occasional copying of newspaper articles from print newspapers and some newspaper websites. The repertoire includes most national titles, 30 regional/specialist titles, and five international titles. To view the licence coverage and compliance requirements, please consult the Library's [^Copyright LibGuide](#).



COLLECTIVE LICENCES

- The University also holds a licence from the Educational Recording Agency (ERA) and subscribes to the Box of Broadcasts (BoB) electronic resource, giving perpetual access to TV and radio programmes that can be viewed by students who are situated within the UK.
 - With the exception of very short indivisible works, the screening of entire audiovisual works, including those accessible via BoB, must not be captured within recordings created for asynchronous delivery.
 - Live-streaming of entire audiovisual works can only be considered for modules usually scheduling formal on-site screenings to serve an essential pedagogical purpose as a timetabled element of a taught programme, and is further subject to specific guidance disseminated to School Directors of Teaching & Learning. If you have any questions, please email copyright@reading.ac.uk.
- Note that some material is always excluded from the licensed repertoire and collective licences cannot cover all possible reuses of a work; nor are all reuses licensable. Occasionally, specific permission might be required; often, limited reuse will be covered by an applicable copyright exception instead.



CREATIVE COMMONS

- Creative Commons (CC) licences grant blanket permission for reuse in a variety of contexts, intended to promote sharing of creativity and knowledge – enabling a copyright owner to permit broad reuse of their work subject to a few conditions.
- Remember, works licensed under a CC licence are still copyright-protected, so failure to comply with the terms – which always include giving appropriate attribution – might result in copyright infringement.
- Well over a billion works have been made available for reuse under Creative Commons licences, including documents, music and photographs. The Creative Commons [search portal](#) is a good starting point for finding CC-licensed images.
- Attribution (abbreviated as ‘BY’) is always required. A copyright owner can select from three other optional elements, which, in combination, produce six different Creative Commons licences to choose from in total:
 - Some CC licences meet the generally accepted definition of ‘open licences’, permitting reuse, modification and redistribution, including for commercial purposes – while others do not.



DERIVATIVE WORKS

- A licence granting blanket permission should make clear whether you are permitted to make any changes when reusing the work. If the licence permits you to edit, you should bear in mind that, aside from copyright, in most instances authors retain a moral right to object to a ‘derogatory treatment’ of their work (an edited version that distorts the work to a degree that is harmful to the original creator’s reputation).
- Some Creative Commons licences include a No Derivatives (‘ND’) element, precluding sharing of adapted versions:
 - If the licence terms covering use of an artwork forbid editing, this can include making changes to the size or colouration, so you might not be permitted to crop the work or use a greyscale version of a colour image.
- Other Creative Commons licences include a Share-Alike (‘SA’) element, meaning that any adapted versions must be licensed under the same terms, if they are shared (so different restrictions cannot be imposed on the reuse of any derivative works).



IS THE LICENCE VALID?

- Before relying on a licence granting blanket permission, ask yourself a couple of questions, as due diligence:
 - **Does the licence apply to the specific material you wish to copy?** This should be very clear in most cases but, for example, a report published under a Creative Commons Attribution licence might include excerpts or figures from third-party material. You should always ask yourself whether the licence is likely to apply to the specific excerpt or item you intend to reuse.
 - **Has the licence been issued by the genuine copyright owner?** A licence that has not been granted by or with the authority of the copyright owner will be invalid, and therefore any reuse potentially infringing, irrespective of a genuine belief that reuse had been permitted (i.e. there is no “innocence” defence to infringement: permission from the wrong person is not permission at all):
 - *The fact that the defendant may have thought that it had permission to use the images is not a defence to infringement*
 - » HHJ Birss (QC) in *David Hoffman v Drug Abuse Resistance Education (UK) Ltd* [2012] EWPC 2



APPROPRIATE ATTRIBUTION

- Irrespective of whether a licence requires you to credit the creator and source of the work you are using, it is always important to acknowledge identifiable third party sources in teaching materials, to help instil in students (who are required to identify third party material within their own work) the value and importance of good citation practices. This is also a courtesy to creators who are willing to make their work available for free reuse.
 - Additionally, many licences, including [Creative Commons \(CC\) licences](#), require attribution as a condition of reuse. There have been multiple iterations of each CC licence but for all six licence types:
 - You must credit the creator, link to the source of the work, retain any copyright notice and identify the licence under which the material has been made available.
 - Earlier versions of the licences also require you to state the title of the work, if it has one.
-  [View the Creative Commons attribution requirements by licence version \(with a worked example\)](#)
- Failure to comply with any applicable attribution requirements will breach the licence terms, making your use unlicensed and potentially a copyright infringement. Habitually citing all sources helps negate this risk.



Version 1.0

Version 2.0

Version 3.0

Version 4.0

Author if supplied	Author if supplied	Author if supplied and attribution parties if designated via copyright notice / terms / reasonable means	Creator if supplied and attribution parties if designated in reasonable manner
Copyright notices if supplied	Copyright notices if supplied	Copyright notices if supplied	Copyright notice if supplied
Title if supplied	Title if supplied	Title if supplied	N/A
Notices that refer to License and the disclaimer of warranties if supplied	Notices that refer to License and the disclaimer of warranties if supplied	Notices that refer to License and the disclaimer of warranties if supplied	Notice that refers to License and notice that refers to the disclaimer of warranties if supplied
N/A	To the extent practicable, URI licensor specifies to be associated with the work (but only if references copyright notice or licensing info)	To the extent practicable, URI licensor specifies to be associated with the work (but only if references copyright notice or licensing info)	To the extent practicable, URI or link to the material if supplied
If adaptation, credit indicating Work has been used	If adaptation, credit indicating Work has been used	If adaptation, credit indicating Work has been used and reasonable steps taken to identify that changes have been made	Indicate if you modified the material; retain an indication of previous modifications
Text/URI for License	Text/URI for License	Text/URI for License	Indicate the material is available under the License and include text/URI/link
If collection or adaptation, remove reference to author & licensor on request to the extent practicable	If collection or adaptation, remove reference to author & licensor on request to the extent practicable	If collection or adaptation, remove reference to author & licensor on request to the extent practicable	Remove attribution information on request to the extent reasonably practicable
Copyright notice, author, title, credit noting use of original in adaptation – all may be implemented in any reasonable manner, so long as at least as prominent as other authorship credit if an adaptation or collection	Copyright notice, author, title, URI, credit noting use of original in adaptation – all may be implemented in any reasonable manner, so long as at least as prominent as other authorship credit if an adaptation or collection	Author, title, URI, credit noting use of original in adaptation -- all reasonable to medium and means	All reasonable to medium, means, and context



[Click here to see worked example](#)

Adapted from Creative Commons (2018), '[Detailed Attribution Comparison Chart](#)', *Licence Versions (CC Wiki)*, [CC BY 4.0](#)



Version 2.0

Author if supplied

Copyright notices if supplied

Title if supplied

Notices that refer to License and the disclaimer of warranties if supplied

To the extent practicable, URI licensor specifies to be associated with the work (but only if references copyright notice or licensing info)

If adaptation, credit indicating Work has been used

Text/URI for License

If collection or adaptation, remove reference to author & licensor on request to the extent practicable

Copyright notice, author, title, URI, credit noting use of original in adaptation – all may be implemented in any reasonable manner, so long as at least as prominent as other authorship credit if an adaptation or collection

Adapted from Creative Commons (2018), [‘Detailed Attribution Comparison Chart’](#), *Licence Versions (CC Wiki)*, [CC BY 4.0](#)

The image on the right was sourced from Flickr, via the following URL:

[flickr.com/photos/tomtolkien/8069311157/](https://www.flickr.com/photos/tomtolkien/8069311157/)

The original photograph has been made available by the photographer under a Creative Commons licence permitting modification and reuse, and this copy has been cropped from the bottom left.



How should this copy be attributed?

Flickr uses Version 2.0 CC licences, so the attribution must identify:

- The creator of the image
- Any copyright notice supplied (e.g. “© Flickruser123”)
- The title of the image if supplied (not descriptions)
- Indication of changes, if permitted & applicable (e.g. “cropped from original”)
- Identification of (& link to) the CC licence
- Any link to the work specified, if relevant & practicable

Suggested credit: Detail from [‘Clinging on’](#). Copyright Tom Tolkien, [CC BY 2.0](#)

Had this image been untitled and published without a copyright notice, the suggested credit would have been:

Photo by Tom Tolkien ([via Flickr](#)), [CC BY 2.0](#) [cropped from original]



CHECK YOUR KNOWLEDGE

- Which of the following acknowledgements would constitute appropriate attribution for the photograph made available under a CC licence at the following link? [^https://www.flickr.com/photos/51035729697@N01/8409251](https://www.flickr.com/photos/51035729697@N01/8409251)

'[Cat in a box](#)' by Raphael Cockx, [CC BY-NC-SA 2.0](#)

Option 1

Credit: '[Cat in a box](#)', © [Creative Commons](#) (via Flickr)

Option 2

Copyright © Raphael Cockx 2003, [CC BY-NC-SA 2.0](#)

Option 3

CHECK YOUR KNOWLEDGE

- Which of the following acknowledgements would constitute appropriate attribution for the photograph made available under a CC licence at the following link? [^https://www.flickr.com/photos/51035729697@N01/8409251](https://www.flickr.com/photos/51035729697@N01/8409251)

[‘Cat in a box’](#) by Raphael Cockx, [CC BY-NC-SA 2.0](#)



Best practice attribution for a Creative Commons licensed work identifies the author, licence, title (if there is one) and the source. A hyperlink to the original work gives sufficient indication of the source. You only *need* to include a copyright notice (using the © symbol) if the licensor does this themselves. However, an acceptable alternative attribution would be:

‘Cat in a box’ © Raphael Cockx 2003, CC BY-NC-SA 2.0 (via Flickr)



Correct, well done!



CHECK YOUR KNOWLEDGE

- Which of the following acknowledgements would constitute appropriate attribution for the photograph made available under a CC licence at the following link? [^https://www.flickr.com/photos/51035729697@N01/8409251](https://www.flickr.com/photos/51035729697@N01/8409251)

'[Cat in a box](#)' by Raphael Cockx, [CC BY-NC-SA 2.0](#)

Option 1

Credit: '[Cat in a box](#)', © [Creative Commons](#) (via Flickr)



Sorry, that's not right

Copyright © Raphael Cockx 2003, [CC BY-NC-SA 2.0](#)

Option 3

CHECK YOUR KNOWLEDGE

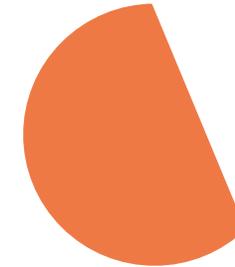
- Which of the following acknowledgements would constitute appropriate attribution for the photograph made available under a CC licence at the following link? [^https://www.flickr.com/photos/51035729697@N01/8409251](https://www.flickr.com/photos/51035729697@N01/8409251)

'[Cat in a box](#)' by Raphael Cockx, [CC BY-NC-SA 2.0](#)

Option 1

Credit: '[Cat in a box](#)', © [Creative Commons](#) (via Flickr)

Option 2



Not quite – try again

Copyright © Raphael Cockx 2003, [CC BY-NC-SA 2.0](#)

CONTRACT TERMS AND TPMs

- While you must always abide by the terms of access to which you agree under contract, certain conditions of use can be disregarded if expressly permitted by law. For example, if a database to which the University subscribes, providing access to published journal articles, indicated that users of the database were not permitted to reproduce any excerpts from those articles, this condition would be unenforceable, because a copyright exception for fair dealing by the use of a quotation specifies that the exception cannot be overridden by contract.
 - Permission granted provides the benefit of certainty that a licensed use will not infringe, but many copyright exceptions can continue to apply, notwithstanding the availability of a work under licence.
- However, it is never permissible to circumvent effective technological protection measures (TPMs), such as the embedding of digital rights management software to inhibit copying of a work, *even* if the circumvention of those measures is intended to facilitate lawful use under a copyright exception.
 - Permission from the rights owner is always required if the act of copying would involve circumventing effective technological protection measures, as no copyright exceptions provide a defence to this.



FREELY LICENSED WORKS

- The following resources provide material under licences permitting free reuse, as long as you observe the simple terms specified. Licensed materials can be used irrespective of other considerations (e.g. conditions specified in relation to relying on a copyright exception).
 - Stock photography: Unsplash (under the [^Unsplash License](#)); Pexels (under the Pexels License); Pixabay (under the Pixabay License). Beware of advertisements or “sponsored results” listing commercial stock photography alternatives when using Pexels and Pixabay, as such images are not free to use.
 - Other images: Wikimedia Commons provides copyright-protected images under [^open content licences](#), as well as public domain images (note that public domain status can vary by territory). Alternatively, try the Creative Commons [^search portal](#) and filter results by licence/source.
 - Sound recordings: Bensound (under the [^Free License with Attribution](#)); ccMixter ([^filtered](#) to free reuse – confirm the [^licence information](#) listed track by track).



FREELY LICENSED WORKS

- Note that even resources specialising in the provision of material made available for free reuse are not guaranteed to exclude infringing material, especially if they accept user submissions without vetting or curation.
- Always ask yourself a few questions as due diligence before reusing works that are purportedly available under a CC licence, to determine whether you can trust the source. For example:
 - Is it feasible that the user would have been able to create the work? Do any details suggest the creator might have been working professionally (e.g. benefitting from privileged access at an event) or unlikely to license their images for free?
 - Is there anything within the image to suggest the licensor might not be the copyright owner – e.g. an agency logo or watermark? Remember, works must have been licensed for reuse by or with the authority of the copyright owner for the licence to be valid.



USING COPYRIGHT EXCEPTIONS

- The next set of slides advises on reproducing copyright-protected material *without* obtaining permission from the copyright owner, relying on applicable copyright exceptions instead.
- Exceptions limit the exclusive rights of copyright owners in certain circumstances, subject to tests of fairness. You should not attempt to rely on an exception when permission is required – but don't need to seek permission if an exception applies, as copyright will not restrict that use.
- Relying on an exception does not eliminate risk, because rights owners might still try to contest unauthorised use (e.g. by issuing a takedown request or seeking to charge a retrospective fee). Therefore, it is important that your use meets the requirements of an applicable exception in full.
- These slides include two final 'check your knowledge' quiz questions, which you can answer in Slide Show view in Power Point, or in your PDF reader.



COPYRIGHT EXCEPTIONS

- UK copyright law provides various exceptions to a copyright owner's exclusive right to control copying and other uses of their work, enabling unauthorised use in certain circumstances.
- Generally, you are **not** likely to need to obtain the copyright owner's permission to make reasonable reuse of third party material in the course of delivering non-commercial teaching to students.
- The most relevant exceptions in relation to your teaching practice are those covering use for '**illustration for instruction**' and use for **criticism, review** or **quotation** purposes.
- To rely on these exceptions, your use must also be 'fair dealing' with the original work – i.e. reasonable in the context and not detrimental to the legitimate interests of the copyright owner.
- Note that the exceptions are defined narrowly and if your use does not fit one of the categories, reusing a substantial part of an original work is likely to infringe:
 - *The nature of UK copyright exceptions is that they are defences to accusations of infringement rather than rights*
 - » Secker et al (2016), 'To boldly go...', *CILIP Update Magazine*, September.



TEACHING USE

- The copyright exception permitting fair dealing for the sole purpose of ‘illustration for instruction’ covers use in the course of preparing and delivering teaching, and setting and circulating examination and assessment questions.
 - This applies to non-commercial teaching use specifically (whether taking place on University premises or elsewhere, or in recorded lectures streamed remotely via a secure Virtual Learning Environment), as long as the reuse of third party material is fair and reasonable.
- Generally, copyright-protected material (including text, images and short video clips) can be reproduced under this exception in lecture slides, or otherwise used during a teaching session, to illustrate a teaching point.
- Accompanying acknowledgement of the work and the creator is always required, unless doing so is ‘impossible’.
- To demonstrate that your use serves the ‘sole purpose’ of illustration for instruction, it is helpful for the inclusion of third party material to relate directly to a teaching point or learning outcome. More tangential use might be possible under the exception, but might increase the difficulty of demonstrating fairness.



TEACHING SLIDES

- Note that this exception does not permit merely decorative uses, nor uses that are substantively divorced from the act of teaching. For example, you should be able to display an image of a painting, or the text of a poem or news report, in the course of your teaching – but it is unlikely to be equally permissible to distribute multiple copies of that painting or poem, shorn of the context of your teaching use, without recourse to a licence.
- The availability of this copyright exception does not mean that lecture slides are exempt from copyright issues. Distributing your slides in a different context, e.g. by posting them publicly online or printing multiple copies to hand out, might affect the assessment of fair dealing.
 - Although it is unlikely to be necessary to remove content used under an applicable exception before sharing teaching slides via a Virtual Learning Environment, you should aim to ensure that your slides provide sufficient context to demonstrate the embedded instructional purpose of the use (i.e. in support of an act of teaching).



CRITICISM OR REVIEW

- Fair dealing with copyright-protected works made available to the public (i.e. excluding unpublished works), for the purposes of criticism or review, does not infringe copyright if accompanied by ‘sufficient acknowledgement’.
- This exception supports reasonable reuse necessary to facilitate or support germane critique, commentary or discussion of works – not confined to non-commercial teaching use – as long as the use is fair dealing.
- The fairness of your critique is irrelevant; rather, the determination of fairness relates to the extent of the use, relative to your accompanying criticism/review (whether of the work itself or of another work, e.g. for contrast).
- The less direct the critique (and the more generally illustrative the use), the more difficult it is likely to be to demonstrate that the dealing is fair, which will always be a matter of context and interpretation. However:
 - *Criticism of a work need not be limited to criticism of style. It may also extend to the ideas to be found in a work and its social or moral implications.*
 - » Lord Justice Robert Walker in *Pro Sieben v. Carlton* [1998] EWCA Civ 2001
- As a minimum, you must ensure that you are making explicit reference to any excerpts or works used under this exception, to help demonstrate genuine relevance to your accompanying criticism or review.



QUOTATION

- Fair dealing by the use of a quotation from works that have been made available to the public (i.e. excluding unpublished works) does not infringe copyright if accompanied by ‘sufficient acknowledgement’.
- The quotation doesn’t have to be for the purposes of criticism or review: it could be simply illustrative. However:
 - [...] *to benefit from the general quotation exception you must also establish that the extent of your quotation is no more than is required by the specific purpose for which it is used.*
 - » Boshier, H. (2017), [^Quotation, Criticism & Review](#), via copyrightuser.org [online]
- This exception applies to all kinds of copyright works (not just text), so for example might include quoting a short clip from a film, or quoting a detail from a painting.
- However, it is risky to rely on this exception to reproduce works in their entirety. For this reason:
 - [...] *it would only be in exceptional circumstances that copying a photograph would be allowed under this exception. It would not be considered fair dealing if the proposed use of a copyright work would conflict with the copyright owner’s normal exploitation of their work.*
 - » Intellectual Property Office (2014), [^Exceptions for Copyright: Research](#), via gov.uk [online]



AVAILABLE TO THE PUBLIC

- In the UK, many copyright exceptions permit reuse only if the original work has been ‘made available to the public’, by (or with authorisation from) the copyright owner.
- This term isn’t defined clearly in the legislation, but includes availability via any of the following means:
 - publication (putting copies into circulation by sale or otherwise)
 - accessibility via an electronic retrieval system (e.g. a website or database)
 - rental or lending of copies to the public
 - performance, exhibition, playing or showing of the work in public
 - communication to the public of the work (e.g. online or in a broadcast)
- Except for use for teaching & assessment purposes, reproducing material from a copyright-protected work that has not been made available to the public will generally require permission from the copyright owner.
 - Note that, due to a quirk of UK law, most unpublished works of known authorship will be protected by copyright until the end of 2039, even if the author died more than 70 years ago.



FAIR DEALING

- In the UK, many copyright exceptions permit reuse only if it is ‘fair dealing’ with the original work.
- This term isn’t defined in the legislation, but means that any use made must be reasonable, not excessive, nor likely to conflict unduly with the interests of the copyright owner (for example, by causing them to lose a sale).
- The key question to ask yourself is:
 - *How would a fair-minded and honest person have dealt with the work?*
 - » Intellectual Property Office (2014), [^Exceptions to Copyright](#), via gov.uk [online]
- The purpose and context of the use is sometimes more important than the amount you copy:
 - For example, it might be fair dealing to use 100% of a poem for the sole purpose of illustration for instruction, but it might not be fair dealing to copy 50% of the same poem by way of a quotation.
- Note that fair dealing is not the same as ‘fair use’, which is a concept in US law:
 - Fair dealing is a test to be met in order to rely on certain narrow copyright exceptions, such as those for criticism, review or quotation, whereas the USA’s fair use system is more open-ended.



CHECK YOUR KNOWLEDGE

- Which of the following statements describes the maximum you are permitted to copy as fair dealing under an applicable copyright exception?

Up to 10% of the work or one chapter, whichever is greater

Option 1

As much as you wish, if the rights owner doesn't lose income

Option 2

This is always a matter of fact, degree and impression

Option 3

CHECK YOUR KNOWLEDGE

- Which of the following statements describes the maximum you are permitted to copy as fair dealing under an applicable copyright exception?

A determination of fair dealing will always be specific to the context of your use; factors such as the amount taken and any economic impact on the rights owner will always form part of this assessment, but no single quantitative factor is usually decisive. Instead, these criteria need to be considered collectively and a judgement made as to whether, overall, the use is fair-minded and reasonable in the specific circumstances.

This is always a matter of fact, degree and impression



Correct, well done!



CHECK YOUR KNOWLEDGE

- Which of the following statements describes the maximum you are permitted to copy as fair dealing under an applicable copyright exception?

Up to 10% of the work or one chapter, whichever is greater

As much as you wish, if the rights owner doesn't lose income

Option 2



Sorry, that's not right

This is always a matter of fact, degree and impression

Option 3

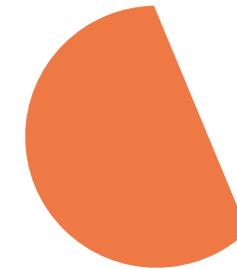
CHECK YOUR KNOWLEDGE

- Which of the following statements describes the maximum you are permitted to copy as fair dealing under an applicable copyright exception?

Up to 10% of the work or one chapter, whichever is greater

Option 1

As much as you wish, if the rights owner doesn't lose income



Not quite – try again

This is always a matter of fact, degree and impression

Option 3

ACKNOWLEDGEMENT

- In the UK, many copyright exceptions are contingent upon ‘sufficient acknowledgement’ accompanying the use, unless this is impossible to include. This term is defined in the legislation:
 - *“sufficient acknowledgement” means an acknowledgement identifying the work in question by its title or other description, and identifying the author unless—*
 - (a) *in the case of a published work, it is published anonymously;*
 - (b) *in the case of an unpublished work, it is not possible for a person to ascertain the identity of the author by reasonable inquiry*
 - » Copyright, Designs and Patents Act 1988, s.178.
- If copying or reusing material you have found online, providing the name or URL of the website where you located the material is unlikely, in itself, to constitute sufficient acknowledgement:
 - Acknowledgement must credit the *author(s)* if known, who might be different from the copyright owner.
- If you do not include, wherever possible, sufficient acknowledgement as defined, your use is unlikely to be covered by the copyright exception that might otherwise apply, and therefore more likely to infringe copyright.



CHECK YOUR KNOWLEDGE

- Which of the following statements about including sufficient acknowledgement for third party copyright-protected material used under an applicable copyright exception in teaching slides is correct?

You must always link to the website where you found the work.

Option 1

Your attribution must identify the copyright owner and title.

Option 2

You could give sufficient acknowledgement on a credits slide.

Option 3

CHECK YOUR KNOWLEDGE

- Which of the following statements about including sufficient acknowledgement for third party copyright-protected material used under an applicable copyright exception in teaching slides is correct?

As long as sufficient acknowledgement is provided somewhere within your slides, linked clearly to the excerpt or work to which it relates, you will meet this requirement. Attribution is required unless it would be impossible – for example, because the work is anonymous. You do not need to identify the website where you located the work, or the copyright owner, although these additional details might be useful to students sometimes, nevertheless.

You could give sufficient acknowledgement on a credits slide. ★



Correct, well done!



CHECK YOUR KNOWLEDGE

- Which of the following statements about including sufficient acknowledgement for third party copyright-protected material used under an applicable copyright exception in teaching slides is correct?

You must always link to the website where you found the work.

Your attribution must identify the copyright owner and title.

Option 2



Sorry, that's not right

You could give sufficient acknowledgement on a credits slide.

Option 3

CHECK YOUR KNOWLEDGE

- Which of the following statements about including sufficient acknowledgement for third party copyright-protected material used under an applicable copyright exception in teaching slides is correct?

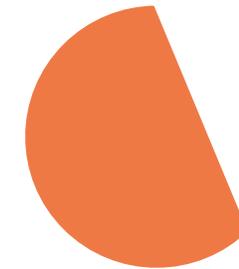
You must always link to the website where you found the work.

Option 1

Your attribution must identify the copyright owner and title.

You could give sufficient acknowledgement on a credits slide.

Option 3



Not quite – try again

FAIR DEALING WITH PHOTOS

- Generally, reproducing copyright-protected works in their entirety – including e.g. single photographs – is likely to exceed what might be defensible as fair dealing by the use of a quotation. Instead, including an entire image in non-commercial teaching materials without rights owner authorisation is likely to be permissible *only if* it is:
 - ✓ necessary to reproduce the image to make a teaching point to which the photo directly relates; or
 - ✓ necessary to reproduce the image to facilitate meaningful accompanying comment or critique; or
 - ✓ necessary to reproduce the image for the purposes of comparison with another work you are critiquing.
- Additionally, to ensure any such use of photographs is fair and reasonable under an exception, you must avoid:
 - x making excessive use (e.g. by using more images than you need to make your point, or using multiple images from the same source), or unattributed use (if the identity of the photographer is known)
 - x reproducing images at a larger resolution or size than necessary, or distorting, cropping or tinting them
 - x reproducing images primarily for decorative reasons (e.g. on the cover of a module handbook)
 - x using images that are usually sold (e.g. commercial stock photography).



FAIR DEALING WITH FILMS

- Under UK copyright law, a single frame from a film is deemed a substantial part of the film from which it is taken.
- However, both the use of entire frames or stills within teaching materials, and the contextualised showing of short clips critiqued or discussed directly (whether face-to-face, or virtually via a secure, password-protected Virtual Learning Environment), are likely to constitute fair dealing for the purpose of illustration for instruction, or for the purposes of criticism, review or quotation, if reasonable in the context and accompanied by sufficient acknowledgement identifying the film, its principal director and the production company.
 - Including a screenshot or playing a short clip that relates directly to a teaching point, or is otherwise the specific focus of your accompanying critique, or quoted for a specific purpose, is unlikely to infringe.
 - Copying or playing clips for entertainment or other extra-curricular purposes is less likely to be defensible.
- Quotation is not limited to the original medium, so can cover allusions to or re-creation of an excerpted element.
- Except for very short indivisible works, the screening of entire audiovisual works must not be captured in recordings created for asynchronous delivery. Please contact copyright@reading.ac.uk for more details.



STUDENT WORK & COPYING

- Whereas copyright-protected works created by staff in the course of employment are owned by employers automatically under UK law (see clauses 5.1 and 5.2 of the University's [Code of Practice on Intellectual Property](#) for more information), students retain ownership of copyright in their original work.
- In the UK, students benefit from copyright exceptions covering non-commercial use and private study in relation to their independent studying, as well as from the copyright exception covering illustration for instruction:
 - This applies to receiving instruction and answering assessment questions, so student note-taking and copying will not infringe copyright in these contexts, if the use is fair dealing and credited appropriately.
- Copyright law is territorial, meaning UK exceptions do not apply to students' copying that *takes place* overseas.
 - Despite a lack of harmonisation in relation to cross-border teaching activity, many countries provide statutory copyright exceptions for educational use and, if the inclusion of third party copyright-protected content in teaching and learning materials is within UK fair dealing parameters, the risks of copyright owners objecting are low. Providing infringing copies to students could create some exposure to risk.



IS IT OK TO...?

- The final set of slides answer some common practical questions about different uses of different kinds of copyright-protected works, and whether these fall within or beyond the limits of fair dealing copyright exceptions, in relation to teaching use.
- If you have a question that remains unanswered by this resource, or any further queries, please email copyright@reading.ac.uk.
- Click the red button in the bottom right corner to return to the table of questions at any time.



MULTIPLE COPYING: *IS IT OK?*

- Generally, distributing multiple copies of book chapters, journal articles, newspaper cuttings, poems and similar material to *support* your teaching is permissible only under the terms of the University's collective licence agreements with rights owners' representatives. The provision of digitised copies of reading material must be overseen by the Library to ensure compliance with all applicable licence terms.
- Separately, the use of copyright-protected images, excerpts and short clips in *delivering* teaching might also involve distributing multiple copies, if captured in lecture recordings or included in slides made available via a Virtual Learning Environment (VLE). The scope and context of such use is better supported by applicable copyright exceptions (enabling fair dealing for purposes such as 'illustration for instruction', quotation or critique).
 - You must ensure sufficient acknowledgement of protected works has been included unless impossible, and that the use is fair, reasonable, and unlikely to conflict unduly with the interests of the copyright owner.
 - Using or distributing slides containing unattributed, excessive or unreasonable use of protected works would be likely to infringe: exceptions do not provide an automatic exemption for all lecture slides.



SHARING SLIDES: IS IT OK?

- Several exceptions help support teaching and could cover the inclusion of third party copyright-protected material in slides used to deliver non-commercial teaching, if the use is fair dealing. Primarily, these are:
 - ✓ **Fair dealing for the sole purpose of illustration for instruction**
 - ✓ **Fair dealing by the use of a quotation**
 - ✓ **Fair dealing for the purposes of criticism or review**
- These exceptions can overlap, and apply equally to teaching delivered physically or digitally (e.g. in recordings).
- It is not normally permissible to ‘quote’ entire images, so it is important to be able to demonstrate that the use of protected photos and other artistic works under an exception relates to a particular teaching point or critique. The less necessary your use appears to be to facilitate your purpose, the more difficult it might become to demonstrate fair dealing. (Remember, *merely* decorative use of images will not be covered by an exception.)
- Generally, you are unlikely to need to amend your slides before sharing copies via the VLE, as the context will likely suffice to evidence the relevance of properly credited third party material to your teaching practice.
- However, providing copies of slides comprising large stand-alone images / extensive text excerpts, shorn of the context of your teaching use, is likely to pose a high risk in the event of a rights owner complaint.



USING LOGOS: *IS IT OK?*

- Organisation and brand logos can be protected by copyright (as artistic works) and as registered or unregistered trade marks. While copyright restricts unauthorised copying and various other kinds of reuse, trade marks are protected against commercial misuse specifically. Copyright protection is (ultimately) time-limited, whereas protection for a registered trade mark can be renewed indefinitely as long as the mark remains in use.
 - Companies can be extremely protective of their brand assets and corporate identity, and sometimes stipulate the manner in which reference to word marks or logos may be made (e.g. in brand guidelines).
- Notwithstanding this, fair dealing with logos for the purposes of illustration for instruction or criticism, review or quotation is unlikely to conflict with the rights owner's normal exploitation of their work or to infringe copyright.
 - Logos embedded in works of corporate authorship can serve as sufficient acknowledgement and identify the rights owner, so logos should not be obscured when reusing other works under a copyright exception.
- Additionally, as long as you avoid implying any false association or endorsement, using logos for identification or reference purposes is highly unlikely to constitute trade mark infringement or 'passing off'.



SCREENING FILMS: *IS IT OK?*

- Copyright restricts acts including copying, public performance and communication to the public (including sharing online) of protected works. Campus screenings to an audience of staff and students for educational purposes benefit from a specific exception, so are not public performances from a copyright perspective.
- However, this exception does not permit sharing or showing films remotely online, even when live-streamed to a restricted audience via a Virtual Learning Environment.
- With the exception of very short indivisible works used under the exceptions permitting fair dealing for illustration for instruction or for the purposes of criticism or review, the screening of entire audiovisual works must not be captured within recordings created for asynchronous delivery.
- If you usually schedule formal, on-site screenings of audiovisual works as a timetabled element of a taught programme, serving an essential pedagogical purpose, the provision of timetabled live-streams of such content – equivalent to a one-time screening on campus – may be permissible, subject to guidance disseminated to School Directors of Teaching & Learning. Please email copyright@reading.ac.uk for more information.



GOOGLE IMAGES: *IS IT OK?*

- Image results retrieved via Google, Bing and other search engines are likely to vary very widely in copyright status: from public domain images in which no rights subsist, to copyright-infringing copies published online without permission. Some images are made available for sale and others openly licensed for free reuse, while many are published without any consideration of potential reuse, while being automatically copyright-protected.
- A simple image search does not limit results to those made available for reuse, although both Google and Bing provide results filters allowing selection by Creative Commons licence. Google search results can also be limited to images that are commercially licensable, while Bing's filter can limit results to those tagged as public domain.
 - You can also use the Creative Commons search portal to retrieve only CC-licensed results matching stipulated licences, usage types and/or particular sources, directly.
- If you intend to use an image decoratively, make edits, or make commercial use, it is sensible to restrict search results to images indicated as being available under licence terms permitting such use, or in the public domain.
 - However, you should not simply rely on search engines to verify the copyright status on your behalf.



GOOGLE IMAGES: *IS IT OK?*

- While limiting search results to images made available under licences permitting free reuse is likely to help you to avoid making infringing use, it's important to be aware that:
 - works licensed under a Creative Commons licence are not 'copyright free', so use that does not comply with the licence terms – which always include giving appropriate attribution – is still likely to infringe; and
 - sometimes, by mischief or mistake, images are purportedly made available under Creative Commons licences when no such licence has been granted by the rights owner, making the licence invalid, and the use likely to infringe. For this reason, search results are not guaranteed to exclude false positives.
- Instead, to rely upon a Creative Commons licence, you must first visit the webpage hosting the image and verify that the licence identified by a search engine does indeed apply to that particular image; and then consider whether the uploader & licensor was likely to be the copyright owner (and therefore entitled to grant the licence).
 - If so, you must then read the licence conditions, to ensure that you understand – and will be able to comply with – the terms of any permission granted.



GOOGLE IMAGES: *IS IT OK?*

- Of course, the availability of applicable copyright exceptions means that you are not always limited to using only the images for which rights owners actively permit or encourage reuse, or in which copyright has expired. In the context of delivering non-commercial teaching, it is likely to be permissible to reuse copyright-protected images without authorisation from the rights owner, to illustrate a teaching point or for the purposes of criticism or review.
 - However, these exceptions apply only to the extent that any use made is fair dealing and accompanied by sufficient acknowledgement, identifying the author/creator (if known) and the title/source of the work.
- It is harder to demonstrate fair dealing if reproducing images that are normally licensed commercially, for which the copyright owner has a reasonable expectation of charging fees for reuse. It is therefore important to avoid using images from commercial stock photography websites under copyright exceptions, because this is likely to conflict with a rights owner's normal exploitation of their copyright-protected work.
- It is also best to avoid photographs for which clear or prominent attempts have been made to deter unauthorised reuse, e.g. via embedded watermarks or copyright notices.



GOOGLE IMAGES: *IS IT OK?*

- You should always avoid reusing images retrieved from aggregator sites such as Pinterest, or images that you have copied directly from search results, as it is highly unlikely to be permissible to reuse such images without identifying the creator or source. It is difficult to discern this information, and to ensure that you have given due consideration to the interests of the copyright owner in utilising the work, without locating the original source.
- While search engines can help you to locate images that might be relevant to your teaching, it is important not to view search results as providing a free resource of reusable images. The only circumstances in which it is advisable to reuse a copyright-protected image – irrespective of where it is found – are:
 - if a valid licence permitting reuse applies, and you comply with the licence terms; or
 - if it is necessary to use the image to facilitate a teaching point or critique, and you comply with the requirements stipulated in relation to fair dealing and sufficient accompanying acknowledgement.
- Some photographers are especially protective of their works, given the ease with which unauthorised copies can proliferate online, and might still be inclined to challenge use under the statutory exceptions.



MAKING EDITS: *IS IT OK?*

- Reproduction and adaptation are both ‘restricted acts’ under UK copyright law. While adaptation is defined very narrowly (meaning most non-verbatim copying is more likely to constitute reproduction) making changes to a copyright-protected work does not avoid or minimise any potential copyright issues.
- Extensive edits might result in the creation of a derivative work; potentially adding a new ‘layer’ of protection in relation to the changes made but in no way reducing the protection enjoyed by the underlying, original work. (For example, publishing an edited, derivative work without permission from the original rights owner would infringe.)
 - Remember, copyright restricts reproduction of any substantial part of a protected work, which needs to be assessed primarily qualitatively. Derivative works reproduce a substantial part of their source work.
- Alongside copyright, the creators of literary, artistic, dramatic and musical works benefit from moral rights, providing some protection for the integrity of their work. This includes the right to object to a ‘derogatory treatment’; meaning editing that is harmful to the reputation or honour of the work’s creator.
- While minor edits made for pedagogical purposes are unlikely to infringe, alterations that might breach moral rights, e.g. unidentified abridgement of a work, are not permissible under licences or exceptions.



TRANSLATION: *IS IT OK?*

- Translating a work from one language to another is always an act of adaptation (but never a derogatory treatment). For copyright purposes, the translator will be the author of their original translation (but not of the original work, unless the translator and original author are one and the same person).
 - If you intend to create and share your own translation of a copyright-protected work, you will generally require permission from the owner of copyright in the original work.
 - An original translation of a public domain work will be protected by copyright for the lifetime of the translator and 70 years thereafter, so modern translations of ancient texts are protected by copyright automatically.
 - Unless the work being translated is in the public domain, the reuse of an original translation is protected by two 'layers' of copyright; generally requiring permission from both the original author and the translator.
- However, translating a brief quotation or reasonable excerpt of a published work that you are reproducing to facilitate a teaching point or critique will not require permission from the copyright owner, if doing so is necessary to convey your point, fair dealing with the original text and identified as your own translation.



PARODYING WORK: *IS IT OK?*

- Under UK copyright law, fair dealing for the purposes of caricature, parody or pastiche does not infringe.
- To qualify as a parody, the use of a copyright-protected work must both evoke the original while being noticeably different, and be humorous or mocking. Accompanying ‘sufficient acknowledgement’ is not required, however.
 - To be permissible under the exception, such a parody must also be fair dealing with the original work, striking a balance between the interests and intents of the user and those of the rights owner.
- For parodies, the more you reproduce of the original work, the riskier it might become to rely on fair dealing.
- Further, the parody must not amount to a ‘derogatory treatment’ (i.e. editing of the work that is harmful to the reputation or honour of its creator), to avoid infringing moral rights (to which the exception does not apply).
- This is likely to be achieved by avoiding any danger of confusion, substitution, or the creation of offensive associations with the original work likely to conflict with the author’s or rights owner’s legitimate interests.
- Sharing a pre-existing parody that does not infringe the original work by virtue of this exception will not infringe copyright in the original work, either.



USING GIFs: *IS IT OK?*



- Looping, animated GIF images, e.g. reproducing very short clips from film and TV, are popular on social media platforms and might be deployed in an educational context (particularly those that have attained meme status).
- GIFs are often used without direct reference to the source work and thus without accompanying attribution.
 - Generally, the use of unattributed GIFs is unlikely to conflict with the interests of the rights owner, because of their minimal duration: watching a two-second GIF would not substitute for watching a film, for example.
 - However, neither is the use of GIFs covered neatly by existing UK copyright exceptions: quotation requires accompanying acknowledgement, while parody requires noticeable differences with the original work.
- The use of very short expressive GIFs from film and TV might instead amount to insubstantial copying: while the source works are protected, and a 'photograph' (copy) of any image forming part of a film is always considered a substantial part of that film, a very short moving image might qualify as an insubstantial part, if not a 'spoiler'.
- Using existing GIFs and memes in teaching is low risk but identifying the original work is still good practice.



DISCLAIMER

- The information contained in this document is intended to provide guidance to University of Reading teaching faculty, regarding the use of third party copyright-protected materials to support teaching & learning in the physical or virtual classroom.
- Copyright issues can be complex, and answers to copyright queries are very often context-specific, e.g. depending on factors such as the purpose, character and extent of the use.
- This guidance has not been written by a lawyer and does not constitute legal advice. If you require formal legal advice on matters external to the University of Reading, please contact a specialist lawyer.
- This resource was created by Chris Jones, Copyright Officer at the University of Reading, who asserts his moral right to be identified as the author of this work.

