



An Introductory Guide to Copyright Issues for Media and the Web

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REMEMBER:

**Do not use materials unless you are certain you have the right to do so.
You will be held responsible if you break copyright laws.**

The Web/WebCT/Copying Materials

In general, you must not copy DVDs, CDs, video or audio tapes, digital files, or any media that contain **any** material that you do not have the licence to copy, or to which you do not own the copyright, and put them on the web.

You must not put any materials on the web **even if** they are within a password-controlled environment such as WebCT, unless you are specifically authorised to do so. There are occasions where materials can be copied for dissemination, which is discussed later in this document.

Everything Has a Copyright

In the UK, everything is immediately covered by copyright laws, from the minute it is written down, shot through a lens, or recorded through a microphone. In other words, you do not need to stipulate 'Copyright 2008' on your work to safeguard its copyright (although it does no harm). This means that if students record your lecture, the copyright for the lecture remains with you, and their use of your material is restricted by copyright laws. If an external company creates work for you, it is in your interest to ensure that you obtain the copyright of the materials so you can use them in whatever way you wish – check with the company that is working for you. An external company producing a video for you does not have the automatic right to distribute it – the performer and writers still own the copyright of their performance and content.

Creative Commons and Copyleft

If you would like **your** work to be freely used for non-profit, and understood as so in the public domain, the Creative Commons website is a good source of information. wikipedia also gives a good explanation of Creative Commons' work. Copyleft and the GNU project offer similar resources for allowing creators to release materials/software/media in degrees of copyright freedom, for example, to non-profit organisations and individuals:

<http://creativecommons.org/>

http://en.wikipedia.org/wiki/Creative_Commons

http://en.wikipedia.org/wiki/GNU_General_Public_License

Third Party Video and Audio

If you commission and pay for a video/audio, even photograph, the creator may retain the copyright. If you want to use this work, you need to ask the copyright owner, or the person who created the work, and get permission in writing. Keep their responses. Be very specific in describing exactly what you want to do with

the work, and do not alter that specification without seeking further advice from the copyright holder. Do not reuse the work before getting permission to do so. Here are a few questions you should ask:

- Can I copy this material to put on the web for streaming/download/podcast purposes?
- I intend to put this material in a password-controlled area; however, students may view it while off-campus/at home, which may include abroad. Is this permissible?
- Can I copy the materials in full or partly and put them on any media (CD/DVD/electronic file/tape/paper) for students to take away?
- May I show the material in my lectures?

Video/Audio You Have Created

Questions you should ask:

- Do you own the copyright for the content within the video/audio?
- Have your students/actors signed a release form for you to use the material?
- Have students given permission for any of their work that is included in the audio/video (including course work, as they own the copyright to this) to be put on the web?
- Is there anything in the audio/video that may cause offence or bring anyone or the University into disrepute?

Virtual Learning Environments (VLEs)

Materials may not be used without permission within any virtual learning environment (e.g. WebCT) unless that specific use has been agreed in writing by the copyright holder, or the materials are used for purposes of critique. Ask the copyright holder for permission and make sure he or she knows exactly how you intend to use the materials, stating that VLEs are available to both campus-based and Flexible and Distributed Learning (FDL) students, and that the VLE is not location-specific.

TV Programmes/Off-Air Recording

You **may** record and/or copy **any** television materials at home from terrestrial stations (including More 4) for distribution amongst your students, but not on the web, as long as they pertain directly to the assessment on your course. You may also show these 'off-air' recordings (TV programmes) in your presentations and lectures, provided your audience is only students on your course. It is permitted to show video and audio within exam conditions.

The University has licence through the Educational Recording Agency to lend out recordings of television programmes, some films and audio recordings. You may not put these materials on the web. See: <http://www.era.org.uk/> regarding the licence scheme for educational use of copyright materials and <http://www.era.org.uk/FAQ.html> for frequently asked questions.

The University Library has an enormous amount of off-air recordings available to staff and students, some of which have been duplicated. You are permitted to copy these materials, **but please ask**. If you wish the Library to make a copy of a programme that has not yet been broadcast, please email your librarian, who will ask Media Support to make a copy for the Library. You may not put any of these materials on the web unless you have permission from the copyright owner.

Work Created by Staff

The copyright for any work created and funded by the University, by full or part-time staff, either on University premises or at home, during work hours or outside those hours, is owned by the University. If the academic staff member creating the work is employed solely on a contract, the work created lies outside that contract, and is not funded by the University, then the University does not own the copyright. Ownership by the University does not mean that the University can use the work for purposes that might be considered indecent or misrepresentative of the creator.

Photos of Students

You may not take photos of students and use them for a specific purpose without the students' permission. This also applies to taking photos of students sitting in a lecture hall. You may take and use photos of students if the use is of an incidental nature, e.g. if you take a photo of a University building and some students are standing outside it.

Videos of Students

You may not video people below the age of 18 unless you have written permission from their parent/guardian.

Videoing people above the age of 18 and using the video responsibly is legal if you are not altering what the people would be doing normally if you were not shooting, i.e. shooting people walking down the street is permitted, but asking them to act out a scene would not be, without their written permission.

You must not single people out in a way that would identify them as separate from a crowd – sensitivity must be employed – and when in doubt, don't.

When videoing students within a lecture room or making presentations, you should get their permission and make clear how you intend to use the video, and, most importantly, who else might be able to see it. It usually suffices to get a verbal group agreement – collectively the students can act as a witness to the group agreement. However, the safest approach would be to get the students to sign a release form. There are individual and group forms available. INSPIRE or C&ITS/Media Support will be able to help you regarding these forms.

Videoing Lectures for Podcasts Or Streaming/Download on the Web

You are within your rights to video yourself and publish it on the web. If the video/audio contains works that are not yours, that content must be offered within a critical or reviewing scenario, otherwise you will have to seek permission to use it. Ensure you mention who created/wrote the work and who owns the copyright, if the copyright holder and creator are not the same person. Generally speaking, however, it is not advisable to use other people's materials within videos/audio that you put on the web, without seeking advice or permission from the copyright holder or the British Universities Film & Video Council (BUFVC) first.

Music

Performances of music may not be put on the web without the creators' written permission, if the music is not copyright-free. Copyright ownership for performers of music lasts 50 years, although current EU legislation is looking to extend it to 95 years. (Copyright ownership for composers of music is the lifetime of the composer plus 70 years.)

You must have permission from the copyright holder to use any music within a video. There is a lot of copyright-free music, or music where you can easily buy the copyright – search on the web with Google.

YouTube/Social Networking Sites

Many of the videos posted on YouTube break copyright laws. The same rules apply: If you don't own the copyright to a work, you shouldn't put it on the web or YouTube.

Useful Links

<http://tinyurl.com/2nvrz2>

JISC paper: Intellectual Property Rights – Overview

<http://tinyurl.com/2wkahm>

Open University copyright web page

<http://tinyurl.com/2wy5la>

wiki: Copyright, Designs and Patents Act 1988

<http://www.bufvc.ac.uk/>

The British Universities Film & Video Council (BUFVC), founded in 1948 to promote the use of the moving image and sound in education and research

<http://www.caret.cam.ac.uk/copyright/index.html>

Cambridge University in-depth website on Intellectual Property and Copyright in the Digital Environment

http://www.music-media.fr/index.php?lang=en&company_id=1177

<http://www.akmmusic.co.uk/>

Copyright-free music

http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880048_en_1.htm

Copyright, Designs and Patents Act 1988

<http://www.royalty-free.tv/rftv/frameset.htm>

Royalty-free music

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