**Literary**

**Protects:** the creative ‘ordering of words’.

**Examples:** Books, journals, poems, lyrics, letters, diaries, legal documents, oral histories, emails, blogs, software.

**Duration:** Published – *usually* 70 years following death of author.

Unpublished – 70 years after the death of the author, but longer durations may apply.

**Artistic**

**Protects:** creative ‘visual’ works.

**Examples:** Paintings, drawings, sketches, sculptures, photographs, maps, logos, charts, graphs.

**Duration:** Published – *usually* 70 years following death of author.

Unpublished – 70 years from death of author, but longer durations may apply. Photographs from 20th century – differing durations.

**Musical**

**Protects:** the creative ordering of musical notes, or ‘combination of sounds for listening to’.

**Examples:** pop songs, symphonies, jingles, film scores, arrangements of folk songs.

**Duration:** Published – *usually* 70 years following death of author.

Unpublished – *either* 70 years from death of author or 31 Dec 2039 (whichever is later).

**Note:** The copyright in a piece of music is separate from the copyright in a sound recording of that music.

**Dramatic**

**Protects:** dialogue and stage directions in a performed work, or an act of dance or mime.

**Examples:** Plays, film scripts, ballets, revues.

**Duration:** Published/performe**d – *usually* 70 years following death of author;

Unpublished/unperformed - *either* 70 years from death of author or 31 Dec 2039 (whichever is later).
Broadcast

**Protects:** The broadcasting of audio and audio-visual material. This is a separate right from the copyright in the film or sound recordings that are being broadcast.

**Examples:** Any radio or television transmission made by electronic means, but not an internet transmission.

**Duration:** 50 years from the year when first broadcast.

---

Sound Recording

**Protects:** recording of sound in any ‘fixed form’.

**Examples:** Musical recordings, film and TV soundtracks, oral history recordings, recordings of public speeches.

**Duration:** 70 years from the year of release, or 50 years from the year of creation (if unreleased).

**Note:** Many sound recordings include underlying but separate musical, dramatic or literary copyright works.

---

Film

**Protects:** Audio-visual recordings.

**Examples:** TV programmes, movies, home videos, filmed animation.

**Duration:** 70 years following the death of the last to die from:

- the director,
- author of the screenplay,
- author of the dialogue, or
- composer of music specifically created for the film.

---

Typography

**Protects:** the typographical layout of a published edition.

**Examples:** The typeset appearance of published books, newspapers and journals.

**Duration:** 25 years from publication.
Public Domain

When copyright in a work expires, or has been waived by the copyright owner, it passes into the ‘public domain’, and it can be used without permission.

**Protects:** no copyright protection applies to the work.

**Examples:** Any published, creative work where the author died more than 70 years ago. Any work where the author has waived their copyright with a Creative Commons ‘Zero’ (CC0) licence.

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Database

**Protects:** Databases can be copyright literary works, or protected by specific database rights (known as *sui generis*).

**Examples:** Directories, commercial databases, scientific research datasets.

**Duration:** 15 years from the year of creation or the last time the database was updated.

---

Moral Rights

**Protects:** the author's rights in a work as his or her 'spiritual child'. Includes the right to be named as author and not to have the work treated in a derogatory manner.

**Examples:** The assertion in the front of a book – “xxx asserts their right to be identified as the author of this work”. It must be asserted to arise, but can be waived by the author.

**Duration:** In the UK moral rights are the same as the duration of the copyright work, except for the right of false attribution which lasts for 20 years after the author’s death.

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Performance

**Protects:** musical or dramatic performances as fixed in a film or sound recording.

**Examples:** Acting, musical performance, lecture, public recital or presentation.

**Duration:** 70 years from the year of release or 50 years from the year of performance (if unreleased).

**Note:** Although open to debate, many educational establishments assume it is likely that recordings of lectures qualify as performances.
<table>
<thead>
<tr>
<th><strong>Non Qualifying</strong></th>
<th><strong>Copying</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Protects:</strong> There is no copyright protection for something that is not a ‘fixed’ expression of human creativity.</td>
<td><strong>Definition:</strong> Reproduction of a substantial part of a copyright work in any material form including electronic means.</td>
</tr>
<tr>
<td><strong>Examples:</strong> An idea that is not written down, a natural occurrence, a matter of fact, an abstract concept (e.g. love).</td>
<td><strong>Examples:</strong> Making a photocopy, downloading a copyright work, copying to a digital storage device, making a hand-drawn facsimile, reproducing recordings of a musical work, taking photographs of certain types of copyright work (e.g. a photograph or a painting).</td>
</tr>
<tr>
<td><strong>Duration:</strong> There is no copyright, so no duration of copyright.</td>
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<tr>
<th><strong>Issuing copies to the public</strong></th>
<th><strong>Rental or Lending</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition:</strong> Putting tangible copies of products containing copyright works into circulation. Largely synonymous with 'publishing'.</td>
<td><strong>Definition:</strong> Making copies of most types of copyright work temporarily available to the public for either economic or non-economic advantage.</td>
</tr>
<tr>
<td><strong>Examples:</strong> Publishing a book or journal, distributing sound recordings, selling copies of a film.</td>
<td><strong>Examples:</strong> Renting computer games, lending books from a library.</td>
</tr>
<tr>
<td><strong>Does not include:</strong> Making digital copies of works available online—see communication to the public.</td>
<td><strong>Does not include:</strong> Making available for the purpose of performing, playing or showing in public.</td>
</tr>
</tbody>
</table>
**Public Performance**

**Definition:** The performance or showing of certain types of work in public.

**Examples:** Delivery of lectures, addresses, speeches or sermons, musical performances, dramatic performances, playing of sound recordings and films, exhibiting literary works for public view.

**Note:** The exhibition of artistic, literary or musical works (e.g. putting a book or musical score on display at a museum) is not a public performance.

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**Communication to the public**

**Definition:** Communication of copyright works to the public by electronic transmission. It means that both broadcast and online transmissions are subject to copyright law.

**Examples:** Use of copyright works in broadcasts, websites, podcasts, social media services, blogs, VLEs.

**Caution:** The definition of ‘public’ does not necessarily have to be the general public. E.g. making material available on a closed intranet can still involve a ‘public’ communication.

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**Adaptation**

**Definition:** Adapting a pre-existing copyright work and recording it in writing or other ‘fixed’ format.

**Examples:** Translating a literary work, altering a photograph, remixing a sound recording or film, ‘porting’ computer software from one language to another.

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**CLA HE Licence**

**Usages Covered:** Provision of multiple copies of extracts from published books for educational purposes.

**Repertoire:** The majority of published books and journals, magazines, digital publications, conference and legal proceedings. Artistic works embedded within these.

**Exclusions:** Titles specifically excluded, sheet music, maps and charts, newspapers, workbooks.

*See cla.co.uk/higher-education-licence for details*
**NLA Media Access**

**Usages Covered:** Copying of newspaper articles for authorised users in paper or digital form.

**Repertoire:** Articles published by participating newspaper publishers.

**Exclusions:** Journals and magazines. Some newspapers do not participate in the NLA scheme, e.g. Financial Times.

*NLA stands for Newspaper Licensing Agency—see nlamediaaccess.com*

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**ERA**

**Usages Covered:** Educational use of broadcast recordings within the UK.

**Repertoire:** Recordings of Free-to-air broadcasts and copyright material within them.

**Exclusions:** Content that is not free to air. Users based outside the UK.

Note: The ERA licence covers use of the BoB and Planet eStream services

*Educational Recording Agency—see era.org.uk*

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**Filmbank / MPLC**

**Usages Covered:** Public performances of films not covered by educational exceptions.

**Repertoire:** Some, but not all feature films. The majority of films are not covered by blanket licence schemes.

**Note:** Screening films for educational purposes does not usually require a licence. Check whether usage is covered under exceptions.

*Motion Picture Licensing Company*

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**Library E-Resources**

**Usages Covered:** Dependent on licence agreement – usually allows access by authorised users.

**Repertoire:** Specific to the licence agreement.

**Examples:** Jisc Collections, NESLi2, EBSCO and Proquest licences. Direct deals with publishers.

**Exclusions:** Although e-resource licences restrict certain usages, there may be exceptions which allow them. Check whether the exception has a contract override.
Licences

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© copyrightliteracy.org 2017 CC-BY-NC-SA
Creative Commons*

**Usages Covered:** Allows free copying and distribution of content, and depending on the nature of the licence may allow users to adapt or commercialise the work.

**Repertoire:** By 2016 there were 1.2 billion Creative Commons-licensed works.

**Caution:** Anyone can apply a CC licence to a work – check your sources.

*creativecommons.org

‘Bespoke’ Permission

**Usages Covered:** It is sometimes possible to negotiate a bespoke arrangement directly with the rights holder. This is particularly relevant in cultural or educational digitisation projects.

**Repertoire:** The content needs to be specified at the point of negotiation.

**Caution:** Negotiating rights clearance is often time consuming and costly. Ensure this is factored into any project you undertake.

Website Terms & Conditions

**Usages Covered:** This depends on the website.

**Repertoire:** This depends on the website and its terms and conditions – there is unlikely to be a single owner of all content on one site.

**Caution:** It is unwise to copy or reuse material taken from a website on the basis that the terms and conditions are unclear or non-existent. It remains the end user’s responsibility to clear copyright and assess risk.

UK Orphan Works Licence

**Usages Covered:** Range of commercial and non-commercial uses for 7 years (UK Government Scheme)

**Repertoire:** All orphan works subject to diligent search.

**Caution:** The orphan works licence scheme requires a ‘diligent search’ on a work by work basis so is not suitable for mass digitisation projects.
You own the copyright

Usages Covered: As owner of the copyright in the work you are permitted to make any use of it that you see fit.

Caution: You should check whether anybody else has a claim to the copyright in the work. If you have created the work as an employee, your employer will own the work. If you have used material created by others (e.g. a chart or image) it is likely you will need permission from the owner. Always discuss copyright with any collaborators early on.

You made it as an employee

Under UK law, employers own copyright in anything you create as part of your job.

Usages Covered: Whatever has been agreed as part of your employment or partnership arrangement.

Example: Training materials you create as part of your day job.

Caution: Disputes arise when parties look to use copyright material in ways not agreed with employers / partners.

S.29 Research or Private Study

Definition: Allows individuals to make single copies of limited extracts of copyright works for non-commercial research or private study. No contractual override.

Types of work: All copyright works including sound recordings and films.

Examples: A researcher makes a single copy of a chapter from a book at her institutional library for her own reference.

S.29A Text & Data Mining

Definition: Allows computational analysis of lawfully acquired digital content for the purposes of non-commercial research. No contractual override.

Types of work: All copyright works including sound recordings and films.

Examples: A researcher runs algorithms against lawfully subscribed-to databases to determine the relationship between a particular gene and a particular type of cancer.
Licences

Exceptions
### S.30 Quotation

**Definition:** Allows ‘fair dealing’ usage of quotations for any purposes including ‘criticism and review’. No contractual override.

**Types of work:** Any copyright work which has been made publicly available.

**Examples:** A student quotes from the published works of a 20th century playwright on whom she is writing an essay.

### S.30A Caricature, Parody or Pastiche

**Definition:** Allows ‘fair dealing’ use of existing works in a spirit of mockery, humour or social commentary. No contractual override.

**Types of work:** Any copyright work.

**Examples:** A film maker creates a mashup video using parts of political speeches for satirical effect.

**Note:** It is possible to use the parody exception to satirise the work itself, as well as use the work to satirise something else.

### S.31 Accessible Copying

**Definition:** Allows institutions (e.g. universities) to make and store accessible copies of copyright works for the personal, use of those with any type of physical or mental disability. No contractual override.

**Types of work:** Any work which is not commercially available in a suitably accessible format.

**Examples:** Scanning textbooks for students and retaining the scans in a ‘closed’ repository for future use. A university scanning textbooks for a visually impaired student and retaining them in a 'closed' repository for future use.

### S.32 Illustration for Instruction

**Definition:** Allows limited, non-commercial ‘fair dealing’ use of copyright material for the purposes of teaching. No contractual override.

**Types of work:** All copyright works.

**Examples:** Insertion of copyright images into educational PowerPoint slides. ‘Fair’ access to these via a Virtual Learning Environment (VLE).
**S.35 Recording of Broadcasts**

**Definition:** Allows recording of off-air broadcasts by or on behalf of educational establishments for non-commercial purposes.

*Only applies where no licensing scheme (i.e. ERA) available.*

**Types of work:** Off-air broadcasts and the copyright material within.

**Examples:** Recordings made on video recorders and retained for educational purposes.

**S.36 Educational Copying of Published Extracts**

**Definition:** Allows copying and use of multiple copies of extracts from published copyright works.

*Only applies where no licensing scheme (i.e. CLA) available.*

**Types of work:** Up to 5% of a work (other than a broadcast or standalone artistic work) per institution within a 12 month period.

**Examples:** Use of works not in CLA repertoire in a VLE.

**Caution:** It is very difficult to track institutional compliance with this exception.

**S.40B Dedicated Terminals**

**Definition:** Allows libraries, educational establishments, museums and archives to digitise collection items and make them available on site for research via ‘dedicated terminals’.

**Types of work:** Any copyright work, subject to purchase or licensing terms.

**Examples:** Fragile collection of correspondence made available digitally at a library.

**S.41 Library to Library Copying**

**Definition:** Allows supply of copies of the whole or part of any published work from one library to another. *No contractual override.*

**Types of work:** Either:

a) single journal articles, or

b) the whole or part of another publication, on condition that the librarian cannot find the rights holders.

**Examples:** A library requesting replacement copies from other libraries to add to their collections.
Exceptions

Exceptions

Exceptions

Exceptions

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### S.42 Library Preservation

**Definition:** Allows libraries, archives and museums to make copies of items in their permanent collection. No contractual override.

**Types of work:** All types of copyright work as long as they are not publicly accessible or available on loan to library/archive users.

**Examples:** Oral histories recorded on reel to reel tape can be digitised and backed up in multiple locations.

### S.42A Library Copying for Users

**Definition:** Allows libraries to make a single copy of reasonable proportions of copyright works for their patrons for non-commercial research and private study. Patrons must make a declaration in writing. No contractual override.

**Types of work:** All copyright works, but ‘reasonable’ proportion difficult to judge for non-textual material.

**Examples:** Interlibrary document supply.

### S.43 Library Copying of Unpublished Works

**Definition:** Allows librarians to make a single copy of whole or a part of an unpublished work for their patrons for non-commercial research and private study.

**Types of work:** Any work as long as it was not published prior to deposit in the library and the rights holder has not prohibited copying. Patrons must make a declaration in writing.

**Examples:** A librarian makes copies of archival material available to a researcher.

### S.44B Orphan Works

**Definition:** Allows non-commercial, online use of orphan works by cultural and educational organisations subject to a diligent search. Searches must be recorded on the EU Intellectual Property Office orphan works database.

**Types of work:** All text and audio-visual works, but not artistic works unless embedded in a larger textual or audio-visual work.

**Examples:** Museum makes a small number of archival documentary films available on its website.
Exceptions

Exceptions

Exceptions

Exceptions
**Definition:** Allows any copyright work that can be performed, played or shown in an educational setting, to be performed, played or shown.

**Types of work:** Literary, dramatic or musical works can be performed. Sound recordings can be played and films can be shown.

**Examples:** Screening of film in lectures, playing music recordings in class, performance of dramatic works within educational institution (i.e. not for external audience).

**Note:** This exception does not cover screening of films by film societies.
Software Licences

Usages Covered: Allows software to be installed and run on authorised devices by authorised users.

Repertoire: Operating systems, maths and stats packages, algorithms behind self-driving cars.

Note: Some software is open source meaning the code can be shared, some is 'proprietary' meaning it is locked down and controlled.

Caution: Free to download software may not be free to use within an organisation - check the licence.
Risk

Licences