From Cyclostyled to Digital Repositories
A Personalised History of Reproduction for Teaching in UK Higher Education

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Timelines

- **Educational Experience**
  - Oxford 1960-3, Chicago 1963-4

- **Reader Access Technologies**
  - Libraries
  - Xerox copying
  - Stencil cyclostyling
  - Photocopying
  - Scanning
  - Born digital

- **UK Legal Framework**
  - Copyright Act 1956: fair dealing for research & private study
  - Whitford Committee Report 1977: blanket licensing for all photocopying
  - Green Paper 1981: fair dealing covers single copies
  - CDPA 1988: s.29 fair dealing excludes multiple copying
  - EC Directive 2001 >> CDPA s.29 amendment
    - fair dealing ‘for the purposes of research for a non-commercial purpose’
Licensing

- **Pre-CDPA**
  - 1970s fruitless negotiations
  - 1981-2 Publishers’ proposals to CVCP: for all copying, price based on cost of printed page
  - CLA founded 1982, 1984 Licensing Scheme (similar)
  - ASLIB Code of Practice 1984 for individual copying
  - Copying for teaching: requests for permission
  - CLA-LEA Schools Licence: trial 1984, 3-year Licence 1986
  - Publisher threats of legal action 1983-5

- **Post-CDPA**
  - Universities Trial Scheme 1988 – survey of all copying
  - 1990 Licence: multiple copying @ £1.475 per FTES, surveys (mainly in libraries)
  - 1993 Licence – excludes ‘study packs’ (CLA creates CLARCS) £2.25 per FTES
    - (‘formula’ based on 10p pp rejected by CVCP)
    - negotiations to drop course-pack exclusion, CLA ‘no mandate’
  - 1998 Licence: widened ‘study pack definition’, fee £3.09>£3.25, formula @ 5 p pp
    - surveys of all copying, ‘discount’ for fair dealing copies
  - 1999 artistic works excluded (previous exclusion ‘separate illustrations)
  - Copyright Tribunal reference launched July 2000

- **Tribunal Decision 2001 and After**
  - Tribunal: 5-Year Blanket Licence (no exclusions) @ £4 FTES
  - 2005: 3-year Trial Licence for Photocopying & Scanning
    - Course Collection, copies recorded, additional fee 0.50p FTES
Lessons of Licensing

■ Copyright as Private Property
  right to exclude
  rejects ‘mere right to remuneration’
  rent from new technologies – brake on innovation
  transactional perspective – DRM etc

■ Public Interest
  informational & cultural products are public (joint-impact) goods
  but depends on ‘exceptions’

■ International Standards
  Exceptions must not
    ‘conflict with a normal exploitation of the work’ or
    ‘unreasonably prejudice the legitimate interests of the author’
  TRIPS Agreement (WTO)
    ‘of the right holder’
  ‘normal exploitation’ – existing or potential markets?
  ‘legitimate interests’ – reasonable remuneration?
Thank You!