

Copyright: Guidelines for Legal Photocopying

Copyright law prohibits copying someone else's copyright material unless (i) you have their permission, or (ii) it falls within the limits allowed for 'fair dealing'. If you break this law YOU could be sued for damages. You would also be in breach of the university's regulations and subject to disciplinary action. Copyright material includes material on the web and other electronic formats. Copyright does not have to be claimed; whether in paper or electronic form it must be assumed that copyright applies unless it is specifically stated it does not.

Some publishers grant permission for educational copying, which may be indicated on the work itself, although you must be careful to comply with any conditions. Otherwise, copying is only allowed within 'fair dealing' limits. There is no precise definition of what is fair, but it depends on (i) the proportion of the original that is copied, and (ii) whether the copying competes with a use the owner might make. Short extracts of a work may be copied for the purposes of criticism or review provided the original is sufficiently acknowledged. Fair dealing with a work other than a photograph is allowed for the purpose of reporting current events, also if sufficiently acknowledged, but this does not include a newsworthy matter of history.

Single Copies for Private Study or Research

This is the type of fair dealing mainly relevant to the university. The purpose of the copying must be non-commercial. Guidelines on what is and isn't "commercial" are in a table at the end of this paper. For most published works long-established practice suggests that for these purposes you may copy 5% of a work or:

- One complete chapter of a book (unless it exceeds 5% of the whole);
- One article per issue of a journal or set of conference proceedings;
- Up to 10% (maximum of 20 pages) per short book (without chapters), report, pamphlet or Standard Specification;
- One poem or short story (maximum of 10 pages) from an anthology;
- One separate illustration or map up to A4 size (but illustrations which are an integral part of articles/chapters may be included in categories 1 and 2 above).
- Short excerpts only from musical works (not whole works or movements) and no copying for performance purposes.

Fair dealing does NOT apply to repeat copying from the same work which exceeds these limits, or to copying for someone else if it is likely to result in copies of substantially the same material being provided to more than one person at substantially the same time and for substantially the same purpose.

This is only intended as a brief summary of the law, and much may depend on specific circumstances. If in doubt, consult David Gardiner in the Library (ext. 7221).

Multiple Copies

A Licence issued to Stirling University by the Copyright Licensing Agency (CLA) allows reprographic copying (onto paper from paper) of multiple copies by or for the benefit of University staff and students only. It is extremely important that the conditions of this Licence should be observed, as breach could lead to its termination, to the detriment of all. The following are the basic provisions, if in any doubt consult David Gardiner in the Library (ext. 7221).

The CLA blanket Licence does NOT cover scanning, nor electronic downloads, these are governed by specific agreements or licences. Copies may be only be made from Licensed Material, published in the UK or the Mandating Territories (which include most English-speaking countries and Europe), apart from items in the List of Excluded Works. In the case of works published in the US, only the

Participating US Publishers are included. The Lists of US Publishers, Mandating Territories and Excluded Works are available on the CLA website <http://www.cla.co.uk>.

It does NOT cover the following Categories of works:

- Printed music (including the words)
- Maps, charts or books of tables
- Texts of public examination papers whether published individually or in collections;
- Workbooks, work cards and assignment sheets
- Privately owned documents issued for tuition purposes and limited to clientele who pay fees
- Bibles, liturgical works, orders of service
- Newspapers
- Industrial house journals and other free publications primarily for employees of commercial businesses, industrial undertakings or public services
- Any work on which the copyright owner has expressly and prominently stipulated that it may not be copied under the Licence.

It covers copying for all University courses except short course delivered on a cost recovery basis and in return for a fee. In relation to each discrete course (e.g. a unit or module) the proportion of any one source of Licensed Material which may be copied must not exceed 5% of any published edition, or:

- in the case of a book one complete chapter
- in the case of an article in an issue of a serial publication or in a set of conference proceedings, one whole article
- in the case of an anthology of short stories or poems one short story or poem not exceeding ten (10) Pages in length
- in the case of a published report of judicial proceedings, the entire report of a single case.

No systematic or repeat copying beyond these limits is allowed. You may make only enough copies to ensure that each student and teacher involved in the course has one copy. Special provisions apply to copying for partially-sighted persons.

Multiple Copies may be made from a copy (i.e. not directly from the printed work) PROVIDED THAT (i) the University owns the printed work, or (ii) the copy has been obtained copyright-fee-paid from the British Library Document Supply Centre (or similar service) with the cover sheet attached; or (iii) you have the permission of the copyright owner in writing and can produce it on request.

An illustrative list of activities which are likely to constitute 'commercial' and 'non-commercial purposes' under revised UK copyright legislation with effect from 31st October 2003

Non-commercial	Dependent upon the specific circumstances	Commercial
<p>Research in an educational establishment which is not related to any commercial venture.</p> <p>Employees own private research or study unrelated to any commercial venture.</p> <p>Research on a genuinely <i>pro-bono</i> basis.</p> <p>Any individual's private research or study unrelated to any commercial venture.</p> <p>Work done to assist in NHS services.</p> <p>Work done by University students for their courses, whether full-time/part-time or on day release from an employer.</p> <p>Work done by University lecturers for their teaching (unless this involves creating commercial 'spin-offs').</p> <p>Work done in drafting a book, book chapter, or an article for a scholarly journal for which the author will not be paid and will not receive royalties.</p> <p>Work done in preparation for a conference speech (unless the person is paid over and above expenses for giving the speech).</p> <p>Work done by a student on a taught course who happens to receive sponsorship by a company & has to work for them after graduation.</p> <p>Work done by an individual to assist in his/her personal professional development.</p>	<p>Work done by University staff or students as part of research sponsored by a commercial company</p> <ul style="list-style-type: none"> - is there a known and identified commercial goal to the research ? - will the research results be used in the commercial development of a product or service ? 	<p>Research undertaken or contracted-out by a commercial company in support of its commercial activities.</p> <p>Market research or competitor intelligence in all organisations.</p> <p>Searching for legislation and regulations for a commercial company.</p> <p>Research whose results will be passed to a commercial company for commercial use.</p> <p>Work done to assist in private medicine.</p> <p>Work done by an information broker for clients.</p> <p>Work done for a spin-off company owned by the University or a charity, even if all profits are covenanted to the University or the charity.</p> <p>Work done in drafting a book, book chapter, or an article for a scholarly journal for which the author will be paid or receive royalties.</p> <p>Work done in preparation for a conference speech for which the speaker will be paid, over and above expenses.</p>

