



Policy on the Use of Copyrighted Materials

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Target Audience	
People who need a detailed knowledge of the document	All employees and students who may be required to re-use third-party material.
People who need a broad understanding of the document	All employees and students.
People who need to know that the document exists	All employees and students

Annex of Modifications		
Version	Date of issue	Details of modification from previous version
0.2	30-05-2019	Incorporated comments from the Director of Academic Development and Group Legal and IP Advisor
0.3	19-09-2019	Minor amendment to the wording in section 4 following Equality Impact Assessment

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1 Introduction, context and scope

The purpose of this policy is to ensure that employees and students at LSTM recognise their responsibilities under current copyright legislation and do not bring LSTM into disrepute by infringing the law. While LSTM encourages creativity in all its learning and research outputs and it acknowledges that third party, copyright protected material can be used; this policy exists to ensure that this use must be fair and as permissible under current copyright legislation; acknowledging the rights of the copyright owners.

This policy applies to all LSTM employees, academic and non-academic, including visiting staff, consultants and temporary, agency or casual staff, and to all registered students of LSTM. It does not deal with Intellectual Property more widely which is covered in LSTM's Intellectual Property (IP) Policy.

This policy covers the use within LSTM of material which is protected by copyright, i.e. the use of material which has been created by third parties other than LSTM employees and applies to copyright material in any form: analogue and digital. It includes but is not limited to text, images, broadcasts, databases, sound recordings, films and computer software.

This policy does not deal with plagiarism which is where someone copies the ideas, writing or research of another and passes it off as their own work.

The Intellectual Property (IP) Policy should be consulted about how to ensure that intellectual property created by employees and students is properly protected.

The policy will be reviewed upon any legislative changes or not less than every two years.

It is important to stress that copyright infringement is against the law and in some cases may lead to criminal prosecution.

2 Equality and Diversity

LSTM is committed to promoting equality of opportunity, combatting unlawful discrimination and promoting good community relations. We will not tolerate any form of unlawful discrimination or behaviour that undermines this commitment and is contrary to our equality policy.

UK copyright legislation includes two exemptions for the benefit of people with either physical or mental impairment which prevent them from accessing copyright protected materials¹

¹ <https://www.gov.uk/guidance/exceptions-to-copyright#helping-disabled-people> [Accessed 16/08/19]

3 Safeguarding

In line with our Safeguarding policy and procedures, LSTM's processes reflect our organisational commitment to keeping children and vulnerable adults safe.

4 Roles and Responsibilities

The Information and Data Committee will consider the strategy for implementation of the copyright policy.

All staff dealing with copyright protected material will:

- Participate in any copyright training that is offered by LSTM;
- Notify LSTM management of any suspected infringements of copyright by contacting Library staff.

Managers and Heads of Departments (or their nominated representative) will:

- Ensure that copyright notices are placed next to all photocopying and scanning machines and/or in areas where copying using hand-held personal devices are used. They should also ensure that these notices are current.

Academic staff will:

- Ensure that content for teaching has been checked for copyright compliance and the correct licences applied where necessary;

Registry:

- Inform students of the risks posed by using copyright protected material without the correct rights and permissions.

Visiting lecturers, Honorary staff and Consultants:

- Must ensure that any content they make available as part of a teaching package has the correct licences applied.

Information Services staff will:

- Ensure that the policy and guidance is up-to-date.
- Meet the requirements of UK copyright legislation for people with mental and physical impairments.

Students will:

- Ensure that their use of copyright protected material meets the requirements of this policy and associated guidance.

5 Background and legislation

5.1 What is copyright?

Copyright is an automatic right invested in the creator of an artistic, theatrical, musical or written work. The creator of the work does not have to apply for copyright protection unless there are contractual reasons to override this. While legislation is needed to protect the rights of the creator of the work, there is a trade-off between protecting those rights and making information and knowledge accessible.

5.2 Legislation

In the UK, the key legislation is the Copyright, Designs and Patents Act 1988 (amended)². International legislation includes the Berne Convention³ and the 2019 EU Copyright Directive⁴.

5.3 Basic principles

Both published and unpublished works are covered by copyright legislation. It affects the expression of ideas, not the ideas themselves and lasts for a fixed period. Currently, for literary, dramatic, musical or artistic works this is 70 years after the death of the author. Other types of materials may vary e.g. broadcasts are protected by copyright for 50 years from the end of the year when the broadcast was made.

6 Exceptions

A few exceptions are provided under copyright law which may enable limited use of copyright materials without the need to gain permission of the copyright holder. These are generally known as “fair dealing”. Such use may be permitted by employees or students following the guidance on the [Copyright and Licensing](#) intranet pages.

² An unofficial consolidated version is available here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/308729/cdpa1988-unofficial.pdf [Accessed 25/04/2019]

³ Berne Convention: <https://wipolex.wipo.int/en/text/283693> [Accessed 25/04/2019]

⁴ <https://data.consilium.europa.eu/doc/document/PE-51-2019-INIT/en/pdf>;
<https://www.consilium.europa.eu/en/press/press-releases/2019/04/15/eu-adjusts-copyright-rules-to-the-digital-age/> [Accessed 16/08/2019]

7 Licences

All employees and students using works protected by copyright must ensure that they are reproducing these using the correct licence. For LSTM this is usually the Copyright Licensing Agency's (CLA) Higher Education Licence. LSTM's CLA Licence has strict terms and conditions which mean that only authorised persons may scan material.

8 Risk management and infringement

Unauthorised reproduction or use of copyright works may lead to legal liability for LSTM (and in some cases the individual) so it is important that all staff/students ensure that their intended use is authorised.

One example of the infringement of copyright would be an individual reproducing a "substantial part" of a copyrighted protected work without an exception as allowed under the current legislation, outside of LSTM's licence agreements or without obtaining permission from the copyright holder. Advice should be sought if you are not sure on whether the use you intend to make of a copyright protected work is allowed.

Breaches of this policy by staff will be investigated, and where appropriate, formal disciplinary action may be taken up to and including dismissal.

Breaches of this policy by students will be investigated, and where appropriate, formal disciplinary action may be taken up to, and including termination of studies.

9 Further information, guidance and contacts

There is guidance on [Copyright and licensing](#) on the Knowledge Exchange.

Requests for electronic copies from print or electronic material must be directed to the Library library@lstm.ac.uk.

10 Linked policies

- [Acceptable Use of Computer and IT Facilities within the Liverpool School of Tropical Medicine](#)
- [CCTV Code of Practice](#)
- [Code of Practice on Social Media](#)

- [Collection Management Policy](#)
- [Freedom of Information Act Policy](#)
- [Intellectual Property \(IP\) Policy](#)
- [Inter Library Loan \(ILL\) and Document Delivery Policy](#)
- LT COP 12 [Code of Practice on Academic Integrity](#)
- [Plagiarism](#)
- Procedure for Agreeing Access Arrangement for a Postgraduate Research Thesis
- [Publication policy](#)