

Copyright Policy

1 INTRODUCTION

In brief terms, copyright is an intellectual property right which can provide legal protection for an author/creator of certain types of original work which are recorded in permanent form (including electronically), such as literary, artistic, dramatic and musical works and films and sound recordings. If copyright exists in such works, then, in essence, other people cannot copy or adapt such materials without the permission of the person who owns the copyright in question. Most online use of such a work involves some form of copying.

The University of Manchester ('University') is committed to:

- (a) acknowledging and protecting copyright, whether such copyright is owned by it, its employees, students or third parties; and
- (b) adhering fully to any terms and conditions it has agreed to with third parties, including those contained in any copyright licences it holds.

As such:

- (a) any activity undertaken by the University's employees and students must, where applicable, take account of copyright law; and
- (b) the University's employees and students must act in accordance with licences or other terms and conditions that the University has agreed to, *e.g.*, with publishers, funding bodies or other relevant parties.

This policy therefore deals with the ownership of copyright as well as the use of third party copyright material.

2 PURPOSE

In order to avoid reputational damage and the incurring of liability, the University must ensure that its employees and students:

- (a) adequately protect the copyright material they produce; and
- (b) adhere to copyright laws and practices in doing so and when using third party materials.

It is therefore important for employees of the University and students to understand:

- (a) who owns the copyright they create whilst being employed by, or studying at, the University; and

(b) what they can and cannot do with third party copyright materials.

For further information and guidance please see the University's Copyright Guide which can be found on the Library's website: <http://subjects.library.manchester.ac.uk/copyright/>.

3 OWNERSHIP

3.1 Staff/Employees

- Generally, in accordance with UK copyright laws, the University will automatically own any copyright created by its employees in the course of their employment.
- There are some exceptions to this: for example, the University does not usually take ownership of the copyright in scholarly materials that its employees create; these are materials such as academic journal articles and conference papers.
- In such case, each employee of the University who creates scholarly materials grants to the University a licence to use the copyright in them for the administrative, promotional, educational and teaching purposes of the University.

For more detailed information on ownership of copyright and intellectual property more generally, please see the University's Intellectual Property Policy which can be found on the document website: <http://documents.manchester.ac.uk/display.aspx?DocID=24420>.

3.2 Students

- Generally, students who are not also employees of the University own any copyright that arises in any materials they create or develop whilst studying at the University.
- There are some circumstances when, to protect the University's legitimate interests, students must assign their copyright to the University. These circumstances include:
 - Any teaching materials that students create or develop;
 - Materials created when undertaking research which has a sponsoring external organisation; or when collaborating in a research programme or project with employees of the University where potentially commercialisable intellectual property may be created;
 - When the copyright has been created outside the course of their University study using University resources.

In all such circumstances, if necessary, students will be requested to assign any copyright they own either to the University, or to a third party identified by the University, and will be required to comply with such a request.

- Each student grants to the University a licence to use the copyright in his or her scholarly materials, for example, their theses or dissertations, for the administrative, promotional, educational and teaching purposes of the University.

4 USE OF THIRD PARTY MATERIAL

- Employees of the University and students who wish to use third party copyright materials must ensure either that:
 - (a) the University has a licence in place that covers the proposed use of the third party copyright material – the University has some licences that cover a broad range of particular types of copyright material (e.g., licenses stemming from the Copyright Licensing Agency¹ and the Educational Recording Agency², amongst others); or
 - (b) in the absence of such licence, they have the permission of the third party copyright holder, preferably in writing (whether in a formal licence or otherwise) before doing so, unless they are able to take advantage of any exceptions to this rule (see paragraph 5 below for details of these).
- As such, when employees of the University and students are looking to use materials and they are not sure whether copyright exists in those materials or, if it does, who it is owned by, they must always:
 - to the fullest extent possible, investigate the provenance of the materials in question; and
 - seek the written permission of the copyright holder, if it transpires as a result of the investigation referred to above that the copyright holder is a third party, to use the material for the intended purpose.
- Generally, if it is not possible to obtain a third party's permission to use their copyright material, whether because such party is not known or cannot be found (in such cases the copyright work is referred to as an "orphan work") or will not grant permission, and there are no exceptions that can be applied, then those materials should not be used by employees of the University and students, as such use might constitute copyright infringement.
- However, in such circumstances, employees of the University and students may approach the Library's Copyright Guidance Service for advice as to next steps. *E-mail address: uml.copyright@manchester.ac.uk.*

¹ <http://he.cla.co.uk>

² <http://www.era.org.uk/the-licence>

5 EXCEPTIONS

- If it is possible to apply one of the exceptions under copyright law, including those known generally as “fair dealing”³, then employees of the University and students may be able to make limited use of third party copyright materials without the need to gain the permission of the copyright holder.
- The Copyright Guide⁴ provides further information and examples of the most common fair dealing exceptions. Every case is different and requires a judgment to be made; if an employee of the University or a student wishes to take advantage of an exception, then, as a matter of best practice, they should document the process undertaken to reach the judgment that an exception does apply. The Copyright Exceptions Form, which can be found in the Copyright Guide, can be used for this purpose.

6 INFRINGEMENT

6.1 Infringement of third party copyright by the University

- If an employee of the University or a student suspects, or becomes aware of, any potential copyright infringement, whether by them or others in the University, or if they receive an external complaint alleging potential copyright infringement by either the University, an employee of the University or student, they must immediately notify the Office of the General Counsel.
- In such circumstances, the University may, pending the outcome of the external complaint, temporarily take down the allegedly infringing material, in accordance with the University’s takedown procedures.

6.2 Infringement of University Copyright

If an employee of the University or a student suspects, or becomes aware of, any potential infringement of University copyright by any third party, they must immediately notify the Office of the General Counsel with full details of the nature of the potential infringement, in accordance with the University’s takedown procedures.

7 HANDLING REQUESTS TO USE THE UNIVERSITY’S COPYRIGHT

All requests for use of University owned or licensed copyright material should be directed, in the first instance, to the Library’s Copyright Guidance Service. E-mail address: uml.copyright@manchester.ac.uk.

³ <https://www.gov.uk/guidance/exceptions-to-copyright>

⁴ <http://subjects.library.manchester.ac.uk/copyright>

8 RESPONSIBILITIES AND COMPLIANCE FRAMEWORK

Although the University has a responsibility to ensure that employees of the University and students are aware of copyright and comply with the law, it remains the responsibility of such employee of the University or student creating or using copyright materials to ensure they do not infringe the copyright of others and adequately protect the University's copyright.

Deans, Heads of School and Directors, or their nominated representative, are responsible for ensuring compliance with this policy and established procedures in their areas.

If an employee of the University or student is accused of copyright infringement the University will, where appropriate, support such employee or student in dealing with the allegations. However, breaches of this policy by employees of the University and students may lead to action being taken against them under the applicable disciplinary procedures.

9 MONITORING AND AUDITING

This policy and its implementation will be the subject to internal monitoring and auditing throughout the University, and the outcomes from these processes will inform and improve practices as a part of a commitment to continual improvement. The University will also undertake appropriate benchmarking and external auditing exercises.

If you are reading a printed version of this document, you should check <http://documents.manchester.ac.uk/list.aspx> to ensure that you have the most up to date version.

Version amendment history

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Equality relevance outcome:	Low
Related policies:	Intellectual Property Policy, Publications Policy
Related procedures:	Take down procedure
Related guidance and/or codes of practice:	Library's Copyright Guidance Service: http://subjects.library.manchester.ac.uk/copyright;
Related information:	
Policy owner:	University Librarian & Director of The John Rylands Library (Jan Wilkinson)
Lead contact:	Head of Teaching Learning & Students (Library) (Katy Woolfenden)