



Copyright:

A Librarian's Nightmare?





Relevant UK Legislation

Copyright, Designs and Patents Act 1988
sections 29, 37-43

Electronic Commerce Regulations 2002

Electronic Signatures Regulations 2002


Data Protection Act 1998

Limitation Act 1980

**Fair Dealing for non-
commercial research
& private study**

Library Privilege





s.29: Copying under Fair Dealing

- Literary, dramatic, artistic and musical works
- No formal quantitative limits
- Library staff can copy on behalf of researchers
 - Does not apply if you know or have reason to believe that by copying an item it will result in copies of the same material being provided to more than one person at the same time and for the same purpose
- No need for declaration forms / fees



Copying under Library Privilege

Prescribed

- Make and supply a copy of an article in a periodical
- Make and supply from a published edition a copy of part of a literary, dramatic or musical work
- Make and supply either of the above to another prescribed library*
- Make and supply copy of unpublished work

Not Prescribed (includes for profit libraries)

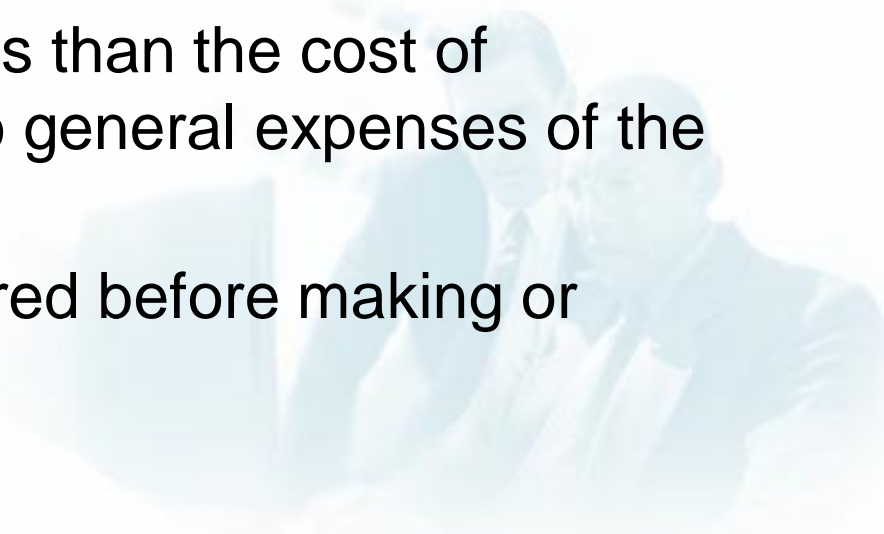
- Make and supply a copy of an article or part of a published edition to a prescribed library (including a not-for-profit library outside of the UK conducted for the purpose of encouraging the study of arts/humanities/sciences)*
 - **very limited exception*
- Make and supply copy of unpublished work

There are conditions though....



Supply to “persons”

- Literary, dramatic or musical work / article in a periodical
- Librarian must be satisfied that the purpose is non-commercial research / private study
- No person must get copies of more than one article in the same issue of a periodical
- No multiple copies of same article
- Required to pay a sum not less than the cost of production plus contribution to general expenses of the library
- Signed declaration form required before making or supplying the copy



A close-up photograph of a hand dropping a coin into a pink piggy bank. The background is a solid blue color. The piggy bank is a classic pig shape, and the coin is a silver-colored Euro coin with the number '2' visible.

Forms to be kept for minimum of 6 years

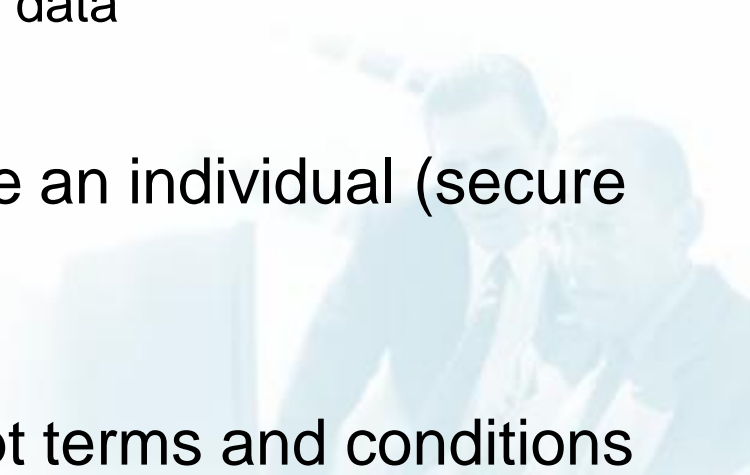
Charge must cover the cost of making / supplying
the copy plus contribution to the Library


A “part” of a published work must
be no more than a reasonable
proportion of the whole

**A “copyright fee” relates to an item which
cannot be supplied under a permitted act**

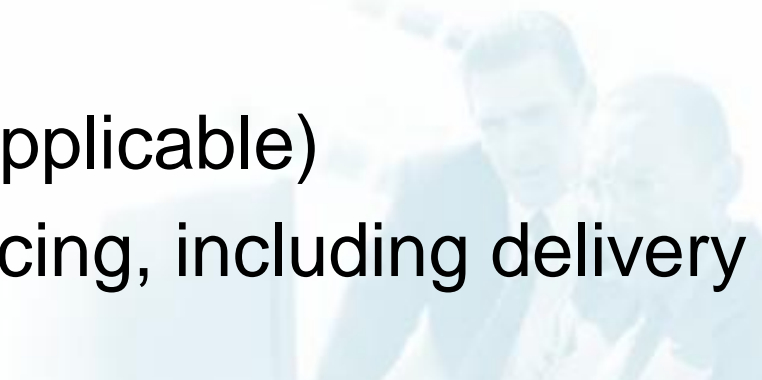


Electronic signatures

- Essentially something in electronic form which:
 - is incorporated in an electronic communication or electronic data;
 - purports to be being used to establish the authenticity and/or the integrity of that communication or data
 - Need to be able to authenticate an individual (secure username/password)
 - Requires a check box to accept terms and conditions
- 



Supply of documents electronically

- Information society service
 - You need to provide your users with:
 - Full contact details of your organisation
 - Details of relevant trade organisations you belong to
 - Your VAT number (if applicable)
 - Clear indications of pricing, including delivery or tax charges
- 

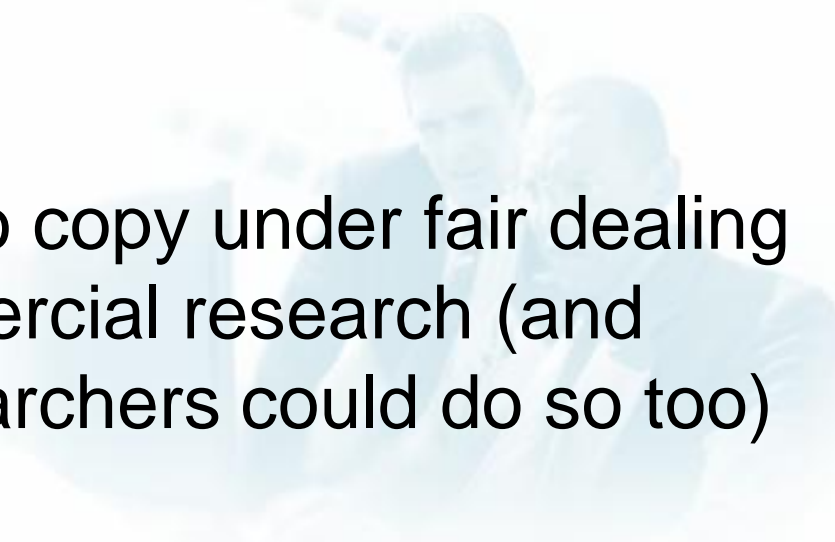


Everything online (but not email)?

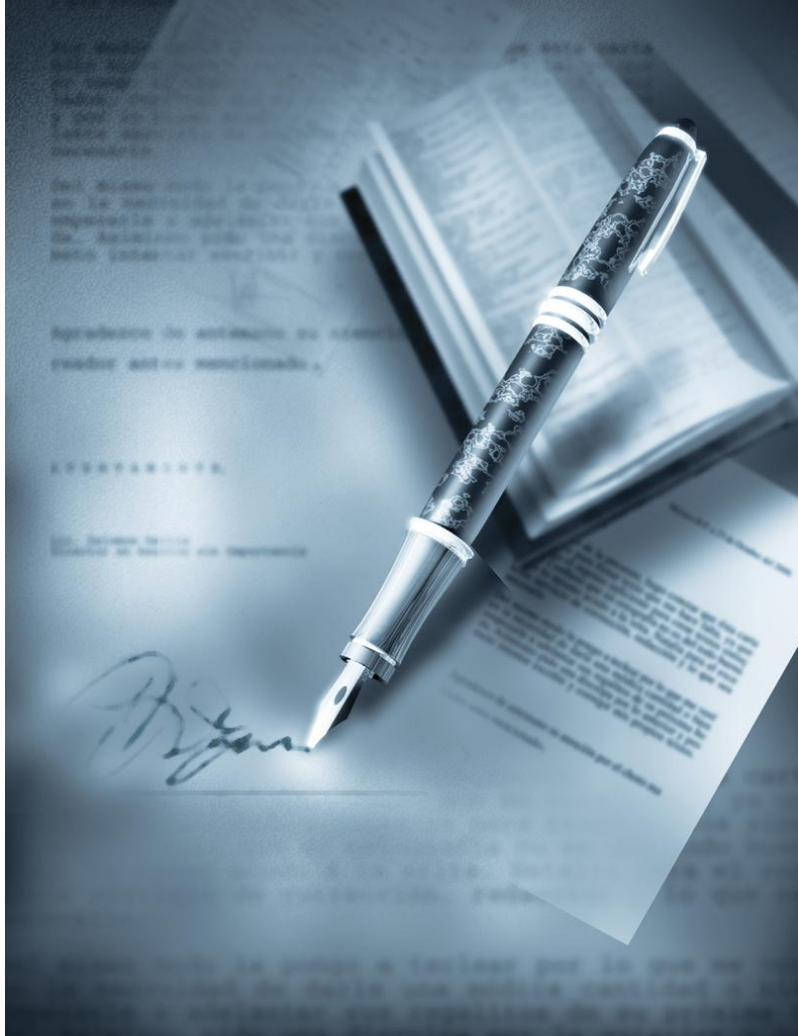
- If everything is done via a portal interface:
 - It must be obvious to the user which steps to take and at which point they commit themselves to the contract
 - Users must be able to correct any mistakes to their order prior to placing the order
 - Terms and conditions must be available to end users in a way they can store and reproduce them
- You must:
 - Acknowledge receipt of the order without undue delay and by electronic means

Copyright fee-paid copies

- Act doesn't say what you can do with the copy
- Probably best not to copy under library privilege..
- May be able to copy under fair dealing for non-commercial research (and students/researchers could do so too)



What about licences?



Licence usually seeks to clarify the law

British Library – terms and conditions

CLA – Document Delivery licences

E-journal licences – read the small print!

Copyright Reform?



Government accepted Hargreaves
Review's proposals

Consultation on copyright
launched late 2011

Government responded in 2 stages:
orphan works/licensing in May & everything else in
December 2012





Government proposes to...

- Extend fair dealing and library privilege to include sound recordings, films and broadcasts
- Libraries can offer access to these works on their premises via dedicated terminals
- Extend disability exception to all works for all types of disability (provided no suitable accessible form is already on the market)
- Libraries can copy any type of work in their permanent collection to preserve it if it can't be replaced
- Create possibility to request override of DRM/TPM to IPO

Government will look to remove or reduce requirements to seek signed declarations from students and researchers as to intended use of the works





Thanks for listening!

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Feel free to follow me on Twitter for up to the minute information on copyright issues, cases and legislation!

@copyrightgirl

