



MANAGEMENT CIRCULAR

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To: Heads of all educational establishments

Copyright and Licences

The purpose of this Management Circular is to provide staff with information to assist understanding of the Law and copyright practices in educational establishments.

Education Services does not hold any special rights because it is a public service; however, the Copyright, Designs and Patents Act 1988 details special circumstances where copying may take place in educational establishments. Copying is highly regulated and Education Services purchase a number of licences allowing establishments to use material covered by the Act.

Some explanation of the Act and the appropriate licences are detailed in this Circular. The Circular also contains details of licences that should be purchased by an individual establishment should they wish to undertake a particular type of activity, for example, to show films during wet breaks.

Responsibility for compliance with copyright law lies with individual members of staff. Copyright is protected under both criminal and civil law and infringement can result in legal action being taken against both individual members of staff and Glasgow City Council. It should be noted that licence organisations in some cases specifically highlight the responsibility of the licensee to ensure that students fully act within the confines of its terms and conditions. It is also important that records of copying in all educational establishments are properly maintained. Please note that should their actions be challenged, staff members who can show that they have acted within the terms of this Management Circular and took reasonable steps to check the probity of their actions, Glasgow City Council will support them.

Glasgow City Council retains copyright on works created by employees. Material produced by Glasgow City Council may be freely copied within any group of Glasgow City Council's services but Glasgow City Council holds authority on copyright for the use of material beyond the city.

Matters relating to copyright are complex and, should further advice or information be required, staff should contact the Service Reform Team on 287 8057. In addition, a useful website has been developed by the licence organisations providing the most up to date information on copyright licences: www.copyrightandschools.org.

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COPYRIGHT

Guidelines for Educational Establishments

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1. Summary of Copyright Legislation

1.1 Copyright is defined in S(1) of the Copyright Designs and Patents Act 1988 as a “property right” .

It provides protection to the creators of materials so that they can control the way in which their work is used.

A balance is sought between retention of control by the author or owner of copyright and the need for their work to be accessible to users.

In theory, all works are protected by copyright as there is no registration or other formal documentation procedure; however, the following types of material are likely to be protected by copyright law:

S (153) CDPA1988

- (a) original literary, dramatic, musical or artistic works
- (b) sound recordings, films or broadcast
- (c) the typographical arrangement of published editions.

The work must qualify to be protected in terms of S (153-162) of the Act.

The criteria for qualification is in terms of the author, the Country in which the work was published or in the case of broadcast the Country from which the broadcast was made.

The Copyright Laws ensure authors have a right to be identified and to object to derogatory treatment of their work and photographs and films have privacy rights.

Literary, dramatic work, database, art works films sound recordings and broadcasts are all defined in the Act.

- Literary works. This covers all forms of written work ranging from prose, poetry and other traditional media to computer programs and databases. Typography and design of literary works are also protected
- Newspapers, journals and magazines
- Broadcasts
- Sound recordings
- Musical and Dramatic works
- Films and videos and video production
- Artistic works
- Maps
- Computer software
- On-line and electronic forms of information
- Other forms such as HMSO publications, European Union material, examination papers, etc.

Detailed information concerning each of these categories is contained in subsequent sections of these guidelines.

The 1988 Act considers the term “copying” in its widest sense. In most cases, educational establishments will be concerned with photocopying however references in the Act include:

- storing a work in electronic form
- making a copy of a two-dimensional artistic work into a three-dimensional one
- making a photograph from a film or broadcast.

Staff making copies should remember that copying of any kind is bound by legislation and covered by an appropriate licence.

Chapter 3 of the 1988 Act details Exemptions for Education those acts that are permitted under copyright law:

- S32 things done for the purpose of instruction or examination (it is important to acknowledge the author)
- S33 sets out terms for Anthologies (it is important to acknowledge the author)
- S34 Performing or showing literary or dramatic works (permitted for pupils only – not parents)
- S35 permits the recording of broadcasts (these must be unlicensed and require acknowledgement of the producer)
- S36 sets out terms for use of extracts of works by educational establishments (requires acknowledgement of author and strict IT security if sent on a computer)
- S36 (a) permits lending of copies of work.

Research and private study for non-commercial purposes are defences to alleged breach of copyright. It must always be clear that the purpose was non-commercial and the author was acknowledged. With reference to computer generated works there is guidance from the patents office.

Creative commons licences are now more widely used and millions of licences are downloaded for fair and public use. The symbol used is cc in a circle as opposed to a single c in a circle the copyright symbol. For further information see <https://creativecommons.org/licenses/>

1.2 Duration of Rights is addressed in Chapter One of the 1988 Act.

Almost all material has a period of time in which it is covered by copyright legislation.

- Literary, dramatic, musical or artistic works are protected for 70 years from the end of the calendar year in which the last remaining author of the work dies, or the work is made available to the public, by authorised performance, broadcast, exhibition, etc.
- Photographs are protected for 70 calendar years from when the negative was taken.
- Sound recordings and broadcasts are protected for 50 years from the end of the calendar year in which the last remaining author of the work dies, or the work is made available to the public, by authorised release, performance, broadcast, etc.
- Films are protected for 70 years from the end of the calendar year in which the last principal director, author or composer dies, or the work is made available to the public, by authorised performance, broadcast, exhibition, etc.
- Typographical arrangements of published editions have 25 years protection from the end of the calendar year in which the work was first published.
- Crown copyright will exist in works made by an officer of the Crown. This includes items such as legislation and documents and reports produced by government bodies. Crown Copyright will last for a period of 125 years from the end of the calendar year in which the work was made.
- If the work was commercially published within 75 years of the end of the calendar year in which it was made, Crown Copyright will last for 50 years from the end of the calendar year in which it was published.
- Parliamentary Copyright will apply to work that is made by or under the direction or control of the House of Commons or the House of Lords and will last until 50 years from the end of the calendar year in which the work was made.
- On-line and electronic format. There is no specific time limit set down for copyright in online and electronic formats but works which are “published” in electronic format are protected in the same way as their printed equivalents.
- The European Law extended the rules covering literary works to include computer programs and Regulations followed in the UK 1995 and 1996 therefore UK follows the 70 year rule. This protected authors who die between 1925 and 1945. The old rules apply if the work is pre 1 August 1989.

2. Literary Works

2.1 Definition of literary work is contained in Section 3 of the Act “literary work” means any work, other than a dramatic or musical work, which is written, spoken or sung, and accordingly includes:

1. (a) a table or compilation (other than a database)
(b) a computer program
(c) preparatory design material for a computer program
(d) a database
(e) “dramatic work” includes a work of dance or mime; and
(f) “musical work” means a work consisting of music, exclusive of any words or action intended to be sung, spoken or performed with the music.
2. Copyright does not subsist in a literary, dramatic or musical work unless and until it is recorded, in writing or otherwise; and references in this Part to the time at which such a work is made are to the time at which it is so recorded.
3. It is immaterial for the purposes of subsection (2) whether the work is recorded by or with the permission of the author; and where it is not recorded by the author, nothing in that subsection affects the question whether copyright subsists in the record as distinct from the work recorded.

2.2 The acts restricted by copyright in a work.

1. The owner of the copyright in a work has, in accordance with the following provisions of this Chapter, the exclusive right to do the following acts in the United Kingdom:
 - (a) to copy the work (see section 17 of the Act);
 - (b) to issue copies of the work to the public (see section 18 of the Act); to rent or lend the work to the public (see section 18A of the Act);
 - (c) to perform, show or play the work in public (see section 19 of the Act);
 - (d) to communicate the work to the public (see section 20 of the Act);
 - (e) to make an adaptation of the work or do any of the above in relation to an adaptation (see section 21 of the Act); and those acts are referred to in this Part as the “acts restricted by the copyright”
2. Copyright in a work is infringed by a person who without the licence of the copyright owner does, or authorises another to do, any of the acts restricted by the copyright.

2.3 Copying for educational establishments

Copyright-free materials are available to schools from some publishers. These may be copied within any guidelines provided by the publisher but should only be used within the establishment for which the original work was purchased.

Where materials are not copyright-free, Education Services holds a blanket licence from the Copyright Licensing Agency (CLA) and covers all schools and pre-5 establishments. CLA is a licensing body as defined by the Copyright, Designs and Patents Act 1988. It is authorised by artists, publishers and visual creators to issue collective licences which allow copying from books, journals and magazines (including certain electronic publications), within certain limits and subject to certain exclusions.

CLA provides a ‘Title Search’ function on their website which clearly shows whether a title is included and which kind of copying is permitted.

The Licence covers copying throughout the year (thus removing the need to seek permission every time you want to copy) and includes an indemnity from CLA for all copying done within the terms and conditions of the licence.

Under the rules of the 1988 Act and arrangements with the CLA, it is possible for schools to copy from literary works as follows:

- it is permitted for an instructor or student to make handwritten notes from a literary work in the course of, or preparation for, instruction.
 - photocopying for class use may be carried out within the following limits:
 - one complete chapter of a book
 - one article per issue from a journal or magazine
 - a short story or poem, as long as it does not exceed 10 pages in length from an anthology
 - in the case of a published report of judicial proceedings, the entire report of a single case
 - or 5% of the publication, if greater than above.
- copying is permitted for the purposes of examination by way of setting the questions, communicating the questions to the candidate or answering the questions.

As many copies as are required can be made for each particular purpose but no more than the number needed to ensure that each member of the class, plus the teacher, has access to a copy.

No systematic or repeated copying of the same material which would breach the above limits is permitted during any one course of study/module, i.e. progressively copying more than the above limitations for the same class of pupils. Copies made and stored during the licence year must be destroyed by the 31 March.

2.4 Digital Copying

In respect of digital copies where the material has been scanned from a print publication or is from digital material organised on a similar way to a printed publication (i.e. discreet sections); the extended limits outlined above apply.

The CLA Schools Licence permits schools to:

- photocopy books, magazines and journals published in the UK and 30 other countries.
- make digital copies by scanning or re-typing for distribution to pupils, parents or teachers, from titles

published in the UK and USA plus a growing number of other countries

- make copies of content from digital material including CD ROMs, electronic workbooks, online journals and free-to-view websites
- use copies with digital whiteboards, VLEs* and presentation software programs
- copy photographs, illustrations, charts or diagrams where they are included in an article or an extract

Digital material organised in a similar way to printed publications (e.g. eBooks) is the same as for printed material, you may copy up to one chapter/article or 5%, whichever is the greater.

*VLE – Virtual Learning Environment

From digital material organised in a non-linear way (e.g. a website containing text and interactive sections that are organised within multiple levels):

- you are permitted to copy an extract approximately equivalent to one chapter/article or 5% of the total.
- where this is difficult to judge, consider the volume to be copied in terms of the number of A4 pages occupied when printed out. A good rule of thumb is that material comprising up to two A4 pages from any paid-for digital publication or free-to-view website is permitted under the licence. It may be possible to copy more, refer to CLA's User Guidelines on their website for further information.
- in the case of paid-for digital material, it should be helpful to bear in mind the requirement set out in the CLA Schools Licence that copying should not substitute for the purchase of original material, and the requirement to own an original copy (or fee-paid copy) or hold an appropriate, current subscription.

As is the case with photocopies and scans, copies made from digital material may be retained for the duration of the academic year but must then be deleted.

2.5 Free-to-view websites

Free-to-view website content is protected by the full benefit of copyright law. For example, text is protected as a 'literary work' and enjoys the same protection as printed text; photographs are protected as 'artistic works' in the same way as printed photographs; and so on. In addition, the website itself is protected as a work in its own right.

If a website is free-to-view (as a vast amount are), it does not necessarily follow that it may be copied from without permission. If you would like to copy from a free-to-view website, ensure the terms and conditions allow copying. Some free-to-view websites do clearly state that some or all of their content is also free to copy. In many cases, the terms and conditions permit copying under specific limitations (for example, you may print out only a limited number of copies; or copying may be done for personal use only).

2.6 International Territories

Copying from foreign language publications can be carried out under the CLA licence. International repertoire exchange agreements with other countries permit UK licencees to copy legally from foreign magazines, books, journals and digital publications. CLA has obtained global mandates direct from certain major publishers which means that their titles are covered by CLA licences whatever their country of publication. The CLA website provides a list of what type of copying is included for each country.

Staff and students may:

- photocopy extracts from paper originals
- copy onto acetate
- send by fax

Overall, the CLA Licence does not cover photocopying and scanning for:

- some correspondence courses
- publication bearing a specific notice that they are not to be copied under a CLA licence
- workbooks, workcards and assignment sheets
- privately-prepared teaching material
- "Copy Permitted" publications
- all works by Dylan Thomas and JD Salinger.*
- Internet blogs
- BBC Software documentation, teachers' notes, pupil pamphlets etc.
- Encyclopaedia Britannia
- Berlitz – all publications
- other published material such as hymns, newspapers, maps, charts and books of tables that are covered by other licensed organisations.

Permission must be obtained from the publisher of these items before any copying is undertaken.
*the full list of excluded works can be found on the CLA website.

3. Newspapers

3.1 At present, no blanket licence is purchased for education establishments for copying newspaper articles. Copyright of newspapers is governed by the Newspaper Licensing Agency (NLA). NLA licences can be purchased from the Copyright Licensing Agency. The NLA Schools Licence permits a school to:

- make hard copies of print newspaper cuttings
- make electronic copies of print newspaper cuttings
- make electronic copies of digital newspaper cuttings
- make hard copies of digital newspaper cuttings

School staff can make, or authorise the making of – copies of newspaper cuttings for distribution to pupils, parents and staff members.

There is a free on-line news library database that allows teachers and students to find newspaper articles as a PDF cutting or full page exactly as it was printed. The service offers the most efficient way of getting newspapers into the classroom whilst fully respecting copyright.

Schools can access the Digital Cuttings on the NLA Database using the Service and can search, view, retrieve and display the Digital Cuttings on screen.

The News Library contains over 35 million newspaper articles from over 140 UK national and regional newspaper titles, from 2006 to present day:

- search for or browse high quality real-life material in a single online resource.
- bookmark articles you find, send links or project PDFs onto screen in class.
- compare coverage and show how local areas are affected by national events.

Schools can register or login at: <http://newslibrary.newspapersforschools.co.uk>.

4. Broadcasts

4.1 Definition

- S (6) — Broadcasts.
- (1) In this Part a “broadcast” means an electronic transmission of visual images, sounds or other information which:
 - (a) is transmitted for simultaneous reception by members of the public and is capable of being lawfully received by them, or
 - (b) is transmitted at a time determined solely by the person making the transmission for presentation to members of the public,
- and which is not excepted by subsection (1A); and references to broadcasting shall be construed accordingly.
- (1A) Excepted from the definition of “broadcast” is any internet transmission unless it is—
 - (a) a transmission taking place simultaneously on the internet and by other means,
 - (b) a concurrent transmission of a live event, or
 - (c) a transmission of recorded moving images or sounds forming part of a programme service offered by the person responsible for making the transmission, being a service in which programmes are transmitted at scheduled times determined by that person.

4.2 Copies of Recorded materials

The term copying relates to any recording of visual images or sound from a transmission. Legislation makes no distinction between the forms of technology used to make recordings so schools may use whichever form of recording is most convenient to them.

4.3 Authorship and ownership of copyright

The 1988 Act at s 154 in some considerable detail defines the author as the person(s) providing the programme and making the necessary arrangements for its transmission.

4.4 Licences held for educational establishments

Education Services holds a blanket licence from the Educational Recording Agency (ERA) covering all

education establishments. Its purpose is to support educational establishments and retain libraries of non-commercial audio and audio-visual recordings for educational use only.

The Licence requires that recordings must be sourced by or for educational establishments from:

- radio or television broadcasts
- online services making available programmes which have previously been broadcast when the terms and conditions of use expressly permit access under the terms of an ERA Licence.

The Licence also includes any copyrighted material within GLOW.

Recording from broadcasts made in the UK of the works and performances owned or represented by ERA members and electronic communication of licensed recordings within an educational establishment are permissible and recordings may be made by or behalf of an educational establishment.

On-demand services where a viewer actively chooses the viewing or listening time or content of individual programmes such as BBC iPlayer, Channel 4 video on demand and ITV on demand, are covered by the Licence.

Broadcast programme services where the provider or broadcaster offers a range of fixed viewing times for the viewer to select from are covered. This includes simulcasts of the broadcast delivered via the Internet.

Recording of programmes in part is permitted under the Licence however recordings cannot be adapted. This includes the addition of sub-titles or audio description to material for hearing impaired students. For example, using an extract from a travel programme to illustrate the geography of a location is acceptable but taking a number of political interviews and creating a new commentary would be termed an adaptation and be an infringement of copyright.

Licensed recordings can be retained, stored and copied in both analogue and digital formats. Recordings can be made on physical formats such as DVD's or stored in digital form. The recordings can then be used for educational purposes within the school including, for example, interactive whiteboards.

Schools can also access ERA recordings on and off school grounds over a secure network. Digital copying of digital audio files such as music, sound clips, audio books, lectures e.g. mp3, mwa, wav, rm and Quicktime are allowed under the Licence.

Member companies of ERA include:

- Authors' Licensing and Collecting Society Limited
- Association De Gestion Internationale Collective Des Oeuvres Audiovisuelles
- BBC Worldwide Limited
- BPI (British Recorded Music Industry) Limited
- Channel Four Television Corporation
- Channel 5 Broadcasting Limited
- Compact Collections Limited
- Design and Artists Copyright Society Limited
- Directors UK Limited
- Equity
- Focal International Limited
- The Incorporated Society of Musicians
- ITV Network Limited
- Mechanical Copyright Protection Society Limited
- Musicians' Union
- The Open University
- The Performing Right Society Limited
- Phonographic Performance Limited
- Sianel Pedwar Cymru

5. **Sound recordings**

5.1 Sound recording is defined in (S5) 5A - Sound recordings.

(1) In this Part "sound recording" means:

- (a) a recording of sounds, from which the sounds may be reproduced, or
- (b) a recording of the whole or any part of a literary, dramatic or musical work, from which sounds

reproducing the work or part may be produced, regardless of the medium on which the recording is made or the method by which the sounds are reproduced or produced.

(2) Copyright does not subsist in a sound recording which is, or to the extent that it is, a copy taken from a previous sound recording.

5.2 Authorship and ownership of copyright.

The author of a sound recording is the person by whom the arrangements necessary for the making of the recording are undertaken. Joint ownership exists where the work is created by the collaboration of two or more authors in which the contribution of each author is not distinct from the other.

5.3 Copying for educational establishments

A sound recording of a broadcast may be made by (or for) an educational establishment as part of its educational purposes.

Staff or children and pupils preparing or undertaking instruction in film-making, may make a copy of a sound recording as part of the process of making a film or film sound-track. Any sound recording used should be acknowledged.

Copying sound recordings for non-curricular use is covered by licensing bodies PRS for Music and PPL (Phonographic Performance Ltd). These are described in detail below.

5.4 Use of sound recordings within educational establishments

Educational establishments may play a sound recording to teaching staff and children and pupils for the purposes of instruction.

Copyright restrictions apply regardless of whether an MP3 (inclusive of other digital music formats) file can be downloaded free of charge or as part of a subscription service. Schools must adhere to the copyright/conditions of use information provided by the site. As sites usually only allow music to be downloaded for personal use, schools are recommended not to use these sites.

5.5 Copying for school libraries

There is no provision in the 1988 Act for making a back-up copy of a commercially produced sound recording. A damaged recording should be discarded and replaced. Where a replacement is not available for purchase, a copy may be obtained from another library.

5.6 Non-Curricular Use

Education Services take out two types of blanket licence for non-curricular use of copyrighted music in establishments. The licences held are from the PRS for Music for Schools (PRS) and Phonographic Performance Ltd for Schools. PRS protects songwriters, composers and publishers of music while PPL protects performers and record companies. While both organisations are independent, they are licensed in conjunction with one another.

Sound recordings may be played as part of the extra-curricular activities of an educational establishment if any proceeds from the event are purely for the benefit of the establishment, e.g. sports events, incidental music in school performances, inter-school competitions and festivals.

Sound recordings may be played for specific entertainment events including school parties, dances and functions organised to raise funds for school or charitable purposes. A PRS and PPL licence is required whenever copyrighted music is used in schools in a non-curricular manner.

For instance, a licence is required for:

- discos/end of term parties
- carol concerts
- concerts (not including musicals)
- telephone systems music on hold
- playing a radio/tape/CD player
- school fetes (where music is being played)
- jukebox
- dance/aerobics classes, for students and staff of the school only – not external school lets

- PRS for Music also has reciprocal links with similar rights agencies throughout the world and so the licence also grants permission for the public performance of most music created around the world.
- TV/Films

A PRS for Music licence is required to cover the premises for any incidental music contained within a film's showing. It does NOT cover you to show the film itself.

If the following activities are carried out by an establishment, an additional independent licence is required from PRS (Musical Copyright Protection Society) and is not covered by the Education Services blanket licence:

- recording music i.e. recording a carol concert and giving away or selling copies
- school radio station
- music on website or intranet
- gyms or leisure centres, in dedicated areas or buildings, open to individuals not associated with the schools and/or operated commercially including dance and aerobics lessons.
- featured music at events, or in facilities, run by a party other than the school or where any profit or benefit does not go entirely to the school. This includes, but is not limited to concerts, festivals, theatrical performances.
- any other commercial uses that could not reasonably be considered part of schools activities and would be licensable under other PRS/PPL tariffs.
- the performance of a musical work which is not part of the establishment's curriculum or activities requires a licence from the Mechanical Copyright Protection Society - Performing Rights Society Alliance. Staff in establishments should note that while a performance of musical or dramatic works is permissible within the circumstances detailed above, the recording of such a performance is a separate issue.

6. Musical and Dramatic Works

6.1 The definition of a "musical work" means a work consisting of music, exclusive of any words or action intended to be sung, spoken or performed with the music.

6.2 Authorship and ownership of copyright

The author of a musical or dramatic work is the person who creates it. Musical works often have a number of authors e.g. composer of the music, lyricist, arranger, etc. The author of a musical or dramatic work which is computer-generated is the person(s) by whom the arrangements necessary for the creation of the work are undertaken.

6.3 Copying for educational establishments

Education Services has purchased a blanket licence called the Schools Printed Music Licence (SPML). This Licence sits alongside the CLA Licence (Section 2 – Literary Works). This Licence permits schools to legally make copies of sheet music by any of the following means:

- photocopying
- scanning
- score-writing software programs
- notation by hand
- posting on a school VLE

Musical Arrangements

The Licence also allows the adaption of musical work so that it can be performed by any instrumental and vocal arrangements that the school wishes to use.

Arrangements made under this Licence are authorised subject to the following specific conditions:

- arrangements must be made for primarily practical reasons such as a change of instrumentation or key to make the musical work performable by the Licensee's instrumental or vocal resources
- arrangements should not change the character of the musical work and must not parody the musical work or treat the musical work in a derogatory way
- arrangements may only be used by the Licensee. They may not be passed on to other schools or anyone else
- ownership of any arrangement made under this Licence is automatically assigned to the owner of the musical work arranged and, on request, the Licensee must provide to the owner of the musical work in a form prescribed by them a written assignment of all the rights in any such arrangement

- the Licencee will immediately cease using and will destroy all copies of any arrangement which CLA notifies the Licencee in writing has been objected to by the relevant author or composer
- arrangements may be recorded in any form from which Licenced Copies may be created in accordance with the terms hereof but must include prominently at the top of the first page an appropriate copyright notice in respect of the musical work of which it is an arrangement and the name of the arranger
- the Licencee must not adapt or otherwise change any lyrics;
- the Licencee must submit a pdf of the full score of the arrangement by email to arrangements@printmusiclicensing.co.uk

Licence limitations

- the school must own the publication it wants to copy
- copies must be made for school activities and not for private purposes
- copies and arrangements must be made by employees of Education Services
- copying should not substitute the purchase of printed publications
- the copying of anthologies or multi movement choral works is limited to 10%
- choral leaflets are excluded
- number to copies must equal class numbers
- copies cannot be made from publications owned by a public library
- copying for the purposes of individual vocal or instrumental teaching is not covered
- copying of music for collective worship is excluded. Licences for this purpose can be obtained from CCLI (see below)
- certain titles are specifically excluded by the publisher. Please refer to the CLA's website for exclusions

Credit

All Licensed Copies made under this Licence must be annotated as follows:

"Copy made on dd/mm/yyyy (date to be added) under PMLL Licence for use at (name of school and post code to be inserted here)"

All Arrangements made under this Licence must be annotated with the title of the Musical Work, the name of the composer of the Musical Work and the name of the author of any associated lyrics, the name of the arranger and a note as follows:

"Arrangement made under PMLL Licence for use at (name of school and post code to be inserted here)".

7. **Copying Music from Hymnbooks and Worship Songbooks**

Establishments who wish to photocopy music from hymn books and worship songbooks or record hymns and worship songs from services on audio, DVD or video cassette, for non-commercial purposes will need a Collective Worship Music Reproduction Licence (CWMRL), which is supplementary to the Collective Worship Copyright Licence (CWCL) from Christian Copyright Licensing International (CCLI). Education Services do not purchase a blanket licence and establishments should purchase these individually. The Licence also includes the right to create customised musical arrangements where no published version is available.

The charges for these licences are based on the number of children and pupils in establishments.

8. **Films**

8.1 Films are defined in (S5)5B - Films

(1) In this Part "film" means a recording on any medium from which a moving image may by any means be produced.

(2) The sound track accompanying a film shall be treated as part of the film for the purposes of this Part.

(3) Without prejudice to the generality of subsection (2), where that subsection applies:

(a) references in this Part to showing a film include playing the film sound track to accompany the film.

(b) references in this Part to playing a sound recording, or to communicating a sound recording to the public, do not include playing or communicating the film sound track to accompany the film,

(c) references in this Part to copying a work, so far as they apply to a sound recording, do not include copying the film sound track to accompany the film, and

(d) references in this Part to the issuing, rental or lending of copies of a work, so far as they apply to a sound recording, do not include the issuing, rental or lending of copies of the sound track to accompany the film.

(4) Copyright does not subsist in a film which is, or to the extent that it is, a copy taken from a previous film.

(5) Nothing in this section affects any copyright subsisting in a film sound track as a sound recording.

Copying for educational establishments

Commercially produced films may be shown in schools for instructional purposes. The audience must consist only of staff and children and young people.

Recordings of broadcasts may be made and also copied so long as the copying is for educational purposes. Records should be kept as to the recordings contained on tapes/discs, and the number of copies made from 'masters' noted. Tapes/discs should be clearly marked with the title and date of the content and a statement that "this recording is to be used only for educational purposes".

Schools may use films which they have purchased or borrowed as part of instruction without breaching copyright.

8.2 Non-Curricular use

If films are to be used as entertainment and not as part of the curriculum, there is no blanket licence held by Education Services. Examples of non-curricular use include end of term treats, after school activities and wet breaks.

Establishments should obtain a Public Video Screening Licence (PVSL) and/or Motion Picture Licensing Corporation (MPLC) depending on the production house of the film to be viewed.

Purchase of a licence to cover activities organised either by or on behalf of a school is the responsibility of the school.

The cost of a MPLC Licence is based on the size and type of facility and a PVSL licence is based on the number of children and pupils in the school. MPLC and PVSL licences combined do not cover the public screening of all films, for example, any of the Star Wars films under the control of George Lucas are not allowed under PVSL.

Collecting societies (MPLC/Filmbank) are not industry regulators and therefore should not be given access to school property. In addition collecting societies do not represent the council nor do they provide advice to the council on licensing matters. In other words, individual schools should refer to this Management Circular on Copyright when determining whether they require to purchase a licence.

8.3 There is no provision in the 1988 Act for making back-up copies of commercially produced films. Damaged tapes/discs should be discarded and replaced. If the film is no longer available for purchase, a copy may be obtained from another library.

9. **Artistic Works**

9.1 (1) In this Part "artistic work" means:

- (a) a graphic work, photograph, sculpture or collage, irrespective of artistic quality,
- (b) a work of architecture being a building or a model for a building, or
- (c) a work of artistic craftsmanship.

(2) In this Part - "building" includes any fixed structure, and a part of a building or fixed structure; "graphic work" includes:

- (a) any painting, drawing, diagram, map, chart or plan, and
- (b) any engraving, etching, lithograph, woodcut or similar work; "photograph" means a recording of light or other radiation on any medium on which an image is produced or from which an image may by any means be produced, and which is not part of a film; "sculpture" includes a cast or model made for purposes of sculpture.

9.2 Authorship and ownership of copyright

The author of an artistic work is the person who creates it. The author of an artistic work which is computer-generated is the person by whom the arrangements necessary for the creation of the works are undertaken. Joint authorship exists where the work is created by the collaboration of two or more authors in which the contribution of each author is not distinct from the other.

9.3 Copying for educational establishments

Copying is permitted for the purposes of examination by way of setting the questions, communicating the

questions to the candidate or answering the questions.

Educational establishments may make copies of artistic works contained in material covered by the CLA licence e.g. copying a page which contains text and a photograph or drawing. In other cases, a single copy of an artistic work may be made only for the purposes of research or private study unless the rights owner has stated otherwise.

Where a building, sculpture, model for a building or other work of artistic craftsmanship is permanently situated in a public place or in premises open to the public, it is not an infringement of copyright to make a drawing, photograph or film or to broadcast a visual image of it.

Other than the arrangements for Ordnance Survey maps, copying of artistic works should be limited to single copies:

- for the purposes of research or private study (non-commercial)
- for criticism or review (acknowledgement of the original copyright holder should be made)
- for the purposes of news reporting

10. **Maps**

Glasgow City Council holds a licence from Ordnance Survey to allow the copying of maps and plans held either centrally within Glasgow City or within schools. Ordnance Survey maps may be copied as follows:

- schools and educational establishments may make copies on their own premises from OS maps they have purchased. Glasgow City Council may also make copies of maps on their own premises on behalf of educational establishments.
- copies may be made for teaching purposes only, either as teaching aids or for projects or examinations. This does not include use of maps in publications such as prospectuses or magazines being distributed outwith the school.
- there is no restriction on the size of copies that may be made from OS large scale maps (1:10,000, 1:25,000 and 1:1250). However, copies of unamended maps must not exceed 700 sq. cm (approximately A4 size) at the scale of 1:25,000 and smaller.
- appropriate acknowledgement to OS is made.

Maps derived from OS maps such as street plans and orienteering maps are not included in these arrangements.

Further information can be obtained from Development Regeneration Services, Development Plan Group.

11. **Computer Software**

Information in this section relates to general copyright law for software. Please refer to Management Circular 59 Establishment Software Application Licensing Register and Procedure.

11.1 Definition of computer software

Copyright legislation does not give specific definitions for software because there are such rapid changes in technology. Information in this section is applicable to all forms of computer programs and software packages.

11.2 Definition of copying

The term copying is used here to describe making a copy of computer software in any form.

11.3 Computer Generated Work

11.4 Authority and ownership of copyright

The author of computer-generated work is the person who undertakes the arrangements necessary for the creation of the work.

11.5 The 1988 Act has been amended by SI 1992:3233 the Copyright (Computer Programs) regulations 1992 to comply with EC Directive No. 91/250/EEC on Computer Software.

Under this legislation, a lawful user of a computer program is allowed:

- to make a back-up copy, even if terms or conditions state otherwise
- to copy or adapt it provided that the copying or adapting is necessary for lawful use and is not prohibited under contract
- to observe, study or test a program by any device or means
- to decompile the program to achieve interoperability of an independently created program with other programs

11.6 Copying for educational establishments

Educational establishments may copy within the limits outlined above.

11.7 Copying for school libraries

There are no regulations specific to libraries concerning computer software. Librarians should follow the guidelines above.

12. **Online and electronic information**

12.1 Definition

This category of material varies and will continue to vary as technology advances. As far as possible, information is provided below on materials currently in use.

12.2 Typing from paper format into a word processor.

This should not take place without permission. Extracts may be transferred for criticism, review or reporting current events.

12.3 CD-ROM

Conditions vary and printing out information should only be carried out within any conditions provided by the CD-ROM producer. Where a CD-ROM has been purchased and no restrictions are specified, the information contained in the CD-ROM should be treated as a literary work.

12.4 Internet

There is no specific copyright legislation concerning the Internet at this time. All work displayed on the Internet is someone's intellectual property and therefore protected by copyright. Some sites provide information concerning the freedom with which its contents may be used or copied.

Problems arise where sites give no indication of the use which may be made of the information or images provided. If in doubt, it is advisable to use downloaded information obtained only for personal or individual use and not retransmit or store it for further use.

It is a breach of copyright to make a single hard copy from the Internet or from an electronic resource and subsequently make multiple copies. The Copyright Licensing Agency Licence does not cover the photocopying of downloaded printouts.

Uploading copyright protected works on to the Internet is restricted within copyright law and should not be done without permission or licence. When creating web-sites, it is advisable to use only written works or images with the permission of the creators. A consent form for the use of children's/pupils' work or photographs on school web-sites is provided in Appendix 3.

Schools creating their own site should ensure that the Copyright and Disclaimer Statement provided by Glasgow City Council is used. This statement is provided in Appendix 4.

12.5 Scanning and Image storing systems

Scanning of copyright works is illegal and should not be done without permission from the copyright owner. It is advisable to restrict scanning to materials:

- which are within your own organisation's copyright (including correspondence)
- which are in the public domain (e.g. clip art)
- for which copyright has lapsed
- for which permission or licence has been obtained.

12.6 Faxes

There is a lack of legislation to provide guidance on this subject. The Copyright Licensing Agency licence covers paper-to-paper fax transmission where it would be permissible to send a photocopy by mail. Sending or receiving faxes to or from a computer fitted with a fax modem card is not covered by CLA licence. It is advisable when using photocopiers with built-in fax machines to erase the electronic version as soon as the paper copy has been printed and to limit printing to one copy.

12.7 Social Media

Social media is subject to Copyright Law. Anyone who shares an image or video on social media, should therefore ask permission from the owner, prior to it being shared. The owner should be credited, and paid if required. Despite this not being common practice, it should be, and it is what the law, as it currently stands, states.

13. Other Materials

13.1 Abstracts

Under the 1988 Act, abstracts accompanying scientific or technical articles in periodicals may be copied under the Act.

13.2 Anonymous works

Copying is allowed from a work which, after reasonable enquiry, is believed to be anonymous and where it is reasonable to assume the copyright has expired or that the author died over 70 years ago.

13.3 British Standards

The British Standards Institute has agreed that up to 10% of a Standard may be copied. This is the same rule whether copying takes place from a printed Standard, microform or CD-ROM.

13.4 Crown, Parliamentary and HMSO material

Provided that copying is not for personal gain or commercial profit, copying is permitted from the following categories of material:

- Lords and Commons Official Reports (Hansard)
- Bills of Parliament and House Business Papers, including Journals of both Houses
- Lords Minutes
- The Vote bundle
- Commons Order Books
- The Commons Public Bill Lists and Statutory Instruments Lists
- The Weekly Information Bulletin
- The Sessional Information Digest
- Command papers
- Reports of Select Committees of both Houses
- Acts of Parliament
- Statutory Instruments and Statutory Rules and Orders
- Press releases from departments, agencies or other Crown bodies. It is permitted to copy
- any single title or document in its entirety provided that:
 - no more than one photocopy is made for any one individual
 - no more than one photocopy is used within any one organization.
- Copies are not distributed to other individuals or organisations. It is permitted to make multiple copies of a number of extracts from a single work amounting to no more than 30% of the entire work or one complete single chapter or equivalent, even if more than 30% of the entire work. These copies may be provided to others. For other Crown and Parliamentary copyright material published by HMSO, copying from books, pamphlets and reports should be limited to single copies for the purposes of study and research.

13.5 SQA Examination Papers

Under the 1988 Act, examination papers are treated as whole works and should not be copied. However, The Scottish Qualifications Authority (SQA) has issued the following advice:

“All information published by the SQA, including assessment material, remains the intellectual property of SQA. While SQA has no objections to the copying of its material to support SQA qualifications (e.g. for teaching purposes or exam preparation), where this material has been reproduced, SQA should be clearly acknowledged as the source. For any other purpose, written permission must be obtained from the SQA Publications Section. SQA material must not be reproduced for trade or commercial purposes.

Where documents include significant amounts of material such as quotations or items from other sources (secondary copyright), you should take account of any copyright agreement that would apply, just as the copying of non-examination items. SQA will provide details of such sources upon request.

As regards the copying of CD-ROMs or cassettes provided in connection with music examinations, SQA is unable to authorise copying of these because they usually contain extracts from recorded material which is copyright and which the SQA has reproduced under the terms of the Copyright Designs and Patents Act 1988 for purposes of examination only. It follows therefore that any reproduction of copyright extracts must be covered by appropriate licences operated by your centre, just as the copying of non-examination recorded material would be. In this connection, the SQA will provide details of such sources upon request.

This advice applies to copying both by schools/colleges and by resource centres for loan and is subject to existing arrangements that your centre may already have made relating to the material described. It should also be emphasised here that in no case should it be assumed that schools or colleges have any particular exemption from the normal requirement that permission must be sought to reproduce examination-related copyright material issued by the SQA.”

Staff should also ensure that they follow any copyright guidelines specific to their subject area issued by the SQA.

13.6 Free material

Items distributed free of charge such as annual reports, brochures and leaflets, are still protected by copyright and should only be copied with permission.

13.7 Mixed media packages

Each component of a package is protected according to the details in the sections above. However, the publisher may supply information with the package which outlines permission to copy. Copying from anything other than printed material is an infringement of copyright.

13.8 Official Journal of the European Union

Copying is allowed from the Journal for research and educational purposes.

13.9 Children and young people as authors

All work produced by children and young people is their own property even where the materials or facilities used in its creation have been provided by Glasgow City Council. Permission, preferably written, should be obtained from the child or young person before work is copied or included in any publication.

This also applies to anyone wishing to use material created by a child or young person for a personal or commercial venture. Permission must be obtained from a child or young person in the same way as that of any other copyright holder Appendix 3.

13.10 Short books, reports or pamphlets without chapters

It is advisable to restrict copying to a maximum of 10% of these works, provided that the extract does not exceed more than 20 pages.

13.11 Slides or transparencies

It is advisable for educational establishments and school libraries to hold only transparencies purchased from a commercial source, those made with the permission of the rights owner and those made from sources of

expired copyright.

13.12 Topic files

School librarians may copy an original which is held for reference in order to preserve that original. It is also reasonable to copy reverse sides for newspaper clipping files when needs conflict, unless this is a sufficiently frequent occurrence to suggest a second subscription.

13.13 Translations

Translating a whole work is an infringement of copyright. Permission must be sought from the author.

13.14 Whole works

These include poems, signed encyclopaedia articles, journal contents pages, indexes and knitting patterns. These may not be copied without permission.

13.15 Yellow Pages

As copyright owner, Yell Limited has allowed that a maximum of one page or one classified section (whichever is smaller) may be copied from Yellow Pages. Librarians may copy more but it is advisable that copies should not exceed more than 5% of the work and users should sign a copyright declaration form.

14. **Scottish Schools Education Research Centre (SSERC)**

While not an agency concerning copyright, Education Services has a blanket licence covering all schools for SSERC. The nature of the SSERC licence and subsequent work does not lend itself well to pre-five establishments. SSERC is a local authority shared-service providing support across all thirty-two Scottish Education Authorities. Services are available to teachers, student teachers and technicians and offer support in the following:

- health and safety advice for schools
- professional development programmes for managers, teachers and technicians
- guidance on experiments and practical work
- recommendations on equipment and design of specialist accommodation
- consultancy and technical information
- apparatus testing for safety, performance and conformance with standards
- radiation protection advisory services
- publications including quarterly Bulletins (Primary and Secondary), specialist health and safety guidance and web-based materials

15. **Copying to support additional support needs**

Copying to support additional support needs may be carried out under The Copyright (Visually Impaired Persons) Act 2002. This Act came into effect on 31 October 2003. It permits the transfer of copyright works to formats accessible to visually impaired persons. It should be noted that the provisions of this Act are wider than the title suggests.

A visually impaired person is defined in this Act as a person:

- who is blind
- who has an impairment of visual function which cannot be improved, by the use of corrective lenses, to a level that would normally be acceptable for reading without a special level or kind of light
- who is unable, through physical disability, to hold or manipulate a book
- who is unable, through physical disability, to focus or move their eyes to the extent that would normally be acceptable for reading.

It is therefore possible to make a copy for someone who cannot hold a book or turn its pages but has no specific problem with their eyesight.

The formats into which a work may be copied are not specified within the Act. It is therefore possible to transfer a literary, dramatic or musical work (but not an artistic one) into Braille, Moon, audio, large print, etc. so long as the copies do not change the content of the original.

A single copy may be made under the following conditions:

- the required format is not available to buy or borrow from a library
- the person has lawful possession or use of the original e.g. on loan from a library
- the copy is marked with a statement confirming that it is made under Section 31B(5) of the Copyright (Visually Impaired Persons) Act 2002
- the copy carries an acknowledgement of the original source. Educational establishments may make multiple copies within these conditions but only where they own the original.

Copies made by educational establishments must only be used for educational purposes and should not be kept after the original is no longer held by the establishment.

16. **Obtaining Copyright Clearance**

16.1 Any member of Education Services staff wishing to reproduce copyright material not covered by an appropriate licence should seek permission to do so from the appropriate author or owner of copyright. When contacting an owner, the following details should be clearly noted:

- type of material
- form of reproduction intended
- author's name
- title
- publisher
- date of publication
- exact details of extract to be copied
- purpose for which the copy is required
- number of copies required
- extent of use of copy (e.g. within the educational establishment or not)
- whether charges will be made for the use of copies.

It is advisable to include declarations of the type:

"I require this reproduction for purposes of research or private study and I will not use it except in these purposes"; and "I have not previously been supplied with a photographic reproduction of this material from any other source".

Some authors or owners of copyright may take some time to reply to written requests for permission to copy from their works. It is advisable to make a preliminary enquiry stating clearly the information above, by fax or e-mail which can be followed by a formal letter if required.

In most cases, the copyright holder will be noted on the original material.

16.2 Copyright Declaration Form

All establishments should maintain accurate records each time that copying of protected materials is undertaken. A form should be completed for each item which is being copied and signed by the person requesting the copy. These should be kept on file for ease of reference. A form is provided in Appendix 2.

Some licences require that each school/early years centre has a nominated officer. This will be assumed to be the headteacher/head of establishment.

USEFUL WEBSITES

Organisation	Website
Copyright Licensing Agency	www.cla.co.uk
Newspaper Licensing Agency	www.nla.co.uk
Education Recording Agency	www.era.org.uk
Phonographic Performance Ltd (PPL)	www.cefm.co.uk
Performing Right Society (PRS) (PRS also deals with MCPS)	www.cefm.co.uk
Christian Copyright Licensing International (CCLI)	www.ccli.co.uk
Public Video Screening Licence (PVSL)	www.cefm.co.uk
Motion Picture Licensing Corporation (MPLC)	www.mplc.org
Ordnance Survey	www.ordnancesurvey.co.uk
Scottish Schools Education Research Centre	www.sserc.org.uk
Collective information	www.copyrightandschools.org

Sample Copyright and Disclaimer Statements

Copyright © (Educational establishment name). all rights reserved. Copyright

By viewing or accessing this website, you are acknowledging your agreement to the following statements:

- Unless otherwise stated, copyright and similar rights in all material presented on this site, including graphical images, is owned by (Educational establishment name);
- All information relating to a third-party is for the purpose of providing the end user with relevant information regarding the third-party and is not considered to be the intellectual property of (Educational establishment name);
- You have limited permission to print or download extracts from these pages for your personal non-commercial use only;
- No part of this website may be reproduced or transmitted to or stored in any other website, nor may any of its pages or part thereof be disseminated in any electronic or non-electronic form, nor included in any public or private electronic retrieval system or service without our prior permission;
- You may not create a database in an electronic or other form by downloading and storing all or any part of the pages from this website without our prior written consent save as expressly authorised by an agreement in writing between us;
- Any copies of the pages of this website that you save to disk or to any other storage system or medium may only be used for subsequent viewing purposes or to print extracts for personal use.

The structure and source code of the database and online functions integrated into this website are the sole property of Glasgow City Council Continuing Education Gateway and cannot be copied or published in any format or medium without our prior consent.

Links to Third Party Sites

This website contains links to the websites of third-party information providers. The information provided by these websites or subsequent linked websites is not within our control and is therefore not the responsibility of (Educational establishment name). The inclusion of any link does not imply endorsement of the website by us.

Disclaimer

(Educational establishment name) makes every effort to provide accurate and current information on this website. However, it does not give any warranty or representation of any kind with respect to the site or its contents, including warranties in respect of the accuracy, completeness, appropriateness or currency of the information on the website.

End users should check with the relevant learning providers and other organisations represented on the website that information relating to them is accurate and current.

To the fullest extent permitted at law neither (Educational establishment name) or its employees or children and young people will be liable for damages arising out of, or in connection with, the use of this website.



Education Services
Copyright Clearance
Copyright Declaration Form

PLEASE USE BLACK INK AND BLOCK LETTERS

Name _____

Department _____

I hereby request a copy of the item specified below:

Author _____

Title of book or periodical _____

Periodicals: Year Volume Issue number

Publisher _____

Pages/Parts copied _____

Number of copies _____

1. I require this reproduction for purposes of research or private study for non-commercial purposes and I will not use it except for these purposes.
2. I have not previously been supplied with a photographic reproduction of this material from any other source.

Signature:

Date:



Education Services

Children and Young People Classwork and/or Photograph Consent Form

Classwork/Photographs and any reproductions made thereof will be used solely for the purpose of promoting Education Services, which will involve the inclusion of classwork/photographs in the school web-site produced by Glasgow City Council Education Services and for no other purpose whatsoever. Photographs will be taken on behalf of Education Services Directorate. Please see the attached privacy statement.

Children’s and young people’s classwork/photographs and any other reproductions thereof will be used for a period of three years from the date on which the classwork/photographs are published on the school web-site.

Note: if, within the said three year period, you wish to withdraw this consent you can do so by writing to or phoning the school directly. Upon receipt of such request, you will be notified by letter, acknowledging receipt of request for withdrawal. The classwork/photographs or any reproductions thereof will be removed from the school web-site from the date of the said request. The classwork/photographs will then be destroyed.

Name of Parent/Carer	Date
Address	
Postcode	
Parent/Carer Signature	
Relationship to Child/Young Person (please specify)	
Young person Signature (Age 12+)	

Note: Consent should be sought from young people above the age of 12 in addition to their parents/carers

FOR OFFICE USE ONLY

Location of photograph taken:	Contact person:	Date:
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