

Title: University of Kent Copyright Guidance

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Abstract: This guidance was first published in July 2020 at the same time as the University of Kent’s [Copyright Literacy Strategy (pdf)](https://media.www.kent.ac.uk/se/21299/kent-copyright-strategy-2020-2025.pdf). It provides an overview of copyright and its relevance to the University in addition to guidance for specific audiences.

The guidance follows the principles set out in the [University’s copyright policy (pdf)](https://www.kent.ac.uk/is/regulations/University-of-Kent-Copyright-Policy.pdf) and Copyright Literacy Strategy and reflects the user experience (UX) approach to providing guidance. It incorporates insights gained through a range of UX activities, which included card sorting exercises with a number of different communities at the University. This resulted in a suite of separate pages focused on different types of user which makes it very clear what each group needs to know. The guidance is written in plain English and avoids legal jargon and unnecessary detail in favour of familiar language which focuses on people’s areas of greatest concern. It is provided under a Creative Commons licence to enable its reuse.

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# A black and white logo of a Creative Commons CC BY Licence

Copyright: what you need to know

# Overview

**Copyright is relevant whenever you are copying or sharing creative work. This guide helps you to understand copyright and its relevance to your work and study at the University of Kent.**

The University has made a formal commitment to helping you navigate copyright law to support your work in its [Copyright Literacy Strategy (pdf)](https://media.www.kent.ac.uk/se/13046/kent-copyright-literacy-strategy-2020.pdf). The vision and values in the strategy underpin the guidance and support we provide.

# What does copyright protect?

Copyright is a type of ‘intellectual property right’ that gives the authors of original, creative works the right to decide who is allowed to copy and share their work and how.

There are many types of work which qualify for copyright protection in the UK, for example books, journals, personal correspondence, software, music, art works, diagrams, databases audio recordings, films and broadcasts.

# Who owns copyright?

The first owner of copyright is usually the author or the producer of the work, although if you create something as part of your job your employer will typically own the copyright.

The exception to this at Kent is if you create what are called “scholarly works” such as essays, journal articles or books. If you create a scholarly work it is likely that you will own the copyright in it.

Copyright ownership can also be assigned to other people or organisations. For more information on ownership of copyright at Kent [contact the University’s Research and Innovation Services team](https://www.kent.ac.uk/enterprise/contact)

# How long does copyright last?

Copyright works are protected from the moment they are recorded in a "fixed" form, such as written down, recorded or stored in digital format. Works will then stay protected until the copyright expires, after which time they pass into the "[public domain](https://en.wikipedia.org/wiki/Public_domain)”.

In the UK copyright protection generally lasts:

* for written, artistic, musical or dramatic works: for 70 years after the death of the creator (or the last of the creative team to die)
* for films and sound recordings: for 70 years from the date of creation or release.

The [government provides more information](https://www.gov.uk/copyright/how-long-copyright-lasts) on copyright duration. If you have questions on specific works, we can [help](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#help).

# Activities covered by copyright

Copyright law gives the copyright owner certain "exclusive rights". This means that:

* nobody else can use your copyright work in certain ways without your permission
* you need permission to use someone else’s work.

The following activities are all defined in copyright law as “restricted acts” which only the copyright owner or their representative has the right to authorise:

* copying
* issuing copies to the public (ie publishing and distributing physical copies of works)
* renting or lending
* publicly performing (ie showing, playing or performing copyright works in a public space)
* communicating to the public by means of electronic transmission (ie broadcast and online
* communication)
* adapting (eg making a film adaptation of a book)

If you're doing any of the above with a copyright work, you need to make sure that you either have a licence or that a copyright exception applies.

# Copyright licences

If you own the copyright in a work you'll probably want others to use it according to certain

conditions. The permissions you give to others will come in the form of a copyright licence.

Similarly, if you want to make use of copyright material created by others you will find that much of it comes with licences attached.

## **Digital content**

The terms of use you accept when you access digital resources such as websites, social media services, databases and electronic library resources all contain copyright licensing terms.

## **Collective licences**

Other types of "collective licence" are available to Kent staff and students which cover entire

classes of copyright work.

For example, the Copyright Licensing Agency (CLA) licence covers the majority of published books and journal articles. This licence allows us to copy up to 10% or a chapter/article from a qualifying book or journal, whichever is the greater.

## **Creative Commons**

[Creative Commons licences](https://creativecommons.org/about/cclicenses/) are also widely used in research and education. These licences are designed to promote sharing of copyright material with as few barriers to use and reuse as possible. They allow use of the copyright works without payment and may also allow others to create new works based on the original work.

The most commonly encountered licences at the University are summarised below:

## **Summary of different licences**

| **Type of licence** | **What's covered** |
| --- | --- |
| [CLA (Copyright Licensing Agency)](https://www.cla.co.uk/) | Copies of up to one chapter/article of 10(whichever is the greater) from books,journals and magazines |
| [ERA (Educational Recording Agency)](https://era.org.uk/) | Recordings from UK TV and radiobroadcasts (provided by [BoB - On](https://learningonscreen.ac.uk/ondemand)[Demand)](https://learningonscreen.ac.uk/ondemand) |
| [NLA Media Access (Newspaper Licensing](https://cla.co.uk/NLA-education-establishment-licence%22%20%5Co%20%22Link%20to%20the%20NLA%20section%20on%20the%20CLA%20website)[Agency)](https://cla.co.uk/NLA-education-establishment-licence%22%20%5Co%20%22Link%20to%20the%20NLA%20section%20on%20the%20CLA%20website)  | Links and copies of articles fromnewspapers |
| [PRS for Music/PPL](https://www.prsformusic.com/) | Public performance of musical works |
| [Filmbank/MPLC](https://www.filmbankmedia.com/) | Public screenings of feature films not linkedto educational activity |
| [Creative Commons](https://creativecommons.org/about/cclicenses/) | Allows open sharing of copyright work adecided by the copyright owner who marestrict commercial use or adaptations,require any adaptations to be licensed othe same terms |
| [Digital library resources](https://www.kent.ac.uk/library/resources) | Allows you to access e-books, journalsother databases for your non-commercialstudy or research |

# Copyright exceptions

Although licences can provide you with explicit permission to use copyright works in certain ways, there are times when licences are unavailable or inappropriate.

For example, if you're quoting extracts from a large number of different works in a piece of

academic work, it may be impossible to get permission from every copyright holder. The law

therefore includes "exceptions" to copyright which allow use of copyright works without the copyright holder's permission in certain contexts. These are called "permitted acts" in the

legislation, which is the Copyright, Designs and Patents Act 1988 (CDPA).

## **Summary of relevant UK copyright exceptions**

| **Name of****exception** | **Purpose** | **Activities****covered**  | **CDPA section** |
| --- | --- | --- | --- |
| Research orprivate study | Allows studentsand researchersto make copies ofcopyright worksfor non-commercialresearch orprivate study. | Making personalcopies of extractsfrom books andjournalsCopying imagesto use asstimulus inresearch study | [Section 29](https://www.legislation.gov.uk/ukpga/1988/48/section/29) |
| Quotation | Allows anyone toreproducecopyright worksfor the purpose ofquotation whereit is fair | Includespresentingextracts frombooks, journalsand musicalworks to studentsPotential use ofwhole workswhere the use isfair | [Section 30](https://www.legislation.gov.uk/ukpga/1988/48/section/30) |
| Accessiblecopying | Allows individualsor institutions toprovide equalaccess tocopyright worksfor users with anytype disability | Digitising printMaterialFormat shiftingtext to audioCreating subtitlesfor videos | [Sections 31A-F](https://www.legislation.gov.uk/ukpga/1988/48/section/31A) |
| Illustration forinstruction | Allows teachersor students touse copyrightwork in teachingor study wherethe use is fair | Including text,images, music orvideo in teachingslides and lecturerecordingsAdding content toexaminationpapers | [Section 32](http://www.legislation.gov.uk/ukpga/1988/48/section/32) |
| Educationalperformance | Allows anycopyright workthat can beperformed,played or shownin an educationalsetting to beperformed playedor shown | Screening a filmin a lecture,playing musicalsound recordingsin class,performance of aplay in class (ienot for anexternalaudience) | [Section 34](https://www.legislation.gov.uk/ukpga/1988/48/section/34) |
| Recording ofbroadcasts | Allowseducationalestablishment torecord TV andradio broadcastsand make themavailable tostudents | Underpins theUniversity’s useof BoB Online TVstreaming service | [Section 35](https://www.legislation.gov.uk/ukpga/1988/48/section/35) |
| Making multiplecopies | Allowseducationalinstitutions tocopy up to 5% ofa copyright workand supplymultiple copies tostudents | Copying of bookextracts notcovered by theCLA licenceCopying up to5% of a film orsound recordingand making itavailable tostudents onMoodle | [Section 36](https://www.legislation.gov.uk/ukpga/1988/48/section/36) |

# Fair dealing

Many copyright exceptions involve a test of "fair dealing". This means you need to think about whether your use of someone else’s work is fair, for example:

* have you used it in a way that stops them from selling the work, or making use of it in the way they want to?
* have you used more of the work than you need to for your purpose?

Deciding on whether something is fair will always need to be done on a case by case basis – we can [help](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#help).

# Copyright risk

Because many elements of copyright law are subjective, particularly whether an activity is "fair", you may need to take a risk management approach. This is acknowledged in the [University’s copyright policy (pdf)](https://www.kent.ac.uk/is/regulations/University-of-Kent-Copyright-Policy.pdf)

This means you might use a copyright work even if you can't be 100% sure that the activity is non-infringing. To assess copyright risk you'll need to consider the following:

* what is the likelihood that what you are doing [infringes copyright](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-infringement)?
* how likely is it that the copyright holder will discover your activity?
* how likely is it that the copyright holder will object to your activity?
* what is the impact (both financial and reputational) if the copyright holder was to take action against you or the University?

Read the relevant sections of this copyright guidance to minimise the risk of legal action and avoid financial and reputational damage. You can contact copyright@kent.ac.uk if you have questions about how risk management relates to your work.

# Training sessions

Learning more about copyright is not only helpful to your work, it can also be fun. We run training sessions using Copyright the Card Game – a game-based resource co-created by Chris Morrison, the Copyright, Licensing & Policy Manager at Kent.

Chris also runs sessions on copyright, open access and scholarly communication using a board game he co-created called The Publishing Trap.

See the Copyright Literacy at Kent blog (below) for more details.

# Copyright Literacy at Kent blog

* [Report from the January 2021 Copyright Community of Practice](https://blogs.kent.ac.uk/copyrightliteracykent/317/report-from-the-january-2021-copyright-community-of-practice)
* [The Return of the Kent Copyright Community of Practice](https://blogs.kent.ac.uk/copyrightliteracykent/307/the-return-of-the-kent-copyright-community-of-practice-2)
* [Launch of the University of Kent Copyright Literacy Strategy](https://blogs.kent.ac.uk/copyrightliteracykent/292/launch-of-the-university-of-kent-copyright-literacy-strategy)
* [Kind words, relationships and communities](https://blogs.kent.ac.uk/copyrightliteracykent/283/kind-words-relationships-and-communities):

[Read more](https://blogs.kent.ac.uk/copyrightliteracykent/)

Last updated 24 March 2021

Copyright for students

**When studying at Kent you'll be using and creating works protected by copyright. This page gives you the general information you need to help you in your studies and future career. If you're a law or creative arts student, you may cover copyright in more depth as part of your course.**

# Using other people’s copyright works

Creative works such as books, photographs, music and film are all protected by copyright

automatically when written down, recorded or saved.

This gives the copyright owner the right to decide what you're allowed to do with that work. You should make sure your use of copyright works is legal.

If you [infringe copyright](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-infringement) by using someone else’s work unfairly and without permission you may be liable for legal action.

## **Licensed resources**

Most of the books, journals, databases and software you use in your studies are protected by copyright. Your tuition fees help us pay licence fees that allow us to provide you with the resources you need.

These [licences](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#copyrightlicences) allow you to access these resources for your studies, but don’t allow you to share them with others online.

You may want to copy or share works that are not covered by a licence paid for by the University. In some cases you'll need permission from the copyright holder:

* if you want to publicly perform a play, you need to contact a theatrical agency such as [Concord Theatricals](https://www.concordtheatricals.co.uk/)
* if you want to show films to a public audience in a non-educational setting, you need to get permission from an organisation like [Filmbank](https://www.filmbankmedia.com/).

In other cases your activity may be covered by copyright exceptions even if you don't have a

licence.

## **Copyright exceptions**

There are [exceptions to copyright](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#copyright-exceptions) that allow you to make copies of copyright works and use them when writing coursework, essays and other projects without a licence. For example, you may need to:

* quote some text from a book in an assignment or incorporate film clips into a video essay
* make copies or adapt works if you have a disability.

It's important that your use of copyright material is [fair to the copyright owner](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#fair-dealing) and that you always credit the author or producers of the works you're using.

If you have specific questions about using other people’s copyright in a fair and legal way, we can [help](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-for-students#help).

# Copyright in your work

You own the copyright in the original scholarly work you create at the Kent. This includes personal lecture notes, essays and examination responses in any form.

If you create copyright material in collaboration with others, you'll share the copyright ownership. If you create work with significant input from Kent staff, the University may own the copyright in it, which will affect what you are able to do with it. Contact us if you need advice.

# Copyright and your thesis

If you're a PhD student and have used other people's work in your thesis follow the [guidance on including copyright or sensitive material](https://www.kent.ac.uk/guides/deposit-your-thesis/copyright-or-sensitive-material-in-your-thesis) when depositing your thesis into KAR.

You'll also need to consider the [options for making your thesis available Open Access](https://www.kent.ac.uk/guides/deposit-your-thesis/your-copyright-in-your-thesis).

# Copyright infringement and plagiarism

Plagiarism and copyright infringement are not the same thing, but you should avoid doing either.

* [Plagiarism](https://www.kent.ac.uk/ai/students/whatisplagiarism.html) means presenting someone else’s work as your own, even if you don’t copy their precise words or creative expression.
* [Copyright infringement](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-infringement) means copying or sharing someone else’s creative work without their permission - this can happen even if you're not representing their work as your own. Using [peer-to-peer software](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-infringement#peer-to-peer-filesharing) puts you at risk of copyright infringement.

Work you submit for assessment must be your own original work. Our [General Regulations for Students](https://www.kent.ac.uk/regulations/Regulations%20Booklet/generalregs.html) clarify that you are "required to act with honesty and integrity." That means not plagiarising someone else’s work by copying it and pretending that it's yours.

Copyright for lecturers

**Teaching and learning would be impossible without the use of copyright protected**

**material. This page helps you understand how to use copyright material legally in your teaching.**

When you share copyright material such as readings, videos and sound recordings with students this material needs to be covered by:

* a licence; or
* an exception to copyright.

In many cases the University pays for licences which allow educational use. But there will also be times when you need to rely on exceptions.

Where there is no licence or exception it's possible that you or the University may be liable for [copyright infringement](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-for-students). The risk of infringement when providing teaching resources is usually low, but can lead to financial or reputational damage. The guidance on this page will help you manage this risk and demonstrate good practice in use of copyright material.

# Licences that allow use of content for teaching

We have a number of licences that enable use of teaching materials.

## **Digital library resources**

Our [digital library resources](https://www.kent.ac.uk/library/your-digital-library) all come with licences that allow you and your students to access content using your Kent IT Account.

## **Collective licences**

We have collective copyright licences which allow copying and sharing of certain types of copyright work:

* **published books and journals**: our [CLA (Copyright Licensing Agency) Licence](https://www.cla.co.uk/higher-education-licence) allows us to provide up to 10%, or one chapter/article (whichever is the greater) to students - see [what the CLA licence covers (pdf)](https://cla.co.uk/sites/default/files/CLA-HE-User-Guidelines.pdf). Use the [CLA scanning service](https://www.kent.ac.uk/guides/request-cla-scans-for-your-modules) to order licensed copies from books and journals
* **newspapers**: our [NLA Licence](https://cla.co.uk/NLA-education-establishment-licence) allows us to copy articles from newspapers and make these available to staff and students.
* **UK film and radio broadcasts**: our [ERA Licence](https://era.org.uk/the-licence/%29) allows us to access recordings from UK film and radio broadcasts which we provide to you using [BoB – On Demand TV and Radio](https://learningonscreen.ac.uk/ondemand/).

## **Creative Commons**

[Creative Commons licences](https://creativecommons.org/about/cclicenses/) are becoming increasingly important in teaching as a way of creating and sharing educational resources.

You can use Creative Commons licenced works in your teaching without having to pay or ask for permission. There are different types of Creative Commons licence, so make sure you're aware of the restrictions the copyright owner has applied, such as the ‘[No Derivatives](https://creativecommons.org/licenses/by-nd/4.0/)’

option, which prevents you from making an adaptation of the work.

[Find free Creative Commons licensed educational resources](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/finding-and-sharing-content-online)

## **What to do if there's no licence**

There may be cases where you want to use a copyright work in your teaching that isn't covered by a licence. You'll then need to:

* get permission from the copyright holder directly; or
* determine if your activity is covered by an exception to copyright.

# Copyright exceptions for teaching

Copyright exceptions allow you to include copyright material in your teaching without the

permission of the copyright holder. To rely on copyright exceptions you must abide by the concept of [fair dealing](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#fair-dealing). This means you must:

* provide a credit for the work and its creator;
* only use as much of it as is necessary for your teaching; and
* make sure your use doesn't undermine the copyright owner's ability to exploit the work

There are a number of copyright exceptions in the Copyright, Designs and Patents Act which relate to teaching. The most relevant to you as a teacher are:

* [Section 30, which covers quotation](http://www.legislation.gov.uk/ukpga/1988/48/section/30)
* [Sections 31A-F, which cover accessible copying](http://www.legislation.gov.uk/ukpga/1988/48/section/31A)
* [Section 32, which covers "illustration for instruction"](http://www.legislation.gov.uk/ukpga/1988/48/section/32)

The sections below show how you can rely on licences and exceptions to address copyright in relation to the most common types of teaching activity.

# Uploading content to Moodle

Under copyright law you can share the same types of content with your students online that you're allowed to present in a lecture theatre, as long as the use is:

* relevant to your teaching; and
* [**fair** to the copyright owner](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#fairdealing)

## **Teaching slides**

As you create PowerPoint slides or equivalent teaching presentations, make sure you properly credit any images, text or musical quotations. You need to do this regardless of whether you're relying on a licence or on a copyright exception.

## **E-resources**

When adding electronic content to a reading list, link to the original digital resource. Don't download and re-upload it to Moodle, as many e-resource licences don't allow this.

## **Scans from books and journals**

If you want to share extracts from published print books and journals use the [CLA scanning service](https://www.kent.ac.uk/guides/request-cla-scans-for-your-modules) to share official scans. The CLA licence fees paid by the University can then be distributed to the author and publisher.

## **Creative Commons licensed content**

If the content you want to share is covered by a Creative Commons licence you can upload it to Moodle. But if you're creating a new copyright work based on existing Creative Commons works, you need to consider whether this is a [derivative work](https://commons.wikimedia.org/wiki/Commons%3ADerivative_works) and therefore if the licence restricts this.

## **Commercial use**

Some licences restrict commercial use. The University takes the view that just because students pay tuition fees it does not make teaching activity commercial. This means you can share material marked for "non-commercial" use in most teaching contexts.

## **Accessible copying**

If you or your students have a disability, you or they may make adaptations to copyright works to make them accessible. We provide [tools and guidance to help you make sure your teaching materials are accessible](https://www.kent.ac.uk/guides/how-to-create-accessible-content).

# Lecture capture (KentPlayer)

The same principles that apply to Moodle also apply to KentPlayer.

You can:

* include copyright material in your recorded lectures where licences allow
* rely on exceptions, as long as your use is fair and relevant to your students’ studies.

You should always provide a credit for any content you include, unless this is impossible or

impractical.

When you set up KentPlayer to record your lectures, you agree to the [University’s IT Regulations and policies on acceptable use](https://www.kent.ac.uk/is/regulations/it/index.html).

The University owns the copyright in teaching materials you create as part of your employed duties, as well as the copyright in KentPlayer recordings. You retain the rights in the recording of your performance, but agree to license them to the University so they can make the videos available to your students, according to the [Kent Policy for the Recording of Lectures](https://www.kent.ac.uk/elearning/kentplayer/policy.html) and the [KentPlayer Retention policy](https://www.kent.ac.uk/elearning/kentplayer/retention.html).

# Performing works in class

## **Showing recorded media**

You can show films or play recorded audio to students without needing a licence from the copyright owner in:

* lecture or seminar rooms.
* online teaching events as long as you only provide access only to your students

This is because there's a specific [copyright exception which covers the performing, playing or showing work](http://www.legislation.gov.uk/ukpga/1988/48/section/34) in the course of the activities of an educational establishment.

## **Performing musical, literary or dramatic works**

You may perform or get others to perform musical, literary or dramatic works in front of an audience without a licence as long as these are closed sessions for your students. If the audience includes other people, such as family, friends or members of the public, you may need a licence.

* **Public performance of music:** the University has a "PRS for Music" licence which covers performance of live and recorded music on campus. You may need to get permission from the copyright owner to upload musical performances to some online platforms, but this depends on the context.
* **Public performance of literary work:** under UK copyright law you are allowed to recite “reasonable" quotes from books and journals in public without needing a licence. You may record the reading or recitation and share it online, as long as the quoted material is only a small part of the overall recording.
* **Public performance of dramatic works:** you or your students will need to get permission from the copyright owner if you want to publicly perform a whole play, musical or opera. You can contact theatrical agents such as [Concord Theatricals](https://www.concordtheatricals.co.uk/%29) to arrange permission if you need it.

# Open educational resources

Many teachers are happy to share their learning resources with others under open licences.

Open Educational Resources (OERs) are typically released with Creative Commons licences that allow the copyright owner to authorise others to share their works free of charge. If the copyright owner wants to, they can give others the right to adapt and even commercialise their work, but sometimes they choose to restrict these permissions. The [OER Commons](https://www.oercommons.org/) is a digital library of open educational resources.

The creation and dissemination of copyright content at the University of Kent is subject to our [Policy statement on Intellectual Property (pdf)](https://www.kent.ac.uk/governance/policies-and-procedures/)

# Use of software in teaching

It is important that you only use licensed software when teaching.

* [Information on software available for students and staff](https://www.kent.ac.uk/guides/software-for-students-and-staff)
* [Digital productivity tools](https://www.kent.ac.uk/tools) that help make learning more accessible

Copyright for researchers

**Doing research means creating new knowledge that builds on existing knowledge. This page helps you understand how to navigate copyright and related rights when**

**undertaking your research.**

# Copyright in research outputs

Your research outputs, such as papers, datasets, diagrams or even [practice-based research](https://www.kent.ac.uk/guides/practice-research-works)

are likely to be protected automatically by copyright. Depending on the nature of your research they may also be protected by other types of intellectual property, such as database rights, patents or design rights.

The detail of who owns the legal rights associated with work created at Kent is in the [University’s policy on intellectual property (pdf)](https://www.kent.ac.uk/governance/policies-and-procedures/Intellectual%20Property%20Policy.pdf). If you write a traditional "scholarly work" (such as a journal article or an academic monograph) then you will own the copyright in that work, or will share the copyright with other co-authors or their employers.

In some cases the University will own the copyright in the outputs of your research, for example if you create software. In other cases funders, such as commercial organisations, may own the intellectual property arising from your research as stated in your funding agreement.

The [University’s Research and Innovation Services team](https://www.kent.ac.uk/enterprise) supports you in maximising the impact of the intellectual property generated by your research and, where relevant, can find ways of generating revenue.

# Open Access publishing

You need to be aware of [Open Access publishing](https://www.kent.ac.uk/guides/open-access-at-kent) and how it relates to your research.

Open Access publishing refers to material that is free to all readers at the point of access, so they can use and share it easily. In addition to being free of charge, true open access means the work must be free of legal restrictions on reuse. So if you're publishing Open Access you'll need to select the [appropriate copyright licence](https://www.kent.ac.uk/guides/open-access-at-kent/choose-a-licence-for-your-research-works).

# Quotation

You're likely to want to include other people's copyright material in your research outputs, for

example:

* quotations, such as passages of text or music
* images, such as photographs, maps, charts or graphs

If you are quoting reasonable amounts and your quotation is properly cited, you don't need to get permission from the author or copyright owner. These uses are covered by the fair dealing [copyright exception for quotation](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#copyright-exceptions). If you're unsure of whether your use of copyright material is a fair and reasonable quotation contact us for [help](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know/copyright-for-researchers#help).

If your use of other people’s work is significant you may need to contact the copyright holder for permission.

# Copyright and your thesis

If you've used other people's work in your thesis follow the [guidance on including copyright or sensitive material](https://www.kent.ac.uk/guides/deposit-your-thesis/copyright-or-sensitive-material-in-your-thesis) when depositing your thesis into KAR.

You'll also need to consider the [options for making your thesis available Open Access](https://www.kent.ac.uk/guides/deposit-your-thesis/your-copyright-in-your-thesis).

# Using pre-existing content or data in your research

Facts can't be protected by copyright or any other type of intellectual property right. However, databases and datasets may be protected by copyright or database rights: check if there's a licence and what the conditions of use are. For example, geospatial data will typically come with a licence which may be open source, or may require you to agree to terms and possibly pay a licence fee.

You may be using existing creative works such as photographs or films as part of your research. If you have permission to use them from the copyright holder then all you need to do is abide by the terms of that agreement. You can also rely on [copyright exceptions](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#copyright-exceptions)

such as "non-commercial research and private study" if your use is [fair](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#fair-dealing). Please contact us if you need any help with this.

# Clearing copyright for academic publications

If your work is going to be published in a book, journal or similar output your publisher is likely to ask you to clear copyright in all the content you want to include. Examples of these would be significant textual quotations, photographs, illustrations, diagrams or musical scores.

In some cases getting permission from copyright owners can be difficult or costly and you may want to discuss with your publisher whether your use is covered by fair dealing exceptions. It's also possible that you can't identify or get in touch with the copyright owners of the content you want to reproduce. These are known as "orphan works" (see below).

If you need support in addressing the copyright issues and liaising with your publisher on this please contact us.

# Working with archival material and orphan works

If your research involves working with archival material created within the last 100 years, it's likely that it will be protected by copyright. Most unpublished archival material from earlier than this is still in copyright in the UK.

## **Rights clearance in archival material**

If you want to digitise and make these works available, you need to factor time for rights clearance into your research project. How much time and effort you need will depend on the material you're working with. For example, if you're working with archival material that has multiple copyright owners who would likely object to the material being made available, you will need to put significant resource into it.

## **Orphan works**

In some cases it may not be possible to identify or get in touch with the copyright owner at all. These works are called orphan works and there are licensing schemes and exceptions in the UK that could allow you to make them available. However, both the licensing scheme and the exception have their disadvantages: you may need to make a risk-based decision to make some content available even where you haven’t cleared the rights.

We are able to provide support to your project in addressing rights issues, such as with the [Great War Theatre project](https://blogs.kent.ac.uk/copyrightliteracykent/the-great-war-theatre-project-crowdsourcing-copyright-clearance/).

# Text and data mining

If you are using text and data mining (TDM) to undertake automated analysis of your datasets, you need to address the copyright issues.

Text and data mining involves copying and normalising your data. If this is protected by copyright or database rights you will need to either have a licence from the copyright owner or determine that the [TDM exception](http://www.legislation.gov.uk/ukpga/1988/48/section/29A) applies to your activity. This exception allows you to apply TDM to any copyright works for non-commercial research purposes, as long as you have lawful access.

Please get in touch if you need help.

# Using software for research

The University pays for a number of licences for software that you can use for your research. These licences generally allow academic research; they would not allow you to do work commissioned by or directly benefitting a commercial partner. If you have any questions about this, please contact software@kent.ac.uk.

Some software is provided open source. This allows you to use it free of charge and potentially amend the source code. There are many types of open source licence. Some state that if you develop code based on the original source code, it must be released under the same licence.

You may want to provide screenshots from software applications in your research outputs. Although the copyright in the visual layout of a software application may be owned by the developer, it's likely that this use would be covered by an exception if properly credited. When we've asked vendors in the past if they were happy for researchers to reproduce screenshots, they said this was acceptable.

If your research involves particularly innovative use of technology, the dividing line between

software, data and metadata and who owns each element can become less clear.

We can provide help if needed.

Copyright infringement

**If you copy or share someone else’s copyright works without their permission and your activity is not covered by a copyright exception, you'll infringe their copyright. This page provides guidance on how to avoid legal action and what to do if you are contacted.**

# Overview of liability

If you infringe someone else’s copyright, both you and the University may be liable in the event of legal action. This is the case even if you didn’t realise that what you had done was an infringement of copyright.

Copyright infringement may be regarded as a breach of student regulations and staff employment terms and in some cases may be subject to disciplinary procedures.

We recognise that serious infringement cases in education are rare. The University has committed to support you in your work and study by taking a responsible yet critical approach to copyright - see our [Copyright Literacy Strategy (pdf)](https://media.www.kent.ac.uk/se/13046/kent-copyright-literacy-strategy-2020.pdf) .

We expect you to make informed decisions about your use of copyright material. If you follow our copyright guidance, you will significantly reduce the risk of having to address infringement claims.

# Peer-to-peer filesharing

If you use peer-to-peer (referred to as P2P) software to download material, you should remove the software from your PC if connecting to the Kent network, unless you absolutely need it.

If you don't remove the P2P software, it's likely that you'll be sharing any files you have

downloaded, which will be a breach of the [University Copyright Policy (pdf)](https://www.kent.ac.uk/is/regulations/University-of-Kent-Copyright-Policy.pdf) and [IT Regulations](https://www.kent.ac.uk/is/regulations/it/).

We take breaches of regulations extremely seriously and if you are reported for distributing

copyright material (knowingly or unknowingly), your IT Account may be suspended

# If someone contacts you about copyright infringement

If you are contacted by someone claiming to be the copyright owner of a work and asking for

money or for the University to take action, contact us for support.

The most common type of copyright infringement letters are from agencies representing

photographers whose work is used on our website without permission. These often demand

payment for the licence fee the photographer would have charged for the use of the work. If you're creating web content, follow [our guidance on images and media](https://staff.kent.ac.uk/digital/service-manual/web-image-attributions) .

You should not assume that you have infringed copyright just because you've been contacted by a rights holder. But you should **respond quickly** to minimise any financial and reputational risk.

Finding and sharing content online

**If you copy or upload content from the internet. make sure you address any copyright issues. This page provides guidance to sharing responsibly online. It also links to free resources that allow you to use other people's works legally and responsibly.**

# Free open resources

Lots of sites provide free access to images and other content you might find useful. Here's a list of resources that are free of charge and have permissive free reuse rights.

* [Creative Commons Search](https://ccsearch.creativecommons.org/): search for Creative Commons licensed content across a number of sites
* [Flickr](https://www.flickr.com/): a photo community site that allows you to search for images according to Creative Commons licence. If you find a photo you want to use make sure you have permission and always provide a credit
* [Wikimedia Commons](https://commons.wikimedia.org/wiki/Main_Page): a collection of Creative Commons licensed and Public Domain (out of copyright) images and media
* [VADS: the online resource for visual arts](https://vads.ac.uk/digital/): digital images available for use in learning, teaching and research in the UK
* [Artstor](http://chain.kent.ac.uk/login?url=http://library.artstor.org/library/): image resource for education and scholarly use
* [Unsplash](https://unsplash.com/): high resolution images available under a free reuse licence
* [The Noun Project](https://thenounproject.com/): free community created icons
* [OER Commons](https://www.oercommons.org/): public digital library of open educational resources
* [Europeana](https://www.europeana.eu/en): search for digitised content from Europe’s cultural heritage institutions.

# Stock image libraries

[Some stock image libraries](https://staff.kent.ac.uk/digital/service-manual/web-image-attributions#istockphoto-and-getty-images) allow use of their content free of charge for personal use. However, most commercial stock image libraries don't allow you to use their content professionally unless you have a licence or are prepared to pay a fee.

# Use of images for web content

If you're creating web content, follow [our guidance on images and media](https://staff.kent.ac.uk/digital/service-manual/web-image-attributions). Generally, you should make sure any content you use in web content is Creative Commons licensed or is copyright University of Kent. [Image resources for web authors](https://staff.kent.ac.uk/digital/service-manual/web-image-attributions#public-domain-and-cc-zero)

# Social media

If you're sharing other people’s work on social media, make sure you either have permission or that your use is covered by a [copyright exception](https://www.kent.ac.uk/guides/copyright-what-you-need-to-know#copyright-exceptions) .

# Help

We provide advice, training and specific guidance on copyright law to support you in your work and study. If you have any questions about copyright, email:

* copyright@kent.ac.uk

| **More on copyright*** [University of Kent Copyright Literacy Strategy (pdf)](https://media.www.kent.ac.uk/se/13046/kent-copyright-literacy-strategy-2020.pdf)
* [University of Kent Copyright Policy (pdf)](https://www.kent.ac.uk/is/regulations/University-of-Kent-Copyright-Policy.pdf)
* [Copyright Literacy at Kent blog](https://blogs.kent.ac.uk/copyrightliteracykent/)
* [copyrightliteracy.org](https://copyrightliteracy.org/)
* [UK government guidance on exceptions to copyright](https://www.gov.uk/guidance/exceptions-to-copyright)
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