

Copyright Law and Digital Repositories : For you to know and for you to find out

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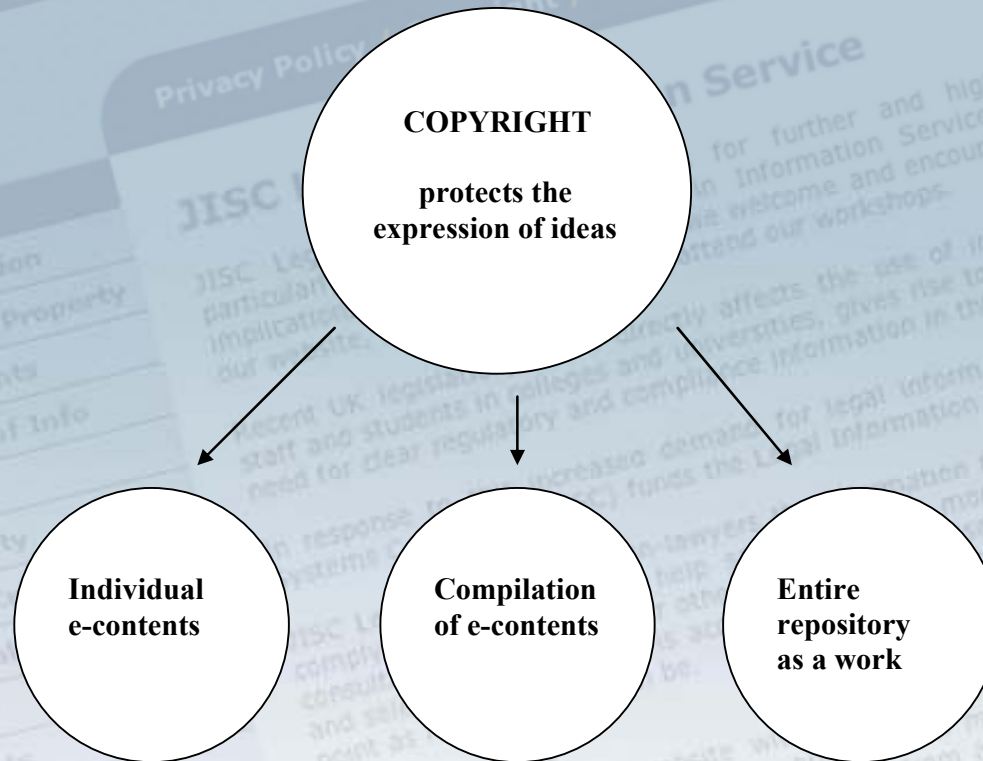
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Presentation Outline

- Scope of copyright
- Exclusive rights of copyright owner
- Copyright ownership
- Copyright exceptions
- What should you find out?

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Scope of copyright



Exclusive rights of copyright owner

- **to copy the work**
- **to issue copies of the work**
- **to rent or lend the work**
- **to perform, show or play the work**
- **to communicate the work**
- **to make an adaptation of the work**

Who owns copyright ownership?

- **Author is the person who creates a work**
- **The author of a work is the first owner of any copyright in it – Section 11(1) CDPA**
 - **Exception are works made by an employee in the course of his employment**
- **Multiple contributors – many rights owners**
- **Staff and students as contributors**
- **Publisher agreement – from assignment of copyright to ‘exclusive licence to publish’**

Copyright exceptions

- **Research and private study**
 - Applies only to narrow range of subject matter
- **Criticism or review**
- **Educational use – instruction or examination**
 - No reprographic copying
 - Sound recordings and films exception
 - Examination exception
- **Reprographic copying of passages by educational establishments**
- **Library and archives**
 - Restricted to certain works

What should you find out?

- **Ascertain the copyright owner**
- **Obtain copyright permission for depositing the content**
- **Is the content a slavish copy?**
- **Check publishing agreements**
- **Obtain permission from copyright owner for the adaptation and archival of the content**
- **Copyright – just one of the legal issues others include database right, accessibility, defamation, data protection**

A check-list

e-Repositories and the Law - Deposit Checklist

1.	Copyright permission from the copyright holder of the material has been obtained for depositing the material in the e-repository.	<input type="checkbox"/>
2.	The content submitted is not a slavish copy of any printed matter.	<input type="checkbox"/>
3.	The publishing arrangement with a previous publisher does not prohibit submission and publication of the material in the e-repository.	<input type="checkbox"/>
4.	Both copyright and performance rights in any audio visual resource has been cleared	<input type="checkbox"/>
5.	Permission has been obtained from the copyright owner for the adaptation and archival of the content in the e-repository.	<input type="checkbox"/>
6.	At least one of the makers of the e-repository database is from the UK or the European Economic Area (EEA).	<input type="checkbox"/>
7.	The content submitted does not include substantial data extracted in an unauthorised manner from an e-repository or insubstantial data extracted through a repeated and systematic process.	<input type="checkbox"/>
8.	The content does not include any statement which is defamatory.	<input type="checkbox"/>
9.	The content does not include material in textual, media, audio or any other format that is considered as obscene under the law.	<input type="checkbox"/>
10.	The material provided is in a format that is accessible even to disabled people and it will not create barriers that exclude or will be of disadvantage to people with a disability.	<input type="checkbox"/>
11.	Permission has been obtained from the sound recording and film copyright owners for making copies in an accessible format for the disabled people.	<input type="checkbox"/>
12.	The proposed content does not contain the personal data of individuals.	<input type="checkbox"/>
13.	If the proposed content does contain the personal data of individuals, consent has been obtained from them for processing their personal data in manual or electronic format in an e-repository.	<input type="checkbox"/>
14.	Explicit consent from the individuals has been obtained for publishing their sensitive data in an e-repository.	<input type="checkbox"/>
15.	Consent has been obtained to publish the email addresses including addresses, telephone numbers and other details in an e-repository.	<input type="checkbox"/>

Further information

- **e-Repositories and the Law - Deposit Checklist**

<http://www.jisclegal.ac.uk/publications/erepchecklist.htm>

- **e-Repositories and the Law Essentials**

<http://www.jisclegal.ac.uk/publications/erepessentials.htm>

- **Legal Aspects of e-Repositories and e-Collections**

<http://www.jisclegal.ac.uk/publications/erepositories.htm>

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Recent staff and student actions which directly affects the use of information technology by our website, send in an enquiry and attend our workshops.

In response to this increased demand for legal information the Joint Information Systems Committee (JISC) funds the Legal Information Service (JISC Legal).

JISC Legal aims to give non-lawyers the information they need to make decisions, comply with the law and help save time and money by briefing them before consultation with solicitors or other professional advisers. JISC Legal aims to prepare and select material, which is accessed from one place and is as succinct and to the point as legal material can be.

What we deliver

JISC Legal delivers a website with a range of resources and services at <http://www.jisclegal.ac.uk>. This includes briefings on major areas of law relevant to IT, both by our own staff and commissioned from academics, practitioners and users. The site hosts a daily news service, news of workshops and other events, lists of links by legal area. It monitors and links to the relevant legal JISC MAIL discussion lists.

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