

COPYRIGHT: THE BASICS

What is copyright?

Copyright is a branch of the law which protects creativity. It is a right which provides protection for original literary, dramatic, musical and artistic work allowing those who own such works to control the way in which their work can be used and exploited. In the UK, copyright arises automatically when a work that qualifies for protection is created and committed to paper or another fixed form. Copyright does not need to be registered and the creator does not have to be a professional in order for his original work to be protected by copyright. So, for example, a photograph by an amateur/social photographer such as a U3A member or a member of his family can be protected by copyright. Also, a work does not have to have the copyright symbol or the word copyright on it for it to be subject to copyright. These symbols are merely used to put other people on notice that the piece of work is protected by copyright and not freely available to use.

Finally, be aware that one piece of work can contain lots of different copyright elements at the same time. For example, in a song, lyrics are protected as literary work; the composition is protected as musical work; and the actual recording of that song is protected as a sound recording.

What are U3A members' responsibilities when using the work of others?

All U3A members are responsible for respecting the rights of others, and should only use the work of others if it is legally permissible. If you wish to use the work of others, you may need to seek permission from the rights' owners. In cases of doubt, take advice from the Group's Chairman, who may take advice from local, regional or national sources within the Third Age Trust.

What happens if U3A members make illegal or unauthorised use of copyright material?

Illegal or unauthorised use of copyright material is a serious matter and has led to U3A groups in the UK facing threats of court action and requests to pay substantial damages for copyright infringement.

Members should be aware that the internet in particular has created a means by which materials can easily be accessed and distributed to millions of people, and this makes it all too easy for people to believe that, because it is on the internet, it is in the public domain and can be used free of charge by the public. While some content may be free to re-use, overall this is a misconception, and many individuals and organisations representing writers, artists and musicians systematically monitor the media, including the internet, for copyright infringement. Large scale deliberate copyright infringement can also lead to criminal prosecution. So, this is not something to be taken lightly.

When can U3A members use the work of others?

There are only 4 circumstances in which the work of others can be used:

- The copyright holder has given permission for the use or exploitation.
- Copyright in the work has expired, meaning that the work has entered the public domain and can be freely used or exploited by anyone.
- The use is covered by a licensing scheme that the U3A Group and/or to which the Third Age Trust has subscribed and the copyright holder is a member of that scheme.
- The use is what is defined as 'fair dealing' under the 1988 Copyright Designs and Patents Act and subsequent amendments

To what licences has U3A subscribed?

Photocopying, scanning and copying from some digital sources

A Copyright Licensing Agency (CLA) licence allows multiple copies to be made from books, journals and magazines for learning and teaching purposes - but not of the whole book, journal or magazine.

Extracts can be up to 5%, one chapter or one article, whichever is the greater. Individual U3A groups can buy CLA licences via the Third Age Trust. Do not make multiple photocopies without first checking that your U3A has a current CLA licence. To check whether an item is covered by this licence, please use CLA's Check Permissions tool available through CLA's website. Please note that CLA licences do not allow multiple copies of the following items:

- Maps and charts (e.g. weather charts) - consult the Ordnance Survey or Google maps or other source for the necessary permissions.
- Newspapers - consult the Newspaper Licensing Agency for the necessary licence.
- Printed Sheet Music including Lyrics -this is illegal unless the work is out of copyright, direct permission has been granted, or the use falls within the Music Publishers Association's Code of Fair Practice or under one of the limited exception (see below). Consult the Music Publishers' Association for advice on getting permission for copyright works.

Digital Images

Images are only in the public domain when copyright expires. Use only images that the copyright holder has given permission to be used or images published under a relevant Creative Commons (CC) Licence. CC Licences do not replace copyright but can allow sharing for non-commercial uses of protected works in certain circumstances. If an item is covered by CC, there will be a notice to say so.

Recorded Music

The Third Age Trust has a Phonographic Performance Limited (PPL) licence which gives U3A groups permission to play recorded music publicly in its premises as part of its interest activity groups.

Public Performance of Music

Whilst PPL looks after the interests of the owners of sound recordings, PRS for Music (PRS) is the body which looks after the interest of the owners of underlying musical works (music and lyrics in songs). PRS licenses the performance of such underlying musical works in public. Venues which play live music (via a live performance, a TV/radio or a jukebox for example) can purchase a PRS licence. If music which is in copyright is to be performed in a PRS licensed venue, there are no further permissions needed in most cases. Make sure that the venue of the performances has a PRS licence if copyright music is going to be performed. The venue's entertainments licence is not on its own enough to allow performance of copyright music.

DVDs/ Videos

Two companies license films from all the film studios: Motion Picture Licensing Corporation (MPLC) and Filmbank Media. The Third Age Trust has an MPLC licence which allows U3A group members to show MPLC films outside their homes for educational and entertainment purposes. To show Filmbank Media films in a public place, individual U3A groups can buy Filmbank licences via the Third Age Trust.

How long does copyright last?

It depends on the kind of work. The rules in general are:

- Literature, dramatic, musical, artistic works - 70 years from end of calendar year in which the last known author of the work dies. If the work is anonymous, copyright lasts until 70 years from end of calendar year in which work was created or made available to the public.
- Computer-generated literary, dramatic, musical or artistic works - 50 years from the end of the calendar year in which the work was made.
- Sound recordings and broadcasts - 50 years from end of calendar year in which work was created, or 70 years from the end of the calendar year in which the work was published.

- Films - 70 years from end of calendar year in which last principal director, author or composer dies. If the film is anonymous, 70 years from end of calendar year in which the film was made or made available to the public.
- Typographical arrangement of published editions - 25 years from end of calendar year in which work was first published.
- TV broadcasts and cable programmes - 50 years from end of calendar year in which broadcast was made.

What are the exceptions and what is 'fair dealing'?

The 1988 Copyright Designs and Patents Act (and subsequent amendments) grants some exceptions to copyright infringement and allows some limited uses of the work of others in certain circumstances and without the need to obtain permission from the copyright owner. Full details are available at on the IPO website (see below), but very broadly these are:

- Research and private study - the use must be non-commercial, sources must be acknowledged and multiple copies are not allowed.
- Criticism or review - that is, quoting parts of a work for criticism or review - sources must be acknowledged, there must be some actual discussion or assessment, the work must have been made available to the public and the amount of the work quoted must be no more than is needed for the review.
- News reporting - that is, using material of others to report current events - the work must not be a photograph, sources must be acknowledged and the amount of the material quoted must be no more than is needed for the news report.
- Incidental inclusion - where part of a work is unintentionally included in another work (e.g. a news report shows a poster that just happens to be on a wall in the background of the picture).
- Making work accessible for blind/partially sighted people - this is fair dealing only if a suitable accessible version (e.g. an audio book) is not already available.
- Parody or pastiche - but be careful with this one as an author still has rights to object to derogatory or defamatory versions of his work and can claim compensation.
- Fair dealing does not allow anyone to use a wholesale amount of the work or the whole work - it only allows a small portion of that work to be used and then only to the extent justified for the fair dealing purposes and under the conditions defined above.

FOR MORE INFORMATION, PLEASE CHECK THE IPO WEBSITE.

How do U3A members get permission?

If copyright work belonging to others is going to be used, and the use is not covered by a licence, an existing permission or by a 'fair dealing' exception, permission will be needed from the copyright owner(s). It may not be immediately obvious who that might be as it is possible that the owner of copyright may not be the original author (for example, if an artist is signed to a record label or publisher, although the artist would be the original author of the composition or the recording of that composition, he/she would have assigned all of his/her rights in those works to the record label or publisher). Also, there may be more than one owner of copyright (for example, if two different songwriters write the same song). In first instance, it is usually best to contact the publisher (in the case of musical or printed work), the record label (in the case of sound recording) or the website owner (in the case of material published on the internet) first. The copyright owner does not have to reply, and has the right to refuse to give permission or to charge for that permission. He/she can also impose some conditions to the permission. You should be particularly careful with the internet as many websites out there are using material illegally. This means that if you receive permission from someone that does not have the rights to give such permission, you would still be using protected work

illegally. The safest sites are official sites from reputable organisations. In summary, if the copyright owner cannot be identified or located, or does not give consent, the work should not be used.

SUMMARY

All U3A members are responsible for respecting the rights of others, and should only use others' work when it is legally permissible to do so.

Before using any work that has been created by someone else, U3A members should ask themselves:

- Who created it?
- How old is it? Is it likely to be protected by copyright? If so, who owns the copyright?
- Has the copyright owner given permission for the intended use?
- If not, does the use in question need permission or does it fall under the 'fair dealing' exemption? If the use is not 'fair dealing' has your U3A or the Third Age Trust got a licence that allows that use?
- If the use is a live performance of music, has the venue got a PRS licence?
- Who should be asked for permission (if any permission is needed)?
- Do sources need to be acknowledged?

In cases of doubt about any aspect of using the work of others, take advice from the/your U3A Chairman before using the work.

Last and by no means least, always remember that being a Charity does not excuse your U3A and other U3A groups from complying with copyright law.

DEFINITIONS

Work

For this purpose, this means books, journals, magazines, maps, newspapers, sheet music, photographs, digital images, films, videos, recorded music, lyrics, composed music, recorded sound and artwork.

Using

Has a very broad meaning and would include any one of the following: photocopying, scanning from print, copying from digital originals (e.g. the internet), communicating or making the work available to the public, such as playing films recorded sound or music in public, copying lyrics, copying artwork, including artwork or photographs or digital images in documents, passing off words or lyrics as your own, copying written work, including music or videos in performances (sampling is an example), singing or playing live music, performing live drama or musicals.

Others

Means anyone other than yourself.