

# COPYRIGHT THE CARD GAME: WORKS, USAGES, LICENCES AND EXCEPTIONS



**Chris Morrison and Jane Secker**  
**Coventry University: 23rd July 2019**



# OVERVIEW OF DAY

9:30-12:30	<b>Copyright the Card Game</b> In an interactive, games-based workshop we will cover the main aspects of copyright as it relates to higher education, libraries and educational technologies. We will take a working coffee break around 11am before playing the final round of the game.
12:30-13:30	Lunch
13:30-14:30	DMLL Team meeting
14.30-16.00	<b>The Publishing Trap</b> This fun board game is a great way of learning about the issues related to open access, scholarly communication and publishing choices. Playing in teams, the group will learn about the issues and decisions that researchers in a variety of disciplines have to make throughout their career.





**N** NATURAL  
HISTORY  
MUSEUM

LIBRARY  
HSLIBRB



**ICEBREAKER**



# COPYRIGHT LITERACY

“acquiring and demonstrating the appropriate knowledge, skills and behaviours to enable the ethical creation and use of copyright material.”

Secker and Morrison, 2016, p.211

# WHAT DOES IT MEAN?



**Getting comfortable  
with uncertainty**

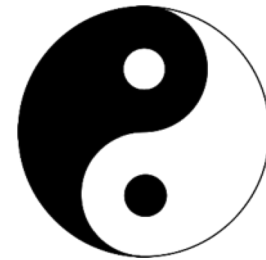


01101100  
01101111  
01110110  
01100101

**Avoiding binaries**



**Education  
not training**



**Balance between  
content and approach**





# COPYRIGHT LITERACY IN THE UNITED KINGDOM



Education



Community



Research



Engagement

# COPYRIGHT THE CARD GAME: LET'S PLAY!



Chris Morrison and Jane Secker



<https://copyrightliteracy.org>



@UKCopyrightLit



# INTRODUCTIONS



Introduce yourself to your team mates

Decide on your team name

Give us your team name for the score sheet

# COPYRIGHT QUIZ



**Q. What is the legislation?**

**A. Copyright, designs and patents act 1988, as amended and revised**



# COPYRIGHT QUIZ



**Q. Does copyright protect ideas?**

**A. No, copyright does not protect ideas but the way they are expressed.**

# COPYRIGHT QUIZ



**Q. What sort of things does copyright protect?**

**A. Copyright covers all different types of content (text, images, sound, moving images etc.)**

# COPYRIGHT QUIZ



**Q. Do copyright works need to be registered?**

**A. No, copyright protection is automatic as soon as the work is 'fixed'.**

# COPYRIGHT QUIZ

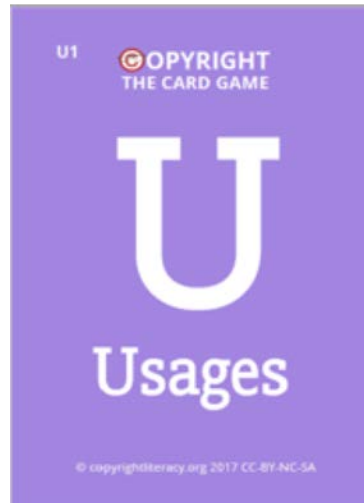


**Q. Do works need a “©” in the UK to be protected?**

**A. No, copyright works don't need a “©” in the UK to be protected, but it helps indicate that the works is protected.**



# COPYRIGHT: THE GAME



# THE RULES



Each round will focus on one 'suit'

Each team will have one deck of cards

Each team must nominate a card handler

Teams should confer and agree answers

Answer the scenarios by selecting the cards

# Works

# WHY CONSIDER TYPES OF COPYRIGHT WORK?



- Different durations
- Different layers of rights
- Different owners within content
- Different licences
- Some exceptions work specific



# COPYRIGHT WORKS (1)



Literary



Artistic



Musical



Dramatic



Broadcast



Sound Recording



Film

# COPYRIGHT WORKS (2)



Typography



Public Domain



Crown Copyright



Database



Moral Rights



Performance



Non Qualifying

Work related

# ROUND 1



**Use your “Works” cards to identify what types of works are in the object your team has been given**

# Usages



# WHY CONSIDER TYPES OF COPYRIGHT USAGE?



- They are the CDPA ‘restricted acts’ as defined in law
- The ‘restricted acts’ must be ‘mapped’ onto any activity to understand licences and exceptions available

# COPYRIGHT USAGES



Copying



Issuing copies to the public



Rental or Lending



Public Performance



Communication to the public



Adaptation

**Using your “Usage” cards,  
decide what types of usage  
apply in the following scenario.**

## What types of usages apply?



**1. A lecturer uploads a political cartoon to the VLE to share with their students**



Copying



Communication to the public

## What types of usages apply?



**2. The Students' Union are showing TV news in the bar**



Communication to the public



Public Performance

# Licences



# WHY CONSIDER TYPES OF COPYRIGHT LICENCE?



- + **First point of call**
  - + Can effectively provide zero risk
  - + May already have paid for them
- **They all involve limitations**
  - Not carte blanche
  - Relationship with exceptions

# COPYRIGHT LICENCES (1)

## L Licences



CLA (Copyright Licensing Agency)



NLA Media Access



ERA (Educational Recording Agency)



Filmbank / MPLC



Library E-resources



Creative Commons

# COPYRIGHT LICENCES (2)

## L Licences



‘Bespoke’ permission



Website Terms & Conditions



UK Orphan Works Licence



You own the copyright



You made it as an employee

Licence related

# COPYRIGHT LICENCES (3)



Software Licences



Open Government Licence\*

\*Equivalent to Creative Commons  
Attribution Licence (CC-BY)

**Using your “Licences” cards,  
decide what types of licences  
apply in the following scenario?**

## What types of licence might apply?



**1. A librarian scans a printed journal article and emails the scan to a lecturer who uploads it to the VLE for her students**



CLA Licence



Bespoke Permission

# ROUND 3

# L Licences

## What types of licence might apply?



**2. A Sociology lecturer uses Box of Broadcasts to make clips from ‘Gentleman Jack’ and adds them to the VLE to highlight gender issues in Georgian Britain**



ERA Licence



E-resource licences

## What types of licence might apply?



**3. The university wants to digitise a collection of uncredited photographs from the 1960s for an exhibition in the main entrance to the library**



Bespoke permission



Orphan works



You made it as an employee



# Exceptions

# DISCLAIMER

The following slides are intended to give an overview of the key UK copyright exceptions for those in higher education institutions. They are not comprehensive, nor do they provide full details of the provisions within the relevant legislation (most notably [Copyright, Designs and Patents Act 1988](#)).

The slides are for information purposes only and do not constitute formal legal advice.

If you find anything in the slides which appears to be inaccurate or misleading please contact [ukcopyrightlit@gmail.com](mailto:ukcopyrightlit@gmail.com)

# FAIR DEALING



**Determines whether usage is lawful or infringing based on how a ‘fair minded and honest person’ would deal with the work.**

- ✂. Does using the work affect the market for the original work? Does it affect or substitute the normal exploitation of the work.
- ✂. Is the amount of the work taken reasonable and appropriate? Was it necessary to use the amount?

# KEY EXCEPTIONS TO COPYRIGHT 1

# E

## Exceptions

**S29 – Research or Private Study**



**S29a – Text & Data Mining**



**S30 – Quotation**



**S30A – Caricature, Parody or Pastiche**



**S31A-F - Accessible Copying**



**S32 – Illustration for instruction**



# KEY EXCEPTIONS TO COPYRIGHT 2



## Exceptions

**S34 – Educational Performance**



**S35 – Recording of Broadcasts**



**S36 – Educational Copying of Published Extracts**



**S40B - Dedicated Terminals**



**S41 – Library to Library Copying**



**S42 – Library Preservation**



# KEY EXCEPTIONS TO COPYRIGHT 3



Exceptions

**S42A – Library Copying for Users**



**S43 - Library copying of unpublished works**



**S45-50 – Public Administration**



**S44B - Orphan Works**



# COPYRIGHT EXCEPTIONS

E  
Exceptions



② rphan



# NON-CONTRACTUAL OVERRIDE



**“To the extent that a term of a contract purports to prevent or restrict the doing of any act which, by virtue of this section, would not infringe copyright, that term is unenforceable.”**

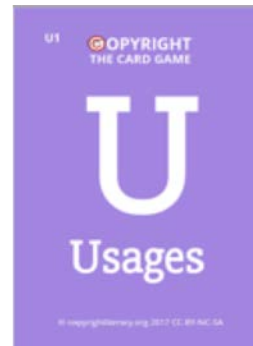
Copyright, Designs and Patents Acts 1988



# ROUND 4



**The final round uses all the cards:**



# ROUND 4



- 1. Consider the following scenarios within your teams**
- 2. Play the relevant 'Works', 'Usage', 'Licences' and 'Exceptions' cards**
- 3. Choose a level of risk from 0 to 5 and play the corresponding card**

# ROUND 4



1. You are a history lecturer at Coventry University and you have identified a chapter in the book “A History of Greece” by Nicholas Doumanis (ISBN 9781137013675) that you want to include in your online readings. The course reading will be made available on the VLE / reading list system. The library has the item in physical stock, but it is not available as an e-book.

## CHECK PERMISSIONS

Find out what can be copied, shared or re-used under your licence.



Alternative spellings:

Doumanis ▾ *History of Greece*

Show Results by Licence Sector

Search Results for 'Doumanis History of Greece'

## A History of Greece

**ISBN:** 9781403986139

**Contributor:** Doumanis, Nicholas

**Publication Type:** Book

**Publication Form:** Print

**Publisher:** Palgrave Macmillan Higher Education

**Country of Publication :** United Kingdom of Great Britain & N. Ireland

View Licence Usage:



Photocopying

Show Details ▾




Scanning

Show Details ▾



Second extract permissions

 Purchase

Show Details ▾

# W

Works



## 1. Book chapter

# U

Usages



# 0

Risk



# L

Licences

# E

Exceptions

# ROUND 4



2. The DMLL are running a digital footprint and digital identity webinar for new students and need to use a number of images in the presentation. Some images for the presentation have been found on the internet, some are from social media and some are screenshots from library databases. They will share the slides and recording on the VLE after the session.

# W

Works



## 2. Digital literacy training

# U

Usages



# 1

Risk



# L

Licences



# E

Exceptions

# ROUND 4



3. A blind student needs an accessible version of a 40 page pamphlet held in your library's collection.

They want a version suitable for use with their screen reader software and have asked their 'library buddy' to make a digitised version for them. The pamphlet is not covered by the CLA Licence and is not available in digital form.



### 3. Library Buddy

W

Works



1

Risk

U

Usages



L

Licences

E

Exceptions

# CHRIS AND JANE'S 3 TOP TIPS



1. First start by considering the **works** and **usages**
2. Then consider **licences** and if there are none that apply, look at **exceptions**.
3. You will always need to make a **risk** assessment. If relying on exception consider what is **'fair'**.

# RUNNING THE CARD GAME



1. Creative Commons Licensed
2. You will need to be familiar with copyright to deal with queries and questions
3. You can train from 6 - 60 people
4. Allow 1.5 – 2.5 hours
5. Room set up – cabaret style
6. Customise the scenarios for your own context
7. Keep the pace up and have fun

# LINKS

[Copyrightliteracy.org](https://copyrightliteracy.org)

[Copyright, Designs and Patents Act 1988](#)

[IPO Copyright Guidance](#)

[Jisc Copyright Guidance](#)

[Copyrightuser.org](https://copyrightuser.org)

[Copyrightuser.org libraries guidance](#) (Morrison & Secker)

[Association of University Administrators guide to copyright](#) (Morrison & Secker)

# CREDITS



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**\*\*DOWNLOAD THE FULL CARD GAME RESOURCES HERE\*\***

UK Copyright Literacy:

<http://copyrightliteracy.org>



# **QUESTION & ANSWER SESSION**

**AN OPPORTUNITY TO ASK US ANY QUESTIONS**

# W

Works

## 1. Template

# U

Usages



# ?

Risk



# L

Licences

# E

Exceptions