

Copyright Policy

May 2016

Document title			
Copyright Policy May 2016			
Document author and department		Responsible person and department	
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Approving body		Date of approval	
Professor Graham Galbraith, Vice-Chancellor		28 April 2016	
Review date	Edition no.	ID Code	Date of effect
April 2019	4 (Previous versions entitled Copyright Code	86	9 May 2016
EITHER		OR	
For public access online (internet)? <i>Tick as appropriate</i>		For staff access only (intranet)? <i>Tick as appropriate</i>	
Yes <input checked="" type="checkbox"/>		Yes <input type="checkbox"/>	
For public access on request copy to be mailed <i>Tick as appropriate</i>		Password protected <i>Tick as appropriate</i>	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<p>External queries relating to the document to be referred in the first instance to the Corporate Governance team: email corporate-governance@port.ac.uk</p> <p>If you need this document in an alternative format, please email corporate.communications@port.ac.uk</p>			

The latest version of this document is always to be found at:

<http://policies.docstore.port.ac.uk/policy-086.pdf>

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Copyright Policy

Summary

What is this Policy about?

The Copyright Policy takes an overview of copyright law and sets out the requirement for users of third party material to comply with UK copyright legislation.

Who is this Policy for?

The Policy applies to all staff, students and others working for or on behalf of the University.

How does the University check this Policy is followed?

Given the volume of material used across the University, proactive monitoring is neither practicable nor desirable. Reactive monitoring may be carried out if the University believes it is at risk from copyright infringement. Staff and students need to be aware that the penalties for copyright infringement can be serious. Evidence of copyright infringement or failure to comply with this Policy may lead to actions being taken by the University, including the implementation of disciplinary procedures.

Who can you contact if you have any queries about this Policy?

Any questions about this Policy should be directed to the Copyright and Compliance Officer, david.sherren@port.ac.uk.

1. Introduction

The University of Portsmouth is committed to delivering the best teaching and student experience and enabling us to undertake important research – all in an environment that fosters creativity. Within this creative environment we recognise the value of original works and the requirement to use third party materials fairly and lawfully.

The University endeavours at all times to comply with UK copyright legislation (the Copyright, Designs and Patents Act 1988 and associated regulations) and to adhere to the terms and conditions of copyright licences. Infringements of copyright legislation or licences by any individual may result in legal action against the individual or the University. The University regards breach of copyright as a serious offence and may take disciplinary action where this occurs.

2. Scope of Policy

2.1 What it includes

This Policy covers all printed, electronic and digital copyrighted material used within the scope of University activity. For the avoidance of doubt, this material includes, but is not limited to, text, images, databases, drawings, graphic designs, logos, sound recordings, films, broadcasts, computer programs (software), and electronic material stored on local and remote drives and on internet sites.

2.2 What it does not include

This Policy is solely concerned with issues relating to the use of third party material. It does not cover the University's ownership of copyright in materials created by individual members of staff. This is covered by the University's **Intellectual Property (IP) Policy**.

3. Role of the University

The University of Portsmouth has nominated a member of staff who, as part of their role, acts as a Copyright and Compliance Officer with responsibility for providing suitable advice, training and awareness to its staff and students. The Copyright and Compliance Officer will maintain a collection of Copyright Guidelines, accessible to staff and students, that provides advice on copyright best practice. Copyright matters are reported to the Director of Corporate Governance who has the responsibility to escalate any matters that pose serious risk or resource issues to the Vice-Chancellor.

This Policy has been developed on behalf of, and endorsed by, the University Executive Board. The Policy will be reviewed every three years and the Guidelines may be updated from time to time and when significant changes occur in copyright law.

4. Responsibilities of members of the University

Members of staff, students and others working for or on behalf of the University are required to follow and observe this Policy and the associated **Copyright Guidelines** and should seek advice from the Copyright and Compliance Officer if unsure whether use or copying of material is lawful.

4.1 Implementation

Line managers have a responsibility to ensure that their staff are aware of the Policy and the associated Guidelines, and all users are expected to comply with its requirements. It is the responsibility of Deans and Heads of Department to ensure that students are aware of the Policy.

4.2 Copyright Guidelines

The Copyright Guidelines aim to inform all University members of staff and students about how copyrighted material can be used in the context of the University and explain the various licences and copyright exceptions that are available. The Copyright Guidelines are available from the Library website (www.port.ac.uk/library/help/copyright/).

4.3 Copyright clearance

It is the responsibility of individual members of staff, students or others working on behalf of the University to make legitimate use of third party material. This involves ensuring that permission has been granted so as not to infringe any of the exclusive rights of the copyright holder. The copyright holder has the exclusive right to authorise or prohibit any of the following acts:

- i) **Reproduction** – which means copying the work in any way, such as by photocopying, scanning or copying recorded music.
- ii) **Distribution** – which covers issuing copies of a work to the public.
- iii) **Rental and lending** – such as loaning a CD from a library.
- iv) **Public performance** – this includes the act of performing a play in a theatre, and playing sound recordings or showing films in public.
- v) **Communication to the public** – this includes making the work available by electronic means, such as broadcasting or putting it on the internet.
- vi) **Adaptation** – this includes translation of a work, converting a computer programme from one language to another or making a film out of a novel.
- vii) Doing any of i) to v) to the adaptation.

Before copying or otherwise using materials authored by others, each individual must determine whether materials are subject to copyright. The individual must obtain permission from the copyright holder if the contemplated use is neither provided for under fair dealing, statutory exception or other law. The University holds several licences which permit the lawful use of some copyrighted material. See the **Copyright Guidelines** for further details.

When permission from a copyright holder is obtained, it should be retained by the individual who requested it until such a time as the use of the copyrighted material is no longer required and the material is destroyed. If the copyrighted material is transferred to an archive, the permission documentation must be transferred with the item.

4.4 Copyright notices

The University will place copyright notices adjacent to any relevant equipment that may be used for reproducing copyrighted materials.

4.5 Compliance

Copyright infringement can raise both civil and criminal law liabilities. Any member of staff who breaches this Policy may be held personally liable for their actions and may, as appropriate, be referred for **disciplinary** or **research misconduct** procedures. Deliberate violation of this Policy by any student will be dealt with as a case of misconduct and the disciplinary procedures as outlined in the **Code of Student Behaviour** will be applied.

5. Notice and Take Down

The University of Portsmouth endeavours at all times to comply with UK copyright legislation and to adhere to the terms and conditions of copyright licences.

If you are a rights holder and are concerned that you have found material on our website for which you have not given permission, or is not covered by a limitation or exception under UK copyright law, please contact us in writing stating the following:

- your contact details
- full details of the material
- the exact URL or other location where you found the material
- if the request relates to copyright, proof that you are the rights holder and a statement that, under penalty of perjury, you are the rights holder or are an authorised representative
- the reason for your request

Contact details:

Director of Corporate Governance
University of Portsmouth
University House
Winston Churchill Avenue
Portsmouth
PO1 2UP
United Kingdom

Email: adrian.parry@port.ac.uk

Procedure

Upon receipt of notification the 'Notice and Take Down' procedure is then invoked.

1. The University of Portsmouth will acknowledge receipt of your enquiry by email or letter and will make an initial assessment of the validity of the complaint.
2. If the initial assessment is that your complaint is potentially valid and requires further investigation or legal advice, the relevant material will be temporarily removed pending an agreed solution to the complaint.
3. The University of Portsmouth will contact the contributor who deposited the material, if relevant. The contributor will be notified that the material is subject to a complaint, under what grounds, and will be encouraged to assuage the complaints concerned.
4. The complainant and the contributor will be encouraged to resolve the issue swiftly and amicably and to the satisfaction of both parties, with the following possible outcomes:
 - the material is replaced on the University of Portsmouth website unchanged;
 - the material is replaced on the University of Portsmouth website with changes;
 - the material is permanently removed from the website.
5. If the contributor and the complainant are unable to agree a solution, the material will remain unavailable through the University of Portsmouth website until a time when a resolution has been reached.

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