

Copyright Policy

Name of policy: Copyright Policy

Date approved by College Council: 2 May 2019

College Committee: Computing, Communications and Records Sub-Committee

Policy owner: College Archivist

Reviewed by: James Cox, College Archivist

Last reviewed: April 2019

Document reference if applicable: CCR2019-15

Revision summary: N/A

Next review date: April 2022

Introduction: This policy sits within the context of UK law.

- The current act is the Copyright, Designs and Patents Act 1988, the principal legislation covering intellectual property rights in the United Kingdom. It gives the author or creator the exclusive right to copy, adapt, communicate, lend or sell copies of the work, although this right can be sold or transferred.
- Any other legislation that has an impact on the management of intellectual property rights.
- These are applicable to digital images as well as all forms of original works (literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions,) including Architectural plans and all photographs.
- This policy covers copyright, which is a form of intellectual property right. Other rights will often interact with copyright.
- Different rules apply to published, unpublished and Crown copyright material.

Responsibilities

- The College has a responsibility to provide staff, students and visitors with relevant information regarding the law. Infringement could lead to legal action with possible financial and reputational risks associated.
- The College will always remain open to receiving any new information on, or interpretation of, copyright law.
- The Law applies to all members of the College community, including visitors or contractors working in the College. Compliance is the responsibility of everyone.

- The responsibility for obtaining the copyright holder's written permission to publish material from any collection in the College Archives rests with the researcher although the College Archivist may be able to advise on this.

College copyright material

- Material is normally supplied for private research only in accordance with the terms of the 1988 Copyright Act.
- Please apply to the Archivist in writing, stating the purpose for which it is required and the desired format (electronic or photographic print), with details of size or definition.
- The College will then respond stating the conditions of publication; and any requirements it may wish to make regarding reproduction fee.
- Permission to reproduce is dependent on the full acceptance of the terms and conditions in the licence. The licence will state that the client shall be responsible for ensuring that any third party distributor or producer of the work/product shall be bound by these terms and conditions.
- In the case of collections where copyright is the property of Gonville and Caius College, a copyright fee may be charged for the commercial use of material from those collections.

Assignment of copyright to the College: To improve our management of our and other party's intellectual property in an appropriate way.

- The College will request contractors working for the College who produce relevant

copyrighted material (literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions,) to assign in writing copyright (or unrestricted use) to the College.

- The College will request in writing that all copyrighted material (literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions,) gifted or donated to the College have copyright assigned in writing.
- Such assignment of copyright will be stored in the College Archives.

Risk

- There will be times it may be necessary for students or staff to take a risk-managed approach to the use of copyright material. This should be done following best practice and with due diligence in order to minimise the impact of any infringement claims.

- The College Archivist or the Senior Bursar should be contacted if advice is required on identifying the level of risk and the appropriate due diligent activity to take. [*Due diligence in this context refers to a certain standard of care that those using copyright material should take in order to minimise the impact of infringing copyright. This includes (but is not limited to) rights clearance investigation, contacting representative bodies and notifying rights holder communities*'].

- Any online service hosted by the College that features, or may feature, third party copyright material should have a 'notice and takedown' mechanism and procedure to respond quickly and appropriately to any alleged infringement.
- 'Notice and takedown' will give rights holders and interested parties the ability to ask for content to be removed and the College will oblige where proof of identity and ownership is provided.

Copyright Notices

- The College will place appropriate copyright notices near any relevant equipment that may be used for reproducing copyright materials.
- Information will also be placed on the website.

Review

- The College Archivist will provide guidance where possible, and review the policy on a regular basis. Please note that the College Archivist is not a lawyer, and cannot provide legal advice.
- The College Archivist will maintain an information resource on copyright best practice, including appropriate licences, available to all members of the College community.

Contact

- The College Archivist can be contacted college.archivist@cai.cam.ac.uk or through the College website www.cai.cam.ac.uk or 01223 332400.
- The Senior Bursar can be contacted senior.bursar@cai.cam.ac.uk
- Advice is available through the University of Cambridge legal Services Office. www.legal.admin.cam.ac.uk
- Advice is also available through the Intellectual Property Office www.ipo.gov.uk