

Copyright

Feel free to share your **Gooseberry Alert** content with students, staff and parents.

All that we ask in return (in the spirit of modelling positive digital citizenship) is that you acknowledge *Gooseberry Planet Limited* as the source of your advice.

- ✦ Copyright is governed in the UK by the Copyright, Designs and Patents Act 1988. It is a right which exists in original literary, dramatic, musical or artistic work and in sound recordings, films and broadcasts.
- ✦ “Artistic work” includes a graphic work or photograph, irrespective of artistic quality – so your child’s self portrait is protected by copyright! “Film” means a recording on any medium from which a moving image may be produced – so your home movies are protected by copyright.
- ✦ The author of an original work is the person who creates it. They are the first owner of copyright in the work, (except where it is made by an employee in the course of their employment – in this case the employer is usually the first owner of copyright in the work). Copyright can be transferred to others, partially or wholly. Remedies for breach of copyright include damages and injunctions to prevent further use.
- ✦ Some breaches of copyright can result in criminal liability carrying a prison term and/or large fine. This generally relates to those carrying on a business which sells, hires or imports infringing goods.
- ✦ The copyright owner has the **exclusive** right to: copy the work; issue copies to the public; rent or lend or perform or communicate the work to the public; make an adaptation of the work. If anyone else does those things, to the whole or a substantial part of the work, without the licence of the copyright owner, they infringe the copyright. (Copying includes storing the work electronically and taking photos of film images).
- ✦ The period for which copyright exists varies (and is complicated to explain) but, in the UK it lasts for at least 50 years. A sound recording is protected independently of the original music, so a new recording of old music will have copyright protection even if copyright in the original score has expired. Most music available on the internet will have copyright protection.
- ✦ There are some limited situations where using copyright works without the owner’s permission may be allowed (often with a requirement that the use is sufficiently acknowledged). The use must be “**fair**”. This is not defined by statute and will depend on the circumstances, including the amount of copying, the purpose and the financial impact on the owner. The situations include fair dealing: by a student for private study or by a researcher, for non-commercial research; for “criticism or review”; using a quotation from a work, (if the quote is not more extensive than required); with a work (other than a photo) for the purpose of reporting current events; and for the purpose of caricature, parody or pastiche.
- ✦ There is a protection for someone who commissions photos or film for a private and domestic purposes (eg family portraits or weddings videos) – they have the right not to have copies of the work issued, exhibited or shown to the public. Bear in mind that this right can be waived, and you should check the terms and conditions of any photographic contract, to ensure you retain this right.
- ✦ Courts can issue injunctions against service providers (eg. YouTube) if they know that someone is using their service to infringe copyright.
- ✦ What is the difference between copyright and privacy?
Just because you appear in a video, image or audio recording does not mean that you own the copyright. For example, if your friend filmed you, she would own the copyright to that video recording. If she then uploaded that recording to YouTube, without your permission, and you felt that it violated your privacy or safety, YouTube have a process for you to file a [privacy complaint](#).

- ✦ How does YouTube protect against copyright infringement?

The most common cases of **copyright** infringement involve using songs in a film or video without permission of the **copyright** owner or placing segments of movies or music videos on websites where it is easy for the public to download them. YouTube operates a 'Content ID' system which scans uploaded content against a database of files that have been provided by the copyright owners. If identified the owner is notified and can choose whether to block the upload, monetise it or track it.
- ✦ How can I get permission to legally use copyrighted material?

Determine if permission is needed – could there be a “fair use” exception? **Note** most UK Government publications are free to copy subject to the licencing terms set out in the document.

Identify the owner and date of creation/publication - has the copyright period expired?
Identify the rights needed – how much is to be copied, for what purpose, shared with whom?
Plan Ahead for Permission -Contact the owner and negotiate terms and whether payment is required. Get your permission confirmed in writing.

Teaching

Several exceptions allow copyright works to be used for educational purposes, such as:

- ✦ the copying of works in any medium as long as the use is solely to illustrate a point, it is not done for commercial purposes, it is accompanied by a sufficient acknowledgement, and the use is fair dealing. This means minor uses, such as displaying a few lines of poetry on an interactive whiteboard, are permitted, but uses which would undermine sales of teaching materials are not
- ✦ performing, playing or showing copyright works in a school, university or other educational establishment for educational purposes. However, it only applies if the audience is limited to teachers, pupils and others directly connected with the activities of the establishment. It will not generally apply if parents are in the audience. Examples of this are showing a video for English or drama lessons and the teaching of music. It is unlikely to include the playing of a video during a wet playtime purely to amuse the children
- ✦ Recording a TV programme or radio broadcast for non-commercial educational purposes in an educational establishment, provided there is no licensing scheme in place. Generally a licence will be required from the [Educational Recording Agency](#)
- ✦ making copies by using a photocopier, or similar device on behalf of an educational establishment for the purpose of non-commercial instruction, provided that there is no licensing scheme in place. Generally a licence will be required from the Copyright Licensing Agency

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