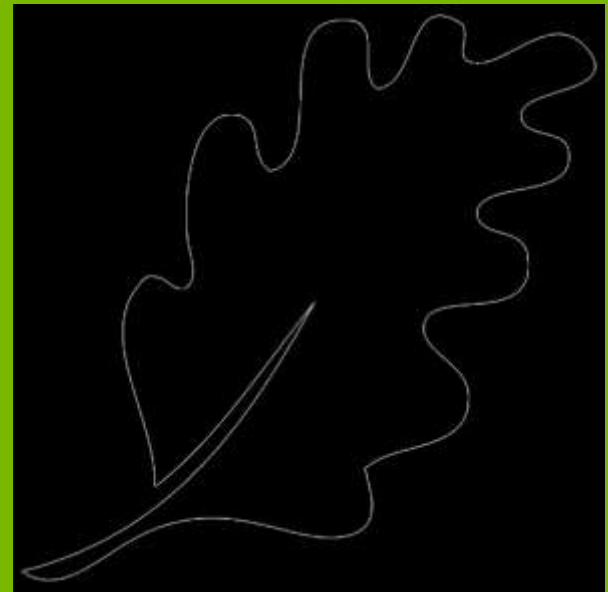




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# Copyright and Research Data

Beccy Shipman  
Digital Content and  
Copyright  
Coordinator





# What is Copyright?

- The right to copy and reuse a work, and allow others to do the same
- Belongs to original creator(s) or the employer (for work created in the course of employment)
- Automatic once the work has been recorded
- Can be assigned to others (terms of contract, sold or inherited) e.g. heirs, publishers
- Generally lasts lifetime of the creator plus 70 years (but there are many exceptions to this!)

## Fair dealing

- The right to reproduce limited portions of copyrighted works without permission, and without infringing the interest of the creator(s) or copyright owner(s)
- The Law does not outline how much is ok
- It is your responsibility to assess whether the material you wish to use is likely to infringe the “legitimate interests” of the rights holders
- Only applies to published materials



## Legal exceptions – most subject to fair dealing

- Covers use for:
  - Non-commercial research and private study
  - *Illustration for instruction (including examination)*
  - Criticism and review, *quotation*
  - *Text and data mining (non-commercial research)*
  - *Personal copying for private use*
  - *Parody, caricature and pastiche*
  - News reporting

## Licensing

- Allow copyright owners to retain their © and make their work available for reuse
- Exclusive vs non-exclusive
- Blanket licence – e.g. CLA licence
- Model licence – e.g. Creative Commons
- Online content - check terms and conditions of websites
- Free vs fee

# Permissions

- Identify rights holders
  - creator, publisher, estate, employer
- Contact rights holders
  - keep records
  - templates for requests  
[https://library.leeds.ac.uk/homepage/291/permission\\_to\\_reuse\\_content-request\\_templates](https://library.leeds.ac.uk/homepage/291/permission_to_reuse_content-request_templates)
- Permissions granted
  - Yes 😊
  - Yes + cash
  - No
  - No response = no



## Non-commercial research and private study

- reproduce limited portions of copyrighted works for non-commercial research and private study
- it is your responsibility to assess whether the material you wish to use is likely to infringe the "legitimate interests".
- copying a whole work is unlikely to be "fair"
- cannot pass on copies to others or use for other purposes

## Illustration for Instruction (including examination)

- limited amount of copyrighted work to illustrate a point
- only as much as is needed to make the point
- non-commercial use only
- attribute the source (unless impossible e.g. exam)
- by a person giving or receiving instruction (or preparing)
- use must be fair dealing



## Criticism, review and quotation

- only as much as is necessary
- attribute the source
- use must be fair dealing
- applies to all media, not just text (may be difficult to argue whole photo is “fair”)

## Text and data mining

- make whole copies of material for text and data mining
- lawful access to material e.g. open access material, journal subscriptions
- attribute the source
- exception not overridden by contract

## Parody, caricature and pastiche

- use limited amounts of copyright material solely for the purpose of parody, caricature or pastiche
- use must be fair dealing
- legal exception cannot be overridden by contract



<http://library.leeds.ac.uk/copyright>

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