

# Copyright including IPR

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## Welcome

### How to...

Link: <http://libguides.ioe.ac.uk/howto>

### Quick links

- [UCL Explore](#)
- [Databases](#)
- [DERA](#)
- [eJournals](#)
- [Moodle](#)

### Disclaimer

This guide does not qualify as legal advice, and should not be taken as superseding the requirements expressed in any license agreements that the Institute may have with rights organisations or publishers. Whilst we have endeavoured to ensure the accuracy of the statements in these guidelines, responsibility for the consequences of any action, or lack of action, taken by a reader as a result of reading these guidelines remains with the reader concerned.

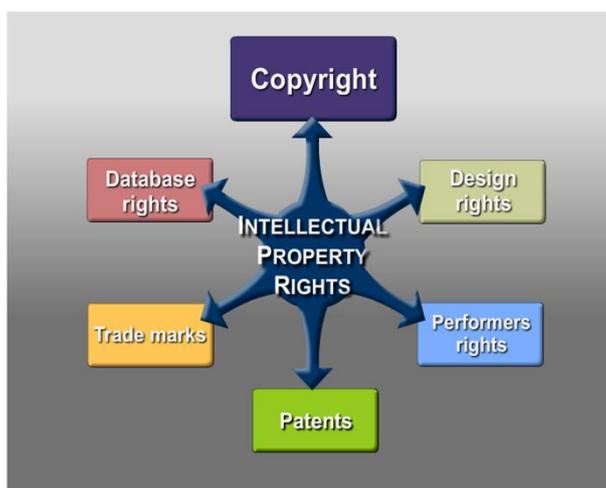
### Acknowledgement

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## Intellectual Property Rights

Intellectual Property (IP) lets people own the work they create. IP results from the expression of an idea. So IP might be a brand, an invention, a design, a song or another intellectual creation. IP can be owned, bought and sold.



This guide provides an introduction to Intellectual Property Rights (IPR). IPR is a complex subject and students and staff are advised to seek further guidance using the links provided on the different pages.

## Types of IP

**Copyright:** Copyright protects written, theatrical, musical and artistic works as well as film, book layouts, sound recordings, and broadcasts. Copyright is an **automatic right**, which means you don't have to apply for it. There are different copyrights inherent in different types of works:

- Broadcasts and Sound Recordings - 50 years
- Typography - 25 years
- Dramatic works - the earlier of either 70 years after the end of the calendar year in which s/he died
- Literary or Artistic works - lifetime of the author or artist plus 70 years from the end of the calendar year in which s/he died
- Music - Lifetime of composer plus 70 years from the end of the calendar year in which s/he died
- Film - 70 years after death of the survivor of the principal director/author of the screen play/dialogue or composer of the soundtrack if at least one individual is from the EU or origin of the film is from a member state of the EU

**Design rights:** There are different kinds of protection which may apply to designs. These are:

- UK Registered Designs
- UK unregistered Design Right
- Registered Community Designs
- Unregistered Community Designs
- Copyright

To find out which right is most appropriate, click [here](#).

**Performers' rights'** issues arise in any type of performance (theatrical, musical, oral, dance or even in a lecture). Permission to reproduce is imperative in order to avoid infringing copyrights.

**Patents** protect the features and processes that make things work and lets inventors profit from their inventions. Patents last for a maximum of 20 years from the date of application.

Information on patents is available from the UK [IP Office](#).

**Trade Marks** can be registered or unregistered and a trade mark is typically a symbol, image or word associated with particular goods or services. A registered trademark must be renewed every 10 years to keep it in force.

**Database rights** is in addition to the underlying copyright of the contents of the database. A database is a collection of independent works, data or other materials that are arranged in a systematic manner. Database rights alone can be as long as 15 years from publication date.

## LibAnswers

If you have a question, why not tweet us [@IOELibrary](#), text us on **+44 (0)20 3322 1810** or our online enquiry service, LibAnswers, is available Mon to Fri from 10.45 to 19.00 and Sat from 09.30 – 17.00 except during the summer when it is available Mon to Fri 09:30-18:00.

## Support

Link: <http://libanswers.ioe.ac.uk/>

## Useful Links

- [Copy rights and wrongs: know the score](#)
- [Copyright Licensing Agency](#)
- [Copyright User](#)

Copyright User is an independent online resource aimed at making UK Copyright Law accessible to creators and members of the public. The goal is to provide answers to the most pressing concerns creators have about copyright, helping them understand their rights.

- [Copyright, Designs and Patents Act 1988](#)
- [Hargreaves Review](#)
- [Intellectual Property Office \(UK\)](#)
- [IPR Diagnostic Tool](#)
- [JISC Legal: Copyright and IPR](#)
- [Performing Rights Society \(Music\)](#)
- [UK Copyright Service](#)
- [Web 2.0 Rights](#)
- [WIPO: World Intellectual Property Organization](#)

## Copyright

### Copyright Law

Copyright is a form of intellectual property and is part of a broader range of intellectual property rights, including patents, designs and trademarks. Copyright is implicit in the very act of creating anything which is original, be it a literary work, painting, sculpture, computer programme or just about anything which has a physical form of expression. As it is a form of property right it can be waived or assigned to another person or body. Copyright does not have to be registered or proved, as long as the work is original copyright is already invested in it automatically under UK law.

The primary source of UK copyright law is the [Copyright, Designs and Patents Act, 1988 \(c.48\)](#) (CDPA). This act lays down what can and cannot be done by individual members of the public and also what institutions such as university libraries can legitimately do in terms of copying for stock and other people. The act has been amended significantly over the years and so the original version should not be read in isolation.

### Who owns the copyright?

- In literary, dramatic, musical or artistic works: The author(s) owns the copyright - see next column for information on **duration** of copyright.
- Work created in the course of employment is usually owned by the employer
- Copyright can assigned to others, either wholly or piecemeal

### Moral rights

These exist alongside the copyright, and cannot be waived or assigned to others.

- Paternity right: The right to be identified as the author
- Integrity right: The right to object to derogatory treatment of your work
- False attribution right: The right not to a literary, dramatic, musical or artistic work falsely attributed to you as author

(I.e. The right not to be accused of authoring a work which you have not written).

### FAQs on Copyright

[Explore more answers in this topic](#)

### Duration of Copyright

The 1988 Copyright, Designs and Patents Act states the duration of copyright as;

#### 1. For literary, dramatic, musical or artistic works

70 years from the end of the calendar year in which the last remaining author of the work dies. If the author is unknown, copyright will last for 70 years from end of the calendar year in which the work was created, although if it is made available to the public during that time, (by publication, authorised performance, broadcast, exhibition, etc.), then the duration will be 70 years from the end of the year that the work was first made available.

#### 2. Sound Recordings and broadcasts

50 years from the end of the calendar year in which the work was created, or, if the work is released within that time: 70 years from the end of the calendar year in which the work was first released. In some instances, artists [have managed to extend the copyright](#).

### **3. Films**

70 years from the end of the calendar year in which the last principal director, author or composer dies.

If the work is of unknown authorship: 70 years from end of the calendar year of creation, or if made available to the public in that time, 70 years from the end of the year the film was first made available.

### **4. Typographical arrangement of published editions**

25 years from the end of the calendar year in which the work was first published.

### **5. Broadcasts and cable programmes**

50 years from the end of the calendar year in which the broadcast was made.

### **6. Crown Copyright**

Crown copyright will exist in works made by an officer of the Crown, this includes items such as legislation and documents and reports produced by government bodies.

Crown Copyright will last for a period of 125 years from the end of the calendar year in which the work was made.

If the work was commercially published within 75 years of the end of the calendar year in which it was made, Crown copyright will last for 50 years from the end of the calendar year in which it was published.

### **7. Parliamentary Copyright**

Parliamentary Copyright will apply to work that is made by or under the direction or control of the House of Commons or the House of Lords and will last until 50 years from the end of the calendar year in which the work was made.

## Copyright Exceptions

### Recent Changes

The copyright law was amended on 1st June and 1st October 2014. This page provides a summary of the exceptions which have an impact on teaching, learning and research in educational settings.



### The Exceptions

1. A broadened research and private study exception now allows **copying from sound recordings, films and broadcasts** for personal, non-commercial research or private study. This opens up new materials or avenues of research.
2. Use of **quotations** is integrated into the existing criticism and review exception. This will make it easier to use extracts from in-copyright works in teaching and learning, VLEs, course and distance-learning materials, published articles and books etc.
3. Making accessible **copies for disabled users** is extended to copying all types of copyright work: disabilities is broadened to cover any impairment preventing an individual enjoying equal access to, and use of, a work in the same way as a person without the impairment.
4. Fair dealing with copyright works for the “sole purpose of illustration for instruction” has been introduced for teaching/learning activities. This clumsy phrase may cause uncertainties as to its scope. A side-effect is that use of copyright works for examination purposes is now subject to fair dealing, potentially limiting prior practices.
5. **TV and radio broadcasts can now be made available off university premises within the UK** but it must be done over a secure network. The Educational Recording Agency already licenses this activity, so the provision is dis-applied. HEIs must continue to hold/pay for an ERA licence.
6. The limit on copying extracts of works by educational establishments is raised from 1% to **5% of a work in a 12 month period**. This now applies to all types of work. Again, HEIs will still need a CLA licence for multiple copying of literary works.
7. **Copying for inter-library loan** is extended to copying from **all types of copyright work**.
8. **Copying for the purposes of replacement or preservation** now covers **any type of copyright work** in a library’s permanent collection.

9. Mediated copying for library users has been stream-lined. Libraries may replace the existing statutory declaration with their own wording. Charging users has been simplified.

10. **Copying of unpublished works for the purpose of non-commercial research or private study has been extended to cover all types of copyright works.**

11. A new exception **permits text and data analysis (or text and data mining)**. It requires “lawful access” to a work (e.g. subscription content). Researchers in many fields are likely to take advantage of this new permitted act.

12. A new fair dealing exception **allows use of a work for caricature, parody and pastiche**. Students and academics, might find uses for this novelty – e.g. in creating and publishing user-generated content in some disciplines.

13. A new exception **allows libraries etc. to communicate copyright works on dedicated terminals on their premises** – unless prohibited by contract. A European Court of Justice judgment in C-117/13 Technische Universität Darmstadt v Eugen Ulmer KG will provide guidance on the scope of this exception.

#### Useful Links on the Exceptions

- [IPO Exceptions to Copyright for Education and Teaching](#)
- [The Copyright and Rights in Performances \(Quotation and Parody\) Regulations 2014](#)



## Creative Commons



### What is Creative Commons?

Creative Commons is a non-profit organization, based in the U.S., that enables the sharing and use of creativity and knowledge through free legal tools. Thus, Creative Commons promotes free access to information and resources ensuring open access and the sharing of knowledge.

The organisation provides creative commons licenses which give creators flexible ways in which to share their creative work. Creative Commons licenses are not an alternative to copyright but work alongside copyright and are flexible as they allow you to modify your copyright terms to suit your needs.

### License your work with a CC licence

You can use this flow chart to choose the type of CC license most appropriate for you:

- [Creative Commons License 4.0](#)

### Frequently Asked Questions

To obtain a Creative Commons license, you simply select one of [six licenses](#) which best meet your needs - and these can be changed at any stage if you think your needs are different. So, there is no registration required as licensing a work is simple.

- [What are the six Creative Commons licenses?](#)
- [What should I consider before licensing my work with CC?](#)
- [How can I license my work with Creative Commons?](#)
- [Who uses Creative Commons?](#)

### Guide to Creative Commons for Humanities & Social Sciences Authors

- [Open UK Project & JISC](#)

## Design Rights

### Why register a design?

Design rights are there to protect the form, rather than the function of an object. There are different kinds of protection which may apply to designs.

These are:

- UK Registered Designs
- UK Unregistered Design Right
- Registered Community Designs
- Unregistered Community Designs
- Copyright

The FAQs on the right will lead you to the [Intellectual Property Office](#) website which has additional information.

### Acknowledgements

The information contained on this page is from the [Intellectual Property Office](#).

### Frequently Asked Questions

- [How do I register my design?](#)
- [What are the benefits of design protection?](#)
- [What designs should be registered?](#)
- [What if I don't register my design? Is it still protected?](#)
- [What is an UK Registered Design?](#)
- [What is an UK Unregistered Design](#)
- [What is Design Right?](#)



## Patents

### Why register a patent?

A patent protects your invention and stops others from exploiting your invention by copying, manufacturing, selling and/or importing your invention without your permission. A patent gives you the right to take legal action to stop others exploiting your invention and to claim damages.

The patent also allows you to:

- sell the invention and all the intellectual property (IP) rights
- license the invention to someone else but retain all the IP rights
- discuss the invention with others in order to set up a business based around the invention.

The public also benefit from your patent when it is published. A patent will last for twenty years from the date of application.

### Google Patent Search



### Acknowledgements

The information contained on this page is from the [Intellectual Property Office](#).

### Frequently Asked Questions

- [What is a patent?](#)
- [What are the benefits of obtaining a patent for my invention?](#)
- [Do I need a patent?](#)
- [How do I apply for a patent?](#)
- [How do I manage my patent \(i.e. make changes\)?](#)

### Searching the Patents Database

#### [The patent document and information service \(Ipsum\)](#)

You will need to have a patent number or application number to conduct this search.

#### [By Publication](#)

You can search by publication number or date - and view/download the newly published, granted or corrected patents which have been added to the database. These are added on a weekly basis, usually on Wednesdays.

#### [Using the EPO search Database "Espacenet"](#)

You can search the European Patent Office (EPO) database for patents using keywords, published or application numbers or classification data.

Recommended citation (Harvard): Bhimani, N. (2019). *Copyright including IPR*. [OER] University College London, OER repository. London. URI: <https://open-education-repository.ucl.ac.uk/id/eprint/281>.

### [By Supplementary Protection Certificate \(SPC\) number](#)

You can search this database but will need to have the SPC number or patent number for this option.

### [Patentscope](#)

This is the World Intellectual Property Organization (WIPO)'s International and National (U.S.) Search Engine.



## Trademarks

### What is a Trademark?

A trademark which is sometimes referred to as a 'brand' is a sign/symbol which can distinguish your goods and services from those of your competitors. A trade mark can be words, logos or a combination of both and is often used as a marketing tool which customers recognise as they are distinctive. Trademarks don't describe the goods or services that are being sold/marketed.

Examples of these include the WHSmith, Imperial Leather, Colgate etc. Trade marks can be renewed every 10 years to keep them in force.

According to the [Intellectual Property Office](#), trademarks are not registrable if they:

- describe your goods or services or any characteristics of them - this includes slogans;
- have become customary e.g. Web 2.0;
- are not distinctive e.g. "7 days a week";
- are three dimensional shapes, if the shape is typical of the goods you are interested in (or part of them), has a function or adds value to the goods;
- are specially protected emblems e.g. flags, symbols etc.;
- are offensive;
- are against the law, for example, promoting illegal drugs are deceptive; or
- there should be nothing in the mark which would lead the public to think that your goods and services have a quality which they do not.

### Acknowledgements

The information contained on this page is from the [Intellectual Property Office](#).

### Frequently Asked Questions

- [What are the benefits of registering a trademark?](#)
- [Is an unregistered trademark protected?](#)
- [What can I do if someone passes off my trade mark as their own?](#)



Check your understanding!

Try the [trademarks quiz](#); [spot the trademark!](#)

## Theses

### Advice from the Newsam Library

This page outlines your responsibilities when using Third Party material in your thesis. Remember when a thesis is available digitally through the university's repository, via [UCL Discovery](#), it is considered a published work.



### Dissertations and Theses LibGuide

The IOE LibGuide on [theses and dissertations](#) has some useful links including a link to the British Library's ETHOS project.

### Acknowledgement

Some information on this guide is from [Reading University's](#) page on theses and copyright. Please seek permission if you want to reuse information on this page from Reading University's Copyright and Compliance Officer.

### Your Responsibilities

#### Unpublished theses and copyright

An original thesis is considered to be an unpublished work prepared for the purposes of examination (see Section 32 of the [Copyright, Designs and Patents Act 1988](#) (PDF, as amended)). As such, it is covered by a statutory copyright exception which states that no copyright infringement arises from anything done for the purposes of “setting examination questions, communicating the questions to pupils and answering the questions”. The essential conditions are that any third party material is accompanied by sufficient acknowledgement and that it is “fair dealing”.

#### What is sufficient acknowledgement?

If you reproduce copyright material within a thesis, there should be identification of the work in question by its title or other description, and the author, unless the work is published anonymously or the identity of the author cannot be established by reasonable means (section 178 of the [Copyright, Designs and Patents Act 1988](#) (PDF)).

#### What constitutes a published thesis?

When the whole or part of a thesis is made available to the public, whether it be print, or electronically on a website or in a repository ([ETHOS](#) or any other national, institutional or subject repository), it is considered to have been published and the copyright situation changes. Most importantly, there is then normally a requirement to obtain permission to include in that thesis any third party material which is still in copyright.

#### Your responsibility to arrange copyright clearance

We strongly advise, therefore, that you request permission to use third party material at the time of writing the thesis as there is any every likelihood that it will be made available to the public in some form in the future (for example, on the web).

If the copyright permissions are not forthcoming from rights owners, third party material must be removed from the thesis unless the effect of such removal might be that the thesis is

rendered meaningless and that it could not be made available to the public. If this is the case, it is your responsibility to alert the Doctoral School about this.

The author holds the copyright to the work.

### **Exception for purposes of criticism and review**

Section 30 of the [Copyright, Designs and Patents Act 1988](#) (PDF) provides a possible exemption in the case of literary or dramatic extracts.

This states "fair dealing with a work for the purposes of criticism or review, or that of an earlier work or of a performance of a work, does not infringe any copyright in the work provided that it is accompanied by sufficient acknowledgement and provided that the work has been made available to the public".

With regard to quotations, guidance from the Society of Authors and the Publishers Association, indicates that it would be acceptable for "fair dealing" purposes to copy from a third party work one extract of up to 400 words, or several extracts, each of less than 300 words, totalling not more than 800 words overall.

An effective Intellectual Property Right (IPR) system is important to trade because it provides confidence to business that rights will be respected and that profits will be returned to IPR holders when goods and services are traded in the region. Strong IPR systems boost economic growth, promote investment and develop industries that promote creativity and innovation. At the APEC Economic Leaders' Meeting Transfers of copyright ownership, including exclusive licenses, may and should be recorded in the U.S. Copyright Office. (Information on recording transfers is available on the Office's web site.) While recording is not required to make the grant effective, it offers important benefits, much like those obtained by recording a deed in a real estate transaction. Documents Similar To IPR Copyright. Theories of Private International Law. Uploaded by. Understanding Copyright and Related Rights Ç€ Understanding Industrial Property. WIPO Intellectual Property Handbook - a comprehensive guide to the policy, law and use of IP. Featured. Copyright. Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings. (image: clipart.com). Patents.