

University of Kent

Copyright Policy

1. Introduction

- 1.1 This policy sits within the context of UK law with particular reference to:
- the Copyright, Designs and Patents Act 1988 (as amended);
 - the Database Regulations 1997;
 - any other related legislation which has an impact on management of intellectual property rights¹.
- 1.2 The creation and use of copyright material is a fundamental element of the higher education environment. This policy is intended to provide clear statements on how you should use material protected by copyright and related rights² and how risk relating to this material will be managed at the University.
- 1.3 This policy covers all copyright material in any form - analogue or digital - used within the scope of University activity. This includes, but is not limited to: text, images, databases, drawings, graphic designs, logos, sound recordings, films, broadcasts, computer programs (software) and electronic material stored in any location including third party online services.
- 1.4 This policy does not define the ownership of intellectual property³ created within the University – this is covered in the University’s Policy Statement on Intellectual Property (IP). But the two policies are intended to work together to give you a clear picture of how management of copyright and other types of Intellectual Property Right (IPR) interact.
- 1.5 In this policy, “we” refers to the University of Kent and “you” refers to staff, students, visitors and partners.
- 1.6 For more information on how to deal with copyright and related IPRs at the University of Kent see www.kent.ac.uk/copyright.

¹ The policy will encompass and adapt to any new regulations which may come into force and resultant updates/enactments to the legislation listed.

² In addition to copyright this policy also relates to database and performers rights.

³ Copyright is a type of intellectual property. Other types include patents, designs, trademarks and confidential information.

2. Objectives

The objective of this policy is to clarify responsibilities for supporting and demonstrating best practice in managing and using copyright material at the University of Kent. This applies to students, staff, visitors and partners.

3. Responsibilities

- 3.1 You must adhere to UK law and abide by the copyright and Intellectual Property Rights (IPR) clauses in these regulations/policy documents⁴:
 - IT regulations
 - Use of your own computer/mobile device
 - Use of a University mobile device
 - Kent network
 - JANET Acceptable Use Policy
 - Eduserv CHEST User Obligations
 - Peer-to-peer software usage on a PC connected to the Kent network
 - Library regulations
 - Policy Statement on Intellectual Property
- 3.2 Heads of Academic Divisions and Professional Services Departments, or their nominees, will be responsible for implementation of this policy.
- 3.3 The University's Information Services department has a designated Copyright Specialist who will be responsible for providing guidance on copyright issues and reviewing the Copyright Policy yearly (or as needed following any significant changes in legislation or licensing practice). The Copyright Specialist will maintain an information resource which provides you with advice on copyright best practice.
- 3.4 You are responsible for acting lawfully and we expect you to make use of the copyright information and support available.

⁴ For IS regulations please see www.kent.ac.uk/is/regulations. For the Policy Statement on Intellectual Property see www.kent.ac.uk/governance/policies-and-procedures/Intellectual%20Property%20Policy.pdf

4. Using copyright-protected material

- 4.1 The use of copyright protected material is integral to all University functions, including teaching, research and administration. You can lawfully use copyright material under licence or under statutory exceptions⁵ to copyright where certain conditions are met. We invest significantly in licensed resources and we expect you to use these resources and respect the licence terms. We also expect staff, students and visitors to make use of copyright exceptions such as quotation and illustration for instruction where appropriate. Find more advice at www.kent.ac.uk/copyright or email copyright@kent.ac.uk.
- 4.2 At times you may need to take a risk-managed approach to the use of copyright material, for example when digitising archival material that includes 'orphan works'⁶. We expect you to follow best practice and to use due diligence in order to minimise the impact of any infringement claims. Due diligence in this context includes (but is not limited to) rights clearance investigation, contacting representative bodies and notifying rights holder communities. If you need advice on identifying levels of risk and which due diligence actions you need to take, contact the Copyright Specialist.
- 4.3 Any online service hosted by the University of Kent, or created by University of Kent employees during their employment, which features, or may feature, third party copyright material should have a 'notice and takedown' mechanism and procedure. The purpose of this is to respond quickly and appropriately to any alleged infringement. It will enable rights holders and interested parties to ask for content to be removed. The University will do so where proof of identity and ownership is provided.

4. Copyright notices

We will place appropriate copyright information near any equipment that can be used for reproducing copyright materials (for example printers or photocopiers).

⁵ These are defined as "permitted acts" in the Copyright, Designs and Patents Act

⁶ Orphan works are defined by the UK Government as "creative works or performances that are subject to copyright - like a diary, photograph, film or piece of music - for which one or more of the right holders is either unknown or cannot be found." - <https://www.gov.uk/guidance/copyright-orphan-works>