

University of Kent

Copyright Licensing Agency (CLA) Scanning Service Collection Development Policy

Introduction

The Copyright Licensing Agency (CLA) is a commercial organisation owned by the Publisher Licensing Society and the Authors Licensing and Collecting Society. The CLA's remit is underpinned by law, most notably Section 36 of the Copyright, Designs and Patents Act 1988 which says that use of multiple extracts within education must be subject to licence if one is available.

Under the Copyright Licensing Agency HE Licence the CLA Scanning Service can make scans of published works available as course readings to students via Moodle.

This document provides a policy for the scans supplied by the CLA Scanning Service which support the teaching and learning strategies of the University. The aim of this policy is to ensure compliance with the licence.

This policy is aligned with the strategic approach described within the overarching Collection Development Strategy.

Strategic principles

The principles of the Information Services (IS) Collection Development Strategy for the Canterbury Campus will be applied to the collections to include:

Collaboration

- With academic Schools;
- With other information providers (e.g. British Library);
- With rights holders via the CLA.

People

- Aligning the acquisition and maintenance of material with user needs.
- Development:
- Sourcing, acquiring and managing relevant material;
- Checking for equivalent full text electronic versions as a preference to creating a

scan.

Availability, accessibility and use

- Preferring purchase of electronic equivalent rather than digitising to facilitate concurrent access and accessibility and exploit electronic searching, linking and indexing but making allowance for subject and format needs in consultation with academic Schools.

Preservation of access

- Ensuring stable and permanent electronic access for scans subject to the copyright legislative framework.

Value for money

- Selecting formats that offer the best value for money.

Space

- Ensuring that scan material is stored in most cost effective way.

Scanning policies

A scan of material will only be provided where the item requested is not available online either via a resource subscribed to or purchased by the library or on an open access platform.

Information Services encourages the acquisition of e-books as specified in the Collection Development Strategy. Where an e-book with suitable digital rights management is available as an alternative to a scan the preference is that the e-book will be purchased subject to the purchasing guidelines in the Books Collection Development Policy.

When no electronic copy is available or purchase falls outside the guidelines IS will check if it is possible to scan the copy under our CLA Higher Education Licence.

Exceptions

There following are circumstances when a scan cannot be made:

Excluded categories

Unpublished works, printed music (including the words), maps and charts, newspapers, any work that stipulated that permission is not granted for copying under CLA licence and workbooks, workcards and assignment sheets are all material that may not be copied under the licence.

Excluded works

Not all published works can be scanned under the CLA licence. Some publishers and/ or works are excluded from the licence and therefore cannot be supplied as a scan.

Extent limits

There are limits to the amount of material that can be copied from a published work. The extent limits are whichever is the greater of 5% or one chapter of a book; one article of a journal issue; one paper of one set of conference proceedings; one report of a single case from a report of judicial proceedings; one short story or one poem or one play of not more than 10 pages in an anthology of short stories, poems or plays. The extent limits apply to each course of study.

Superseded version

Unless there is a pedagogical reason for using a superseded edition the scan should be from the current published edition.

Materials outside the scope of the CLA Higher Education Licence

Only in exceptional circumstances will direct permission be sought from the publisher to use material that falls outside the scope of the CLA Higher Education Licence.

Acquisition

If a print copy is available in the Library the scan will be ordered from the Higher Education Scanning Service at the British Library. If the British Library copy is unavailable for scanning IS will scan inhouse.

Where no print copy is available in the Library a Copyright Fee Paid copy will be purchased from the Higher Education Scanning Service at the British Library. Details of Copyright Fee Paid scans will be recorded, as these are reported as part of the annual return to the CLA.

Accessibility and usability

The CLA licence does not remove or diminish any of the copyright exceptions extended to students and members of staff who have any kind of visual, cognitive or other disability recognised in the Equality Act 2010, and the recently-amended Copyright, Designs and Patents Act (CDPA) 1988, to receive an accessible copy of a copyright protected work. In fact the CLA licence adds benefit to Higher Education Institutions because the obligations for an institution copying for disabled users are less onerous under the terms of the CLA licence than under S31B of the CDPA.

Collection reviewing and updating

Preservation

The scan is stored on Moodle and remains within the system until deleted by administrators. The Moodle system including the scans are regularly backed up and the risk of losing material is minimal.

Withdrawal policy

The retention period for teaching material on Moodle, as set out in the [Quality Assurance Office's Quality Assurance: Documentation Retention and Archiving Policy](#), is end of current academic year plus six years.

Once during the term of the three year licence a requirement check should be made that scans are still relevant for the next year and only these scans should remain accessible. This check will be part of the Moodle rollover process. If a module will not be running the next academic year access to the scan should be removed and archived in Moodle.

The repertoire of published works covered by the CLA is subject to change. Existing scans can therefore become non-compliant and will need to be removed at the end of the academic year.

Implementation and governance

This draft policy is submitted for the consideration of the Library Management Group and Academic Schools. Academic Liaison Services will lead the implementation of this policy, reporting internally to the Library Management Group.

This policy will be subject to a 2 yearly review schedule, or as required to address emerging issues.