

## Copyright Guidelines

### 1. Copies for non-commercial research or private study

Known as 'library privilege', copies for non-commercial research or private study may be supplied by the Library to a reader under the provisions of the UK Copyright (Librarians and Archivists Copying of Copyright Material) Regulations 1989, supplementary regulations made under the Copyright, Designs and Patents Act 1988. Under these provisions:

1. The Library is allowed to make and supply a Library reader with a single copy of an article from a periodical or part of a published edition or whole or part of an unpublished literary, artistic (if incidental to the text of the work), dramatic or musical work to prescribed limits and under certain restrictions for the reader's personal non-commercial research or private study; and
2. The Library may not supply a copy of an artistic work such as a photograph, painting, drawing, diagram, map, chart, plan, engraving or etching on its own, i.e. not incidental to the text of a work, nor may it provide a copy of a film, sound recording or broadcast.

Readers requesting copies of parts of published editions or unpublished works for their own individual private study or non-commercial research must sign a Copyright Declaration in which they warrant, i.e. legally promise, not to copy the supplied copy for others, including publishing or re-publishing the work, emailing a copy of the work or extract or sending it as an attachment to someone else or uploading a copy of the work or extract on an intranet or the Internet **unless**:

1. the work is out-of-copyright and written permission of the Library is obtained to reproduce the work **or**
2. the work is in copyright and written permission of the copyright holder of the work and the Library are obtained to reproduce the work **or**
3. use of a short extract from the work falls within a legally recognised statutory exemption/defence to copyright infringement such as 'fair dealing for the purpose of criticism or review', provided that in the case of an unpublished work the unpublished work has been 'made available to the public'.

The person completing the Copyright Declaration is liable for any infringement of copyright if the form is dishonestly completed or the copy is used thereafter for an infringing purpose.

Copies from published editions of literary, artistic (if incidental to the text of the work), dramatic and musical works for the purpose of non-commercial research or private study are limited to:

- one chapter of a book up to a maximum of 5 per cent of the whole *or* extracts from a book up to a maximum of 5 per cent of the whole of the book
- one article of a journal issue
- one paper of one set of conference proceedings
- one report of one case from a book of law reports
- up to 5 per cent of an anthology of short stories or poems or one short story or one poem if not more than 10 pages
- up to 10 per cent (if not more than 20 pages or 2 pages if brief) of a short book without chapters, report, pamphlet or standard
- a short excerpt from a musical work for study purposes but not performance.

## **2. Reproduction of images in a publication or commercial product**

The Cambridge University Library holds copyright in all images it supplies, notwithstanding the copyright term of a work. A licence from the Library to reproduce an image will not be granted for images obtained from other sources.

The rights of copyright owners are separate from the Library's ownership rights. The Library may only make available an image or images from a work in its collections if copyright in the extract from the work to be reproduced has expired under UK law, unless special permission has been granted by the copyright holder.

The standard term of copyright in the UK for a literary work (e.g. a book or journal article), artistic work (e.g. a photograph, drawing, map, diagram or chart), dramatic work (e.g. a play, mime) and musical work (but not lyrics which are treated as literary works) is 70 years from the end of the year following the death of the author. However, there are many variations to this general rule, for example, any literary, dramatic or musical work which was unpublished by 1 August 1989 and whose author died before 1 January 1969 will be in copyright until 31 December 2039, regardless of how long ago it was created.

General information on copyright duration is available from the UK Intellectual Property Office <http://www.ipo.gov.uk> at <http://www.ipo.gov.uk/types/copy/c-duration.htm> . For more detail, please refer to the note below on ascertaining the duration or term of copyright.

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### **3. Ascertaining the duration or term of copyright:**

Where establishing the duration of copyright in a work is important, for example, in wishing to include an artistic work such as an old photograph in a publication or documentary and needing to know whether copyright in the photograph has expired and therefore could be used without needing to ask permission from its copyright owner, it is useful to have the following information:

- Country of origin of the work or its author
- Type of work, i.e. literary, artistic, dramatic or musical work, sound recording, film, broadcast or published edition
- Author of the work or whether the work is of unknown authorship
- Date of the author's death
- Date of first publication or availability to the public.

**Establishing first ownership of copyright in a work, usually by identifying its author and his or her date of death, is often required to ascertain the duration or term of copyright in that work.**

### **UK COPYRIGHT DURATION**

**In most cases, the author of a work is its first owner of copyright, subject to the following rules for UK works. Once the identity of the first owner is established copyright duration terms can be applied. First ownership of copyright in UK photographs, sound recordings, films, broadcasts and typographical arrangements:**

- For **photographs** taken before 1 July 1912 or on or after 1 August 1989, the photographer is the first owner of copyright in the photograph. For photographs created between 1 July 1912 and 31 July 1989 the first owner is the owner of the material (usually the negative) on which the photograph was taken.
- For **sound recordings** made on or after 1 August 1989, the first owner of copyright is the producer, i.e. the person or company by whom the arrangements necessary for the making of the recording were undertaken. First ownership in sound recordings made prior to 1 August 1989 is held by the person who owned the original plate or record at the time of the recording.
- For **films** made on or after 1 July 1994, the first owners of copyright are jointly the producer and principal director. For films made between 1 June 1957 and 30 June 1994 the first owner of copyright in a film is the producer only.
- For **broadcasts**, the first owner of copyright is the person transmitting the programme if they have any responsibility for its contents or the person providing the programme who makes, with the person transmitting the programme, the arrangements for its transmission.
- For the **typographical arrangement of a published edition of a literary, dramatic or musical work**, the first owner of copyright is the publisher.

For **UK published and unpublished literary, artistic, dramatic and musical works and Crown copyright works**, The National Archives provides the following copyright duration charts in 'Copyright and related rights' 5 August 2010:

<http://www.nationalarchives.gov.uk/documents/copyright-related-rights.pdf>

11. Duration of copyright – literary, dramatic, musical and artistic works (excluding Crown copyright)

12. Duration of Crown copyright – literary, dramatic, musical and artistic works.

The charts are also available in Padfield, Tim, *Copyright for Archivists and Records Managers*, 4<sup>th</sup> ed, London: Facet Publishing, 2010, Appendix 9.1.

For **UK published works created on or after 1 August 1989** the following copyright duration terms apply:

- **Literary, artistic, dramatic or musical works –**  
70 years from the end of the calendar year in which the author dies. Where there are two or more joint copyright owners, the copyright term is based on the date of death of the last of the copyright owners to die. Where the work is produced by a corporate body with no acknowledged personal author, the copyright term is 70 years from the end of the calendar year of first publication of the work.
- **Sound recordings and broadcasts –**

50 years from the end of the calendar year in which the recording or broadcast is made or is made available to the public

- **Films (from 1 July 1994) –**  
70 years from the end of the calendar year of the death of the last to die of the following persons – the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for the film
- **Typographical arrangements –**  
25 years from the end of the calendar year in which the edition was first published
- **Performers' rights**  
50 years from the end of the calendar year of the performance or 50 years from the end of the calendar year of a recording of the performance.

## **COPYRIGHT DURATION IN OTHER COUNTRIES APPLIED IN THE UK**

Where the country of origin of the work is not the UK or another European Economic Area (EEA) country (European Union (EU) plus Iceland, Liechtenstein and Norway) or the author of the work is not an EEA national, copyright duration of a work is that as applied in the 'country of origin' (see definition below) as long as that period does not exceed the period for which UK copyright legislation would protect that work.

(Copyright, Designs and Patents Act 1988 (CDPA), sections 12(6), 13A(4), 13B(7), 14(3))

Copyright protection periods for UK works are provided in chart form by The National Archives in 'Copyright and related rights',

11. Duration of copyright – literary, dramatic, musical and artistic works (excluding Crown copyright)

12. Duration of Crown copyright – literary, dramatic, musical and artistic works:

<http://www.nationalarchives.gov.uk/documents/copyright-related-rights.pdf> .

**'Country of origin'** is defined in the CDPA as:

### **For published works –**

If the work is first published in a Berne Convention country and has not been simultaneously published (within 30 days of first publication) elsewhere, the country of origin is that country,

e.g. first published in the US (a Berne Convention country), not published elsewhere, the country of origin is the US. Therefore, if a work is in the public domain in the US, i.e. its copyright has expired, and it had not been simultaneously published elsewhere (within 30 days of first publication), the work is also in the public domain in the UK.

The World Intellectual Property Organization (WIPO) provides a list of Berne Convention signatories at [http://www.wipo.int/treaties/en/ShowResults.jsp?treaty\\_id=15](http://www.wipo.int/treaties/en/ShowResults.jsp?treaty_id=15).

If the work is first published in a country which is not a Berne Convention country (and is not simultaneously published in a Berne Convention country), the country of origin is the country of which the author of the work is a national.

Two exceptions: If the work is a film and the maker of the film has his or her headquarters in, or is domiciled or resident in a Berne Convention country, the country of origin is that country. If the work is a work of architecture constructed in a Berne Convention country or an artistic work incorporated in a building or other structure situated in a Berne Convention country, that country.

If the work is simultaneously published (within 30 days of first publication) in two or more countries only one of which is a Berne Convention country, the country of origin is that country.

If the work is first published simultaneously in two or more countries of which two or more are Berne Convention countries, then

(a) if any of those countries is an EEA state, the country of origin is that country; and

(b) if none of those countries is an EEA state, the country of origin is the Berne Convention country which grants the shorter of shortest period of copyright protection,

e.g. applying (a), if a work is published simultaneously in the UK (an EEA country) and the US (both the UK and US are Berne Convention countries), UK copyright duration rules apply;

#### **For unpublished works –**

If the work is unpublished the country of origin is the country of which the author of the work is a national.

Two exceptions: If the work is a film and the maker of the film has his or her headquarters in, or is domiciled or resident in a Berne Convention country, the country of origin is that country. If the work is a work of architecture constructed in a Berne Convention country or an artistic work incorporated in a building or other structure situated in a Berne Convention country, that country.

(CDPA s. 15A)

Therefore, a particular country's copyright legislation may need to be consulted to determine copyright duration for a particular type of work. UNESCO's 'Collection of National Copyright Laws':

[http://portal.unesco.org/culture/en/ev.php-URL\\_ID=14076&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=14076&URL_DO=DO_TOPIC&URL_SECTION=201.html).

National copyright legislation is also often made available in national government websites that deal with the country's intellectual property regime.

Secondary sources that provide lists of copyright duration for selected countries may be consulted with caution, the information to be verified with the country's legislation:

Copyright Watch – <http://www.copyright-watch.org/home>

Caslon Analytics copyright duration –  
<http://www.caslon.com.au/durationprofile.htm>

Open Knowledge Foundation Public Domain calculators -

<http://wiki.okfn.org/PublicDomainCalculators#Generic>

University of Pennsylvania, the Online Books Page –

<http://onlinebooks.library.upenn.edu/okbooks.html>

'How do I find out whether the book is in the public domain?'

Copyright duration charts for US copyright works are available from the Copyright Information Center at Cornell University:

<http://www.copyright.cornell.edu/> , Peter Hirtle, 'Copyright Term and the Public Domain in the United States'.