

University of Aberdeen Copyright Policy



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Policy guidance	www.abdn.ac.uk/library/support/copyright.php library@abdn.ac.uk
Related policies	Policy for Intellectual Property Exploitation and Revenue Sharing Research Publications Policy Open Access Policy Research Data Management Policy

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1. Introduction

1.1 Statement of purpose

Using copyright works is fundamental to creating and sharing knowledge and furthering our foundational mission of 'the pursuit of truth' and being 'open to all'. Copyright legislation has profound impacts across the University, including on the core functions of teaching, research, and administration.

This policy outlines how the University community can use copyright works legally and ethically. It aims to empower University members to use copyright works to the full extent permitted by law and licences whilst managing any associated legal and financial risks.

The policy also outlines the University's approach to managing its own institutionally owned copyright.

1.2 Scope

This policy applies to all members of the University who use or create copyright works in the course of their employment or study.

The policy covers copyright works in all formats, including digital and print.

This policy does not cover the ownership of copyright or other forms of intellectual property. This is outlined in other related policies (see *Related policies* above).

1.3 Context

The University is committed to promoting the responsible and ethical use of copyright works in all its activities. It acknowledges the importance of respecting intellectual property rights whilst facilitating the reuse of works to enable knowledge to be created and shared.

As a member of the University, you are expected to use copyright works legally and ethically. This may require you to make an informed judgement in situations where the legal or ethical position is nuanced or ambiguous. The University will provide you with guidance and support to do this. This will enable you to use copyright works appropriately, without unnecessary limitations, whilst minimising any potential risk to you or the University.

The University also recognises the value of its own intellectual property and will take steps to promote and protect it as appropriate.

This policy sits within the context of UK law, specifically the Copyright, Designs and Patents Act 1988 (as amended). Other relevant legislation includes the Database Regulations 1997, as well as any other current or future legislation which affects intellectual property rights.

2. Definitions

For the purposes of this policy, the following definitions apply:

- 2.1 **"Intellectual property"** means creations of human intellect which belong to specific rightsholders. This includes works protected by copyright as well as other intellectual property legislation, including trademarks and patents.
- 2.2 **"Copyright work"** means any original work that is protected by copyright law, including software, literary, artistic, musical, and audio-visual works.
- 2.3 **"Copyright owner"** means the person or entity that holds the exclusive rights to reproduce, distribute, and display a copyright work.
- 2.4 **"Statutory exception"** means a provision in copyright law for using copyright works in specific circumstances without requiring permission from the copyright owner.
- 2.5 **"Fair dealing"** means the lawful use of a copyright work without obtaining the copyright owner's permission, under a specific statutory exception within the Copyright, Designs and Patents Act 1988. It is important to note that fair dealing is not a specific number of words or percentage of a work, but rather a judgment based on factors like the purpose and character of the use, the amount and substantiality of the portion used, and the effect on the work's potential market.
- 2.6 **"Licence"** means a written agreement between the copyright owner and the licensee that grants permission to use a copyright work in a specific way.

3. Responsibilities

3.1. Your responsibilities

You must adhere to UK law and abide by the copyright and Intellectual Property Rights (IPR) clauses in sections 4 and 5 of this policy, and other related University policies (see *Related policies* above).

You must use the appropriate channels to request copies of copyright works for teaching, research, or study if your use is not covered by a statutory exception or individual licence. The University will provide services to enable you to do this, such as the reading list, purchasing and inter-library loan services available through the University Library.

You are expected to make use of the copyright information and support available and seek appropriate guidance if you have any questions or concerns. The University provides [online guidance about copyright in different contexts](#) as well as a [Copyright Advice Service](#) which you can contact.

3.2. The University's responsibilities

The University has a designated Copyright Advice Service within the Directorate of Digital and Information Services which will maintain an information resource to provide you with up-to-date advice on copyright best practice. The Copyright Advice Service will also oversee an enquiry service to provide a timely response to any copyright queries you submit to them. In addition, the service will communicate any relevant changes in the legal situation or licensing arrangements to appropriate University groups or individuals.

The University will maintain access to institutionally licensed works and collective licensing schemes where appropriate, keeping accurate records of copying and providing timely reporting where required. The University will provide you with up-to-date information on how to use material under these licences.

4. Using copyright works

4.1 You must use copyright works lawfully via one of the following routes:

- A **statutory exception** to copyright law. There are exceptions which cover uses such as quotation, illustration for instruction, pastiche and parody, and text and data mining. Be aware that most exceptions have a 'fair dealing' requirement which you must abide by.
- An existing **licence**. This might include electronic library resources which are licensed for use by University members, material reproduced under a blanket licence, or material supplied under an open licence. You must respect the licence terms. You should contact the Library or relevant administrator if you need material to be obtained under an institutional licence.
- With direct **permission from the copyright owner**. If your use is not covered by a legal exception or a licence, you should request permission from the copyright owner.

4.2 At times, you may need to take a risk-managed approach to the use of copyright works. You must follow best practice and use due diligence to minimise the impact of any potential infringement claims. If you need guidance on identifying risk levels and due diligence required, check the advice provided by the [Copyright Advice Service](#) or contact the [Copyright Specialist](#).

4.3 Any online service, including web pages and social media accounts, hosted by the University, or created by University employees during their employment, which features, or may feature, third-party copyright work should have a 'notice and takedown' mechanism and procedure. This enables an efficient and appropriate response to any infringement claims made by rights holders or other interested parties. Such a response may include taking down material or further dialogue with the claimant. You can obtain further advice by contacting the [Copyright Advice Service](#).

5. Institutional copyright

- 5.1 As stipulated in UK legislation, unless otherwise specified in another policy or contract (see *Related policies* above), the University is the automatic copyright owner of copyright works created by its employees in the course of their employment. Unless permitted by a statutory exception or licence, you must not reproduce the University's copyright works for any purpose which falls outside your normal course of study or duties of employment without first obtaining the necessary permission.
- 5.2 The University will take reasonable steps to promote and protect its copyright works including (but not limited to), applying copyright notices or licences to published material, licensing material to appropriate third parties, initiating takedown procedures for infringing use of material. If you suspect a third party is infringing copyright owned by the University, you should inform the [Copyright Advice Service](#) so the situation can be investigated, and appropriate action taken if required.
- 5.3 The University will also provide you with up-to-date guidance on how to manage institutional and employment-related copyright via the [Copyright Advice Service](#).

6. Policy review

The Directorate of Digital and Information Services is responsible for maintaining this policy. Library Services will review this policy annually to ensure it complies with current legislation and best practice.

The University may also amend this policy at any other time should this become necessary due to changes to the legal context or to the University's operating procedures. Any changes to this policy will be communicated to affected University members.

7. Policy metadata

Title	Copyright Policy
Author / Creator	Tim Riley, Information Advisor: Copyright and Licensing
Owner	Copyright Literacy Steering Group
Date published / approved	13 February 2024
Version	1
Date for Next Review	September 2025
Audience	<i>All University staff and students</i>
Related	Policy for Intellectual Property Exploitation and Revenue Sharing Research Publications Policy Open Access Policy Research Data Management Policy
Subject / Description	<p>Outlines how the University community can use copyright works legally and ethically whilst managing legal and financial risks.</p> <p>Outlines the University's approach to managing its own institutionally owned copyright.</p>
Equality Impact Assessment	n/a
Section	Library, Special Collections and Museums
Theme	Copyright management and copyright literacy
Keywords	Copyright, intellectual property, IP, licence, licensing