



Community Services: Education

Argyll House
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To: Heads of all Educational Establishments

Dear Colleague

Copyright

The purpose of this circular is to appraise staff, in general terms, of information concerning copyright practices in educational establishments. These guidelines detail the categories of material which are protected by current copyright legislation. They also provide information on various licences negotiated by Argyll and Bute Council which permit copying and performance within certain categories of materials.

The Education Service does not hold any special rights because it is a public service; however, the Copyright, Designs and Patents Act 1988 details special circumstances where copying may take place in educational establishments. Copying is highly regulated and Education Services purchase a number of licences allowing establishments to use material covered by the Act.

This circular also contains detail of licences that should be purchased by an individual establishment should they wish to undertake a particular type of activity, for example, to show films during wet breaks. The names of the licence and who is responsible for purchase is attached at Appendix A.

Copyright is protected under both criminal and civil law and infringement can result in legal action being taken against both individual members of staff and Argyll and Bute Council. It should be noted that licence organisations in some cases specifically highlight the responsibility of the licensee to ensure that students fully act within the confines of its terms and conditions. A useful website has been developed by the licence organisations providing the most up to date information on copyright licences:

www.copyrightandschools.org.

Changes in copyright legislation allow copying to support individuals who have impaired vision or who are unable to lift a book to read.

The following categories of protected materials are detailed in the Education Service Copyright Guidelines issued in April 2007:

- 1) **Literary works** include poetry, prose, directories, lists, letters, travel timetables and other forms of words irrespective of literary merit. Computer programs and databases are also included as literary works;
- 2) **Newspapers, magazines and journals;**
- 3) **Musical works** include scores, parts and arrangements;
- 4) **Dramatic works** include plays, instructions for dance steps, choreography and mimes;
- 5) **Published editions:** copyright here refers to the typographical layout or design of a literary, dramatic or musical work;
- 6) **Artistic works** include paintings, drawings, etchings, lithographs, linocuts, photographs, slides and many more artefacts;
- 7) **Maps;**
- 8) **Sound recordings** include discs, tapes, cassettes, records, compact discs, minidisks, MP3, MP4 players and iPods;
- 9) **Films and DVDs;**
- 10) **Broadcasts** include radio, television including satellite and cable;
- 11) **Computer software;**
- 12) **Online and electronic information.**

Argyll and Bute Council will retain copyright in respect of work which it commissions from its employees. Materials produced in this way may be freely copied within Argyll and Bute by any branch of the Council's services. The Council reserves copyright in the use of its publications beyond the Authority.

Since issues of copyright, as they relate to the Education Service, are subject to change, the format of this circular has been designed for updating. Significant changes affecting the copying of material will be notified to schools as they occur.

The responsibility for compliance with the copyright law must lie with individual members of staff. Nevertheless where members of staff can show that they acted in accordance with the terms of this circular and took reasonable steps to check the probity of their actions in complying with this complex legislation, the Authority will support members of its staff if their actions should be challenged.

Education establishments wishing to reproduce copyright material should seek permission to do so directly from the copyright holder or licensee.

Matters relating to copyright are acknowledged to be complex. In these guidelines, efforts have been made to encapsulate the various provisions which affect the Education Service. Staff may nevertheless wish to seek further advice. If any additional information or guidance is needed, contact should be made in the first instance with the School Service Support Manager at the education office in Argyll House.

Yours sincerely

Executive Director of Community Services

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Copyright Legislation/Requirements as they apply to schools:

From time to time the centre will be given further specific updated information and this should be made widely available to all individuals in Educational Establishments.

The following licences are held by Argyll & Bute Council:**CLA – Copyright Licensing Agency – Scottish Government Funded**
http://www.cla.co.uk/copyright_information/copyright_information/

This organisation licences the photocopying of extracts from books, journals and magazines, including certain electronic publications, within certain limits and subject to certain exclusions.

ERA – Educational Recording Agency - <http://www.era.org.uk/the-licence>

This organisation licences Educational Establishments to copy, access and use, for non-commercial educational purposes, broadcast output of ERA's members in the form of ERA recordings. This licence is required to use material sourced from broadcasts (including accessing catch-up TV services of the UK public service broadcasters) for teaching resources.

PRS – Performing Rights Society - <http://cefm.co.uk/school.aspx>

A PRS for Music licence is required whenever copyrighted music is used in schools in a non-curricular manner. Below are some common types of school music use where a PRS for Music is required:

- Discos/end of term parties
- Carol Concerts
- Concerts (not including musicals)
- Telephone systems music on hold
- Playing a radio/tape/CD player
- School fetes (where music is being played)
- Jukebox
- Dance Aerobics classes, for students and staff of the school only
- TV/Films – A PRS for Music licence is required to cover the premises for any incidental music contained within film's showing. It does NOT cover you to show the film itself – a PVS licence would be required for this.

PPL – Phonographic Performance Limited -**<http://cefm.co.uk/pplschoools.aspx>**

A PPL licence is required for the non-curricular use of copyrighted music in schools. This organisation represents the UK record industry and licences the use of pre-recorded music (CDs, tapes and discs etc) on behalf of record companies and performers. This is required in addition to the PRS Licence for Music.

OS – Ordnance Survey - www.ordnancesurvey.co.uk

This organisation manages the Crown Copyright held on all Ordnance Survey maps.

NLA - Newspapers Licensing Agency - <http://schools.cla.co.uk/about-your-licences/nla-schools-licence/>

The Newspaper Licensing Agency gives a licence to Educational Establishments, where children enter the school below the age of 16. This licence permits schools to photocopy, but not to scan or email, national, foreign and regional newspapers for occasional class use. Schools do not need to apply for this licence but may do so if they wish.

SPML – Schools Printed Music Licence – **Scottish Government Funded <http://schools.cla.co.uk/about-your-licences/schools-printed-music-licence/>**

This licence permits schools to legally make copies of printed music by the following means:

- Photocopying
- Scanning
- Score-writing software programmes
- Notation by hand
- Posting on a school VLE

The SPML also permits the arranging of musical works to enable performance by any combination of instruments and voices within a school. Please refer to the website for limitations.

IF REQUIRED, ANY OTHER LICENCES MUST BE PURCHASED BY INDIVIDUAL SCHOOLS

FOR INFORMATION ONLY

CCLI – Christian Copyright Licensing International

This organisation permits the reproduction of authorised song words for use in Collective Worship. Most publishers of assembly songs, hymns and worship songs are included in the licence. Please note that the ***Schools Printed Music Licence***, administered by the CLA, does **not** cover assemblies / Collective Worship.

The CCLI permits you to:

- Print song sheets
- Make OHP acetates
- Store song words on a computer for projection
- Record songs from assemblies / Collective Worship for those unable to attend (includes **live** music only)

PVSL – Public Video Screening Licence -
<http://cefm.co.uk/ScreeningLicence.aspx>

This organisation licences Educational Establishments to lawfully screen films from Filmbankmedia's participating studios and distributors using DVDs or Blu-Rays rented or purchased from any legitimate UK retailer or rental outlet. In most cases if you are showing a film outside your home then you will need to purchase this licence.

From time to time it may be necessary for Filmbank to withdraw certain films from many of the major Hollywood and independent studios including Warner Bros, Sony Pictures, Disney, Lionsgate, Icon, Entertainment UK and many more.

The PVSL does not cover screenings for commercial or fundraising purposes ie the licence requires that the audience is not charged to see the film. In this circumstance, Filmbank media offers the Single Title Screening Licence (STSL), which is available on a title-by-title basis rather than annually.

Before showing a film please check the current listing of participating studios available at www.filmbank.co.uk

MPLC – Motion Picture Licencing Company

This organisation licences Educational Establishments to lawfully show home entertainment films ie., anything shown on the TV, specialist educational and TV DVDs, Blu-ray and legal downloads. Further information is available at www.themplc.co.uk

Depending on the type of film shown within an Educational Establishment will determine whether you need one or both of the above licences.

Schools do not need to obtain a licence from MPLC unless it becomes necessary for them to show any dvds which are not licensed by PVLC but are licensed by MPLC.