

Use of Copyright Materials in Religious Observance Events (and school assemblies).

Introduction

The use of film clips, written prayers, pieces of drama, extracts from DVDs hymns, songs, has been the cause of much angst amongst school chaplains, youth workers, teachers and others involved in delivering religious Observance events in Scotland. Almost always these are copyrighted materials. The question is under what circumstances we are able to use these.

Some have assumed that it is too complicated to understand, others that they can't touch you for what you've got away with, and others have adopted the traditional ostrich stance.

This paper attempts to set out the current legislation. You might want to go straight to Section 6 and then return to the previous ones to read these in light of Section 6.

- 1 **UK copyright is governed** by Copyright and Patents Act 1988, though some amendments have been made to this by the European Commission Directive – Copyright and Related Rights Regulations 2003
- 2 **Copyright lasts** for 70 years after the death of the creator or for 50 years in the case of video and audio recordings
- 3 **Copyright is about protecting** the creator of a piece of work.

Unless a work is clearly stated to be copyright-free or out of copyright by virtue of its age, it is illegal to download, scan or otherwise copy the said work for onward dissemination, even if no financial gain takes place

Copyright can protect:

- o **literary works**, including novels, instruction manuals, computer programs, song lyrics, newspaper articles and some types of database
- o **dramatic works**, including dance or mime
- o **musical works**
- o **artistic works**, including paintings, engravings, photographs, sculptures, collages, architecture, technical drawings, diagrams, maps and logos
- o **layouts** or **typographical arrangements** used to publish a work, for a book for instance
- o **recordings** of a work, including sound and film
- o **broadcasts** of a work

You should only copy or use a work protected by copyright with the copyright owner's permission.

Copyright **applies to any medium**. This means that you must not reproduce copyright protected work in another medium without permission. This includes, publishing photographs on the internet, making a sound recording of a book, a painting of a photograph and so on.

Copyright does not protect ideas for a work. It is only when the work itself is fixed, for example in writing, that copyright **automatically** protects it. This means that you do not have to apply for copyright.

A copyright protected work can have more than one copyright, or another intellectual property (IP) right, connected to it. For example, an album of music can have separate copyrights for individual songs, sound recordings, artwork, and so on. Whilst copyright can protect the artwork of your logo, you could also register the logo as a trade mark.

4 Communication to the Public.

This phrase is important and was implemented under the Copyright and Related Rights Regulations 2003. This phrase should be understood a broad sense and also governs things made accessible via the internet. It means you must obtain copyright owner's permission before posting on the internet, an educational intranet, or a virtual learning environment. It further means that "sufficient acknowledgement" is required.

5 Fair Dealing

"You may be able to plead **fair dealing**, or **fair use** as it is called in the USA. Both terms crop up frequently in documents relating to copyright and relate mainly to the copying of materials for non-commercial **private study, research, criticism or review**. Note that the [Copyright and Related Rights Regulations \(2003\)](#) have now tightened up the legislation relating to copying for private study and research. Until the introduction of the Copyright and Related Regulations in October 2003, it was possible to classify *any* copying for private study or private research purposes as fair dealing. But this has now changed in that if there is any **commercial purpose** for the research/study for which copying is undertaken this will no longer be considered as fair dealing.

"Making **multiple copies** of printed materials, for example extracts from books, newspapers and magazines, for distribution to your students is not automatically considered to be fair dealing and can only be carried out under the terms of your [Copyright Licensing Agency \(CLA\)](#) licence.

Recording and copying broadcast materials is covered by your [Educational Recording Agency \(ERA\)](#) licence.

"You should check that your institution has bought the above licences. If you wish to make multiple copies of materials or distribute them in any other way that is not covered by these licences you need to consult the copyright holder for permission to do so or look for their **Terms of Use** that state it is acceptable to do so. To go ahead and disseminate without permission is highly inadvisable. You can be sued for infringing copyright and - because you are disseminating - regardless of whether you make a charge or not, the damages and costs could be high.

"Electronic materials

Here are some important points relating to fair dealing with regard to **electronic materials**:

- **Fair dealing** permits certain acts without requiring the permission of the copyright owner. These include what is reasonable for private study and research. Making multiple copies for classroom use has been established as being outside the definition of fair dealing. You are normally allowed to:
 - i. make a temporary copy of a Web page, otherwise known as *caching*, as it is integral to accessing the Internet;
 - ii. print a single copy of a Web page, although not the whole website, for private study or research;
 - iii. make a single copy of a Web page, although not the whole website, to a hard drive or other storage media, as long as it is not for the purpose of producing multiple copies;
 - iv. quote from a Web page as long as the source is acknowledged and it is for the purpose of criticism or review;
 - v. make a temporary copy of a Web page for the purpose of electronic transmission such as email, to an individual for their private study or research. The copy should be deleted as soon as the transmission is complete.
 - vi.
- **Fair dealing** ceases if:
 - i. a single electronic copy is made with the intention of producing multiple copies or redistributing it either in paper form or electronically;
 - ii. it is known that a licence is available to permit copying, but has not been sought;
 - iii. the copies are used commercially, sold or hired, whether it was the original intention or not when the copying took place;

- iv. the copy is made publicly available, such as on a website, without the permission of the copyright holder

Source http://www.ict4lt.org/en/en_copyright.htm#oppenheim

6 However ... the good news is...

The above and severe legislation appears to preclude many of the activities currently used in RO events. However, the following exceptions are relevant and important, and worthy of careful consideration.

“Teaching in educational establishments

A number of exceptions apply to schools, universities and other educational establishments. These are:

- **Copying** a literary (written), dramatic (theatrical performance), musical or artistic work (paintings, drawings, photographs, etc) in the course of teaching as long as a reprographic process is not used (reprographic process means using a fax machine, photocopier or any appliance which makes multiple copies). Therefore, this exception could cover teachers writing material on the board or an overhead projector and students making their own copies by writing, painting, typing, etc.
- **Anything done for setting or answering examination questions** (this does not include photocopying music that is to be performed in an exam)
- **Performing, playing or showing** copyright works in a school, university or other educational establishment for educational purposes. However, it only applies if the audience is limited to teachers, pupils and others directly connected with the activities of the establishment. It will not generally apply if parents are in the audience. Examples of this are showing a video for English or drama lessons and the teaching of music. It is **unlikely** to include the playing of a video during a wet playtime purely to amuse the children.
- **Recording** a TV programme or radio broadcast for non-commercial educational purposes in an educational establishment where there is no licensing scheme in existence. Generally a licence will be required from the [Educational Recording Agency](#)

Making copies by using a photocopier, fax, and so on, on behalf of an educational establishment for the purpose of non-commercial instruction generally requires a licence from the [Copyright Licensing Agency](#). In many cases use of the work must be accompanied by a sufficient acknowledgment.

Source <http://www.ipo.gov.uk/types/copy/c-other/c-exception/c-exception-teaching.htm>

And the consequence is...

We can use copyright works for educational purposes (not entertainment) with pupils and teachers (but not parents).

7 Useful websites

In addition to the above, the following are helpful

- Educational Recording Agency <http://www.era.org.uk/>
- Copyright Licensing Agency <http://www.cla.co.uk/>
- Intellectual Property Office <http://www.ipo.gov.uk/>

