

Scholarly Communication and UK Copyright:

Where are we and how did we get here?

*Chris Morrison, Copyright, Licensing & Policy
Manager – 3 May 2019*



Where are we and how did we get here?

- Introduction
- Copyright history
- Copyright in a nutshell
- Key UK provisions for researchers
- Academic perceptions and interpretations
- European copyright reform
- Implications for scholarly comms staff

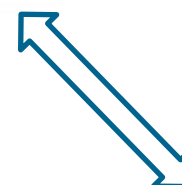


CHRIS MORRISON

@cbowiemorrison



University of
Kent

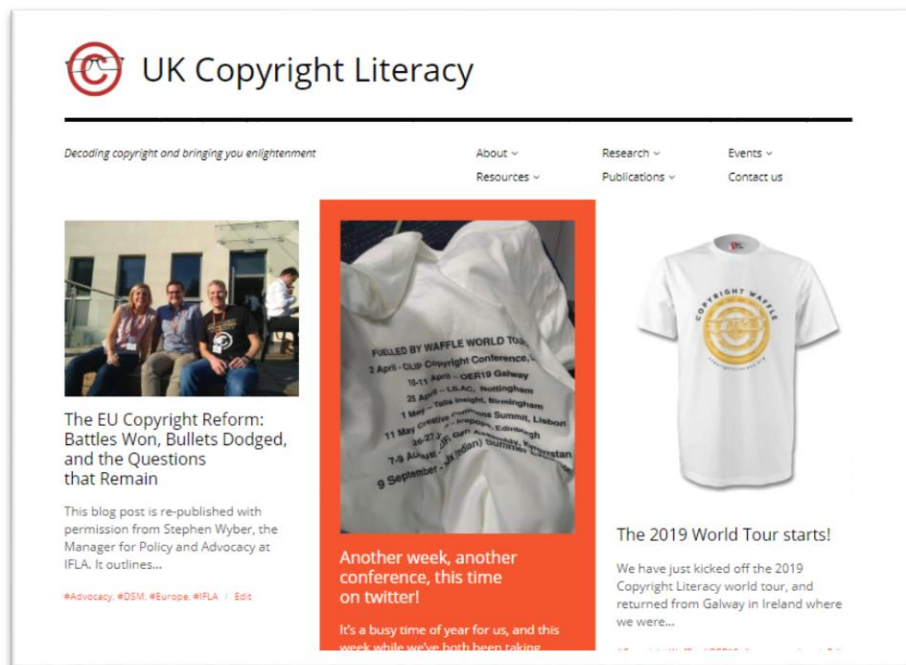




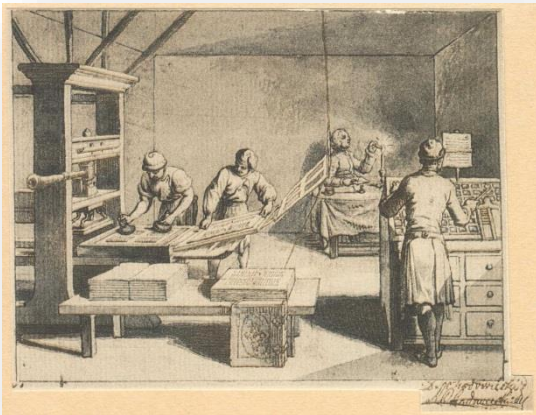
copyrightliteracy.org



@UKCopyrightLit



Copyright History timeline



What is copyright?



Works

(The things it protects)



Licences

(Legal use with permission)



Usages

(The activities it regulates)



Exceptions

(Legal use without permission)

Key UK provisions for researchers



**Research &
private study**



**Text and data
mining**



Quotation



Orphan works



**Illustration for
instruction**



Dedicated terminals



Library privilege

Copyright literacy research

- Copyright specialists in UK universities
 - who are they and what do they do?
<https://kar.kent.ac.uk/70443/>
- MA in copyright law at King's College London
 - Interpretations of Illustration for Instruction in UK universities
<https://kar.kent.ac.uk/73310/>
- Research by UUK/GuildHE Copyright Negotiation and Advisory Committee (CNAC)
 - Response to UK government 2019 call for evidence on impact of copyright reforms

University interpretations of copyright law

- Examples of good practice
- But inconsistently applied across the sector
- Tensions within academia
- Copyright difficult to communicate
- Issues with legislative drafting
- Locating latent flexibility in the law

Academic perceptions

Were you aware that UK copyright law changed in 2014?

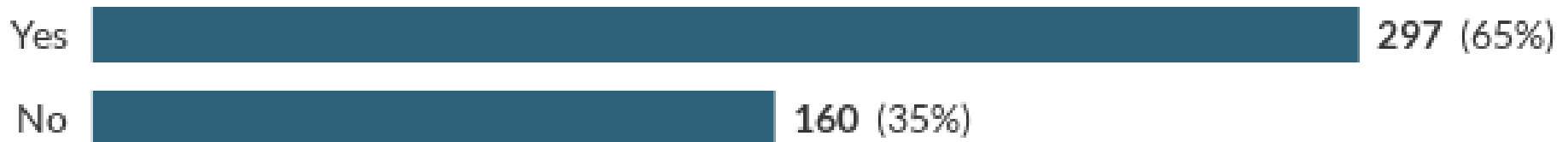


Are you confident that you understand enough about copyright?



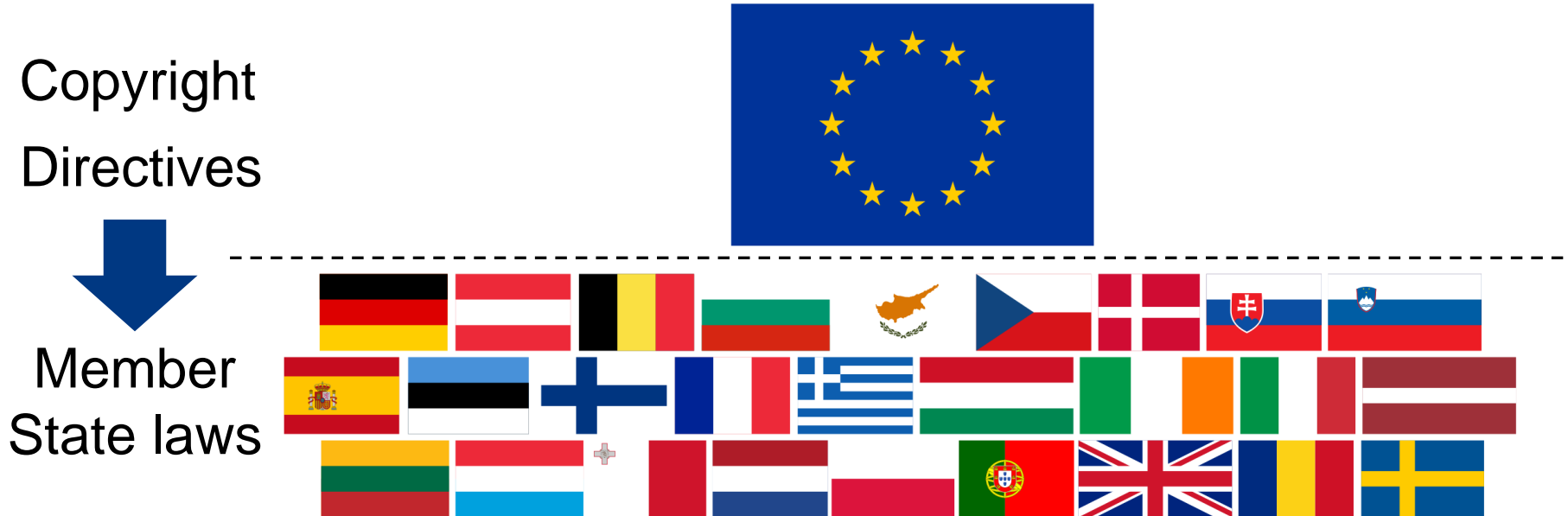
Support for academics

Do you know where to go for copyright advice?



135 out of 464 respondents (29%) mentioned the library as a place they would go for copyright advice.

European Copyright Reform



Digital Single Market (DSM) Directive proposal, adopted March 2019

http://www.europarl.europa.eu/doceo/document/TA-8-2019-0231_EN.html?redirect

BR*X*T

Copyright and Brexit

Even if we don't have to adopt the DSM Directive, EU copyright law will continue to have a huge influence on UK copyright law.

EU DSM Directive and internet freedom

Press publisher right article 15*

- New right for press publishers to licence aggregation of links
- Lasts for 2 years from publication
- Does not apply to academic periodicals
- It will impact on the way links to news articles are disseminated

*previously article 11

Online content-sharing services article 17**

- Online platforms will be liable for content posted by users
- Automatic upload filters on online platforms
- Does not apply to academic repositories
- Will it kill the meme and do machines understand fair dealing?

**previously article 13

DSM Directive and researchers / institutions

- Mandatory exceptions
- Text and data mining (articles 3 and 4)
 - Provides some restrictions on publisher use of technical protection measures to prevent researcher access
- Use of works for teaching (article 5)
- Range of library and cultural heritage exceptions
 - Preservation (article 6)
 - Mass digitisation (articles 8-12)
 - No protection for facsimiles of out of copyright visual works (article 14)
- No contract override (article 7)

Next steps for UK scholarly comms community

- Watch this space for legislative developments
- Ensure copyright literacy is incorporated in institutional approaches to scholarly comms
- Link between communities of practice
- Consider codes of fair practice which cover both education and research activities
- Come to Icepops!!!!

26th June 2019: University of Edinburgh

International Copyright-Literacy Event with Playful Opportunities for Practitioners and Scholars

Icepops



Further reading

copyrightliteracy.org

European Parliament legislative resolution of 26 March 2019 on the proposal for a directive of the European Parliament and of the Council on copyright in the Digital Single Market ([COM\(2016\)0593](#) – C8-0383/2016 – **2016/0280(COD)**)

http://www.europarl.europa.eu/doceo/document/TA-8-2019-0231_EN.html?redirect

Hatch, Philippa and Morrison, Chris and Secker, Jane (2017) A study of copyright specialists in UK educational and cultural institutions: Who are they and what do they do? <https://kar.kent.ac.uk/70443/>

Morrison, C (2018) Copyright and digital literacy: rules, risk and creativity. In: Reedy, K. and Parker, J. (Eds.), Digital Literacy Unpacked. (pp. 97-108). London: Facet Publishing. ISBN 178330197X <https://kar.kent.ac.uk/70446/>

Morrison, C (2018) Illustration for Instruction and the UK Higher Education Sector: Perceptions of risk and sources of authority. Unpublished masters dissertation at King's College London. <https://kar.kent.ac.uk/73310/>

Morrison, C and Secker J. (2015) Copyright Literacy in the UK: a survey of librarians and other cultural heritage sector professionals. Library and Information Research. 39 (121)

<http://www.lirjournal.org.uk/lir/ojs/index.php/lir/article/view/675>

Credits

All original work in this presentation is available for reuse under a Creative Commons Attribution (CC-BY) 4.0 licence. All other content is used either under licence or fair dealing exceptions of the Copyright, Designs and Patents Act 1988

Portrait pictures of Chris Morrison by *Matt Wilson* © University of Kent

Slide 3 – Printing press image By *Daniel Chodowiecki* - DANIEL CHODOWIECKI 62 bisher unveröffentlichte Handzeichnungen zu dem Elementarwerk von Johann Bernhard Basedow. Mit einem Vorworte von Max von Boehn. Voigtländer-Tetzner, Frankfurt am Main 1922. (self scanned from book), Public Domain

Slide 3 - Statute of Anne - <http://www.copyrighthistory.com/anne.html>

Slide 3 - By Original artist: *Joseph Ferdinand Keppler* (1838-1894) Restoration: *Adam Cuerden* - <http://www.loc.gov/pictures/item/2011661385/> by way of <http://adamcuerden.deviantart.com/gallery/#/d5onmxh>, Public Domain, <https://commons.wikimedia.org/w/index.php?curid=23322831>

Slide 3 - Berne Convention - <http://www.copyrighthistory.org/cam/index.php>

Pictograms illustrating copyright components from [copyright the card game](http://copyrightthe card game) © copyrightliteracy.org CC-BY-NC-SA

THE UK'S EUROPEAN UNIVERSITY



www.kent.ac.uk

University of
Kent