Scholarly Communication and UK Copyright:

*Where are we and how did we get here?*

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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
copyrightliteracy.org
@UKCopyrightLit
Copyright History timeline

- Invention of the printing press: c. 1440
- Founding of Royal Society: 1660
- Statute of Anne: 1710
- Copyright Act 1911: 1911
- Copyright Act 1956: 11/5/1956
- Changes to UK copyright law: 2014
- Berne Convention: 1886
What is copyright?

Works
(The things it protects)

Usages
(The activities it regulates)

Licences
(Legal use with permission)

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

Morrison (2018) - https://kar.kent.ac.uk/73310/
Academic perceptions

Were you aware that UK copyright law changed in 2014?

- Yes: 173 (37.9%)
- No: 284 (62.1%)

Are you confident that you understand enough about copyright?

- Yes: 161 (35.5%)
- No: 293 (64.5%)

UUK/GuildHE survey (2019) n = 464
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.

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European Copyright Reform

Copyright Directives

Member State laws

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

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 11
**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!!!!
Further reading

copyrightliteracy.org


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/


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