

## Summary

The law in relation to copying and copyright is complex. This factsheet intends to explain in broad terms what copyright is and offer general guidance on what you are able to copy without infringing copyright legislation. You will discover:

- What copyright is
- What copying is allowed without permission
- Examples of the copying you can and cannot do

The content of this factsheet deals specifically with the topic of copying material for use within the context of your daily work. It does not concern itself with providing copies of records generated by you to researchers. Please look at the factsheet titled "Access to records" for a discussion of providing copies to researchers.

Please note that the information detailed in this note is for general purposes only. It does not constitute legal advice and may not suit your own particular purposes. For legal advice on which you can rely you should contact your own legal adviser(s).

Further general guidance on the issue of copyright can be found on the website of the Intellectual Property Office ([www.ipo.gov.uk](http://www.ipo.gov.uk)) and on the website of The National Archives ([www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk)).

## What is copyright?

Copyright gives rights to a creator of certain works, which includes text, lists and databases, drawings, graphic designs, logos and computer programmes, and allows him/her to control how the works may be used. It is an automatic right which arises whenever a literary, dramatic, musical or artistic work is presented in a tangible form. There is no need for registration or to claim copyright in some way. The principal UK legislation is the Copyright Designs and Patents Act 1988 (the "1988 Act").

It is usually the creator(s) of the work who own the copyright (e.g. an author, composer, artist, or photographer). If the work is created in the course of a person's employment, then the copyright holder is usually the employer.

Copyright allows the creator to prevent others from copying and distributing his/her work without permission. It is not necessary for a hard copy to be created for an infringement of copyright to take place and will include scanning. In fact, merely downloading copyright text from an internet site without permission could be a breach of the copyright legislation.

Copyright is usually preserved in a work for a limited period of time. For example, in literary, dramatic, musical and artistic works, copyright is protected up to 70 years from the end of the year following the death of the author. This standard term may be impacted by other specific circumstances though and this is one example of various periods of time applicable. You should seek further guidance for other standard terms.

It is important to note that infringement of copyright may expose you and your organisation to legal action and claims for damages.

## What copying is allowed without permission?

The 1988 Act allows for copying/scanning without permission in certain limited circumstances. One such circumstance is the “fair dealing” exception, which permits the making of a single copy by or for an individual for the purposes of non-commercial research or private study, criticism or review, or for reporting current events. In general, this means that many copying activities, including multiple copying for teaching purposes, are illegal. The 1988 Act does, however, permit the setting up of licensing schemes, to enable licences to be granted to extend permitted copying in return for fees which are given to the copyright owners. For instance the Copyright Licensing Agency (“CLA”).

The question of whether the copying/scanning is “fair dealing” is one of fact and degree. That said, as a general guide, if the amount copied could be substituted for the entire original work, or contains long sections of text, it is unlikely to be judged as fair. In addition, any copying carried out for research or private study which is directly or indirectly linked with a commercial purpose is likely to constitute an infringement. An example of this would be research for a book chapter or journal article where the author is paid.

## What you can and cannot copy

You **can** as a guideline, providing the copying/scanning is for non-commercial research or private study, criticism or review, or reporting of current events:

- Copy/scan one article from a journal
- Copy/scan one chapter from a book or up to 5% of extracts

You **cannot**, in general, unless the copyright has expired or you have a licence under a relevant licensing scheme, such as CLA, or permission from the copyright owner has been sought and granted:

- Make multiple copies (e.g. for meetings and training purposes)
- Store and retrieve digital copies on an electronic network
- Scan material for distribution, for instance via email, websites, PowerPoint presentations
- Provide a copy/scan to a member of the public
- Make copies/scans for commercial purposes

You must seek legal advice if you intend to do any of the above.

## Factsheets available in the records management toolkit

- What is records management
- Organising your records
- Looking after your paper records
- Looking after your electronic records
- Looking after your emails
- Looking after your multimedia records
- Agreements with record offices
- Access to records
- Data protection
- Copying and copyright

- [Glossary](#)

### **Further guidance**

For further guidance please contact the Church of England Record Centre:

15 Galleywall Road, South Bermondsey, London, SE16 3PB.

020 7898 1030

[archives@churchofengland.org](mailto:archives@churchofengland.org)

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