



# Copyright Policy

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## St. Francis' College

January 2024

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## Introduction

The 'College' refers to all the staff and pupils of the Prep Department and Senior School which includes Early Years Foundation Stage (EYFS), Pre-Prep (Key Stage 1), Prep (Key Stage 2), and Senior School (Key Stages 3-5).

## Policy Statement

St. Francis' College respects the copyright of those involved in creating and disseminating copyright material, such as music, films, software and other literary and artistic works created by others.

Thus, staff and pupils shall not make, download, store, transmit or make available unauthorised copies of such copyright material on College equipment, IT network or storage media, nor shall they assist or participate in any infringement of such copyright materials by operating or connecting to a peer-to-peer network or index, using College systems or equipment.

The Deputy Head (Operations) is responsible for overseeing this Policy. Any doubts concerning whether a member of staff or a pupil may copy or use copyright material in ways covered by this Policy should be raised with the Deputy Head (Operations) before proceeding.

Any material which contravenes this policy is subject to immediate removal and destruction. College staff and pupils who contravene this policy may be subject to the College's disciplinary procedures as appropriate under the circumstances.

## Supporting Narrative

Current copyright law is enshrined in The Copyright, Designs and Patents Act 1988 (the Act). Its aim is to protect the livelihood of writers, composers, painters, musicians and other creators; at the same time, it attempts to provide reasonable access to copyright material. This provision is known as "fair dealing".

This document contains only a very general outline of Copyright Law. The Act is in part complicated and it must be borne in mind that, apart from the licence schemes, and certain other limited exceptions, it is usually an infringement to copy other people's original work or ideas.

### **Works protected by the Act may be categorised as follows:**

- Literary and dramatic works, including books, pamphlets, plays, magazine articles, tables, databases, letters, compilations, computer programmes and some databases (covered by a separate 'database right' and described below)
- Musical works
- Artistic works, including paintings, drawings, photographs, sculptures, maps, charts, plus works of architecture and craftsmanship (e.g. a piece of jewellery) and drawings for typefaces and for industrial designs
- Sound recordings
- Films

- Broadcasts. i.e. the programme itself transmitted by a radio station or television channel quite apart from its content
- Cable programmes, as in the case of broadcasts, the programme itself that is transmitted.
- Published editions, or 'typographical layouts' - for example, a 'new' edition of a Shakespeare play or a Mozart symphony
- Computer-generated works

It follows that copyrights subsists, in one form or another, in virtually everything the College uses: books, journals, magazines, newspapers, illustrations, photographs, CDs, DVDs, television and radio broadcasts, computer programs and so on. The creators of copyright works have a right to license their use, and to be paid when they are used.

### **Permitted Acts in Relation to Copyright Work**

Several categories of use in relation to copyright material (which would normally amount to 'restricted acts' under the 1988 Act) are permitted by the 1988 Act and will not infringe copyright in the material. These include:

*Fair dealing for the purposes of research or private study with literary, dramatic, musical or artistic works or the typographical arrangements of published editions (although care should be taken here - photocopying of materials for teaching purposes is unlikely to satisfy this test).*

*Certain limited educational uses, although these are not particularly generous. Only very limited multiple photocopying of copyright texts, for example, is permitted: and the permitted act does not apply where there is a blanket licence (e.g. that with the CLA) available. However, slightly more generous exceptions apply to use of copyright materials in examinations.*

### **Definition of Public Performance**

Literary, dramatic and musical works may be performed without permission before an audience of teachers and pupils in a school. If the performance is for instruction, then any person may give a performance, otherwise only pupils and teachers may do so.

As soon as parents, or any persons other than pupils and teachers, attend a performance, it becomes a public performance and is subject to copyright legislation, whether or not a charge for tickets is made.

### **Duration**

Generally speaking, copyright lasts for 70 years after the date of an author's death (ref. Appendix 1). However, there is often more than one copyright in a work; for example, a CD recording of a pop single comprises separate copyrights in the musical composition and the sound recording; in addition, there will be copyright in the artwork and the graphic layout. Therefore, if such material is copied then the College is likely to need to have authorisation from the rights-holder(s).

Some of the activities for which the College is most likely need a licence, together with the relevant licencing 'agency' (ref. Appendix 2) are:

Some activities requiring a licence	CCLI	CLA	ERA	PPL	PRS
Photocopying manual or electronic reproduction of a wide range of hymns and worship songs used during assemblies for acts of collective worship.	◆				
Organising a school play, musicals or concerts or recitals involving live or recorded music that is attended by family or friends.				◆	◆
Recording a radio, television, cable or satellite broadcast for educational purposes.			◆		
Photocopying articles from magazines or journals, or photocopying extracts from text books.		◆			
Using a radio or CD player in administration offices or staff rooms.				◆	◆
Holding a school disco, fete or fair outside normal school hours.				◆	◆
Showing DVDs in the classroom or to an after-class film club.					◆
Hiring out premises for keep fit/ aerobic classes.				◆	◆
Using music on hold on your telephone system.				◆	◆
Creating and storing on computer the school's own hymn book or carol sheet.	◆				
Producing video or audio recordings of a school carol service or other religious / seasonal festival to circulate to parents.	◆				

If in doubt as to whether the College holds a licence to reproduce certain work, staff should obtain further advice and guidance from the Deputy Head (Operations). In practical terms, licenses issued by the UK's collective licensing agencies may already be in the College's possession via the relevant licences it holds as follows:

- The Copyright Licensing Agency (CLA) licenses the reproduction of extracts from books, journals and magazines.
- The Educational Recording Agency (ERA) licenses designated educational establishments to record radio and television broadcast and cable programmes.
- Phonographic Performance Ltd (PPL) licenses the public performance of sound recordings.
- The Performing Right Society (PRS) licences the use of music in recordings, broadcasts, and public performances of all kinds.
- The Newspaper Licence Agency.

**Version Control**

Reviewed By	Deputy Head (Operations)
Authorised By	Head
Effective From	January 2024
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## Appendix 1 Duration of Copyright

Generally speaking, works are protected as follows:

- a) Literary and dramatic works; life of the author plus 70 years.
- b) Musical works; life of the composer plus 70 years.
- c) Sound Recordings; currently 50 years from the date of release.  
n.b. old recordings that have been digitally re-mastered may be described as 'new releases'.
- d) Films; life of all 'authors' (e.g. Director, Author of Screenplay, Author of Dialogue, Composer of any original soundtrack), plus 70 years. If there is more than one 'author', then 70 years following the death of the last existing author prevails.
- e) Databases; databases with a substantial degree of originality are protected by copyright (life plus 70), otherwise by 'database right' (15 years from creation). Both rights can apply concurrently.

## Appendix 2 Licences

### a) The Performing Right Society (PRS) Licence

The Performing Right Society is a non-profit making membership organisation which collects licence fees from music users and distributes the money as royalties to those who create the music - songwriters, composers and publishers. The licence allows the public performance of live music and recorded music on CDs and DVDs for a set number of concerts or dances in the year. The licence also covers background music performances, by whatever means (i.e. television, radio, CD, etc.) that occur outside the normal school timetable.

When applied to schools the situation is that:

A PRS licence IS required for:	A PRS licence is NOT required for:
Concerts and recitals	Assembly
Dances and discos	Carols or religious services
Film/video shows	Any music tuition
TV, radio, CD, tape, keep fit/aerobics	Music used in classes
Music used at fetes or sports days	Complete musical plays or ballets (but see Definition of Public Performance above)

### b) MCPS

The Mechanical-Copyright Protection Society is the 'sister' society of PRS, and should be contacted for a licence if, for example, you wish to record a school concert, or make CDs of pupils' musical performances.

PRS and MCPS have a joint website at [www.mcps-prs-alliance.co.uk](http://www.mcps-prs-alliance.co.uk).

### c) Copyright Licensing Agency (CLA) Licence

The Copyright Licensing Agency licence permits the copying of extracts from books, journals and magazines published in the UK and 18 other countries, apart from those listed in the Excluded Categories and Excluded Works list. Photocopying from newspapers is not covered. Further information is available on the CLA website - [www.cla.co.uk](http://www.cla.co.uk).

### d) Educational Recording Agency (ERA) Licence

The Educational Recording Agency Licence permits educational establishments to record both schools and general broadcasts from radio and television for educational use. Further information about ERA schemes can be found in the ERA Information booklet which is available free of charge from the ERA website - [www.era.org.uk](http://www.era.org.uk).

n.b. Open University programmes are not covered, but licensed via the OU directly. Further details are available at [www.ouw.co.uk/info/record.shtm](http://www.ouw.co.uk/info/record.shtm).

### e) Phonographic Performance License (PPL)



Phonographic Performance Limited (PPL) is a non-profit membership organisation which represents almost 3000 record companies and licenses the broadcast and public performance of their repertoire; this includes recordings in every genre of music. PPL collects and distributes revenues from users of sound recordings on behalf of its member companies and registered artists who perform on sound recordings. Information may be obtained either by telephoning 020 7534 1000 or from [www.ppluk.com](http://www.ppluk.com)

f) Christian Copyright Licensing (Europe) Ltd

This is the UK's major licensing body for the reproduction of hymns and songs used in acts of collective worship during assemblies. CCLE can license a school to reproduce lyrics and music of many thousands of songs by hand, type, computer storage and photocopying for use on overhead projector acetates, song sheets, etc.

**NB: the College does not hold a CCLE licence.**

**NB: lettings must have their own PPL/PRS licence.**

## Appendix 3 Printed Matter

### a) Sheet Music

There is no blanket licensing scheme for copying sheet music. However, a Code of Fair Practice exists to assist with various 'fair dealing' exceptions (e.g. the making of an individual photocopy to facilitate a page turn). The Code of Fair Practice is available via the website of the Music Publishers Association ([www.mpaonline.org.uk](http://www.mpaonline.org.uk)).

### b) Maps

Ordnance Survey publishes a useful guide to the various arrangements whereby permission may be granted for maps to be copied legally for educational purposes, either by holding an annual licence or by making individual applications on each occasion copies are required. The Ordnance Survey website is [www.ordnancesurvey.gov.uk](http://www.ordnancesurvey.gov.uk)

### c) Newspaper Articles

The Newspaper License Agency provides licenses free of charge to schools where the normal admission age is 16 years or younger. For post-16 educational establishments (i.e. where the normal admission age is 17 years or above, for example a sixth form college) a licence fee is payable. The NLA website is [www.nla.co.uk](http://www.nla.co.uk)

### d) Crown Copyright

It is illegal to photocopy Crown Copyright material without special permission.

## **Appendix 4 Stage Performances**

“Public” performance is usually authorised by the leasing agency from whom scripts are hired. Permission must be sought direct from the publisher before performances in their entirety of musicals, operas and ballet occur. These are known as ‘Grand Rights’.

Where excerpts of any of these take place, the Performing Right Society's licence will be required (already held by the College).

## **Appendix 5 Employees and Pupils – Copyright Ownership**

The Copyright in work produced by an employee, in the course of his/her employment, is the property of the College, except where there is an agreement to the contrary. Copyright in work produced by a pupil at school automatically belongs to that pupil. Where a teacher, or pupil, embarks on a project which might involve copyright, particularly if it can potentially be exploited commercially (perhaps teaching modules, or software) it may well be advisable to consider some form of agreement about who owns the copyright which arises.

## **Appendix 6 Electronic Issues**

### a) Computer software.

The software industry is aggressive in its efforts to police unauthorised use of its products (which is of course copyright infringement), and to take action against unauthorised users.

### b) Internet Copyright.

Protection also extends to digital media. If an individual carries out a 'restricted act', without the copyright owner's consent, he/she will infringe copyright in the relevant material, unless one of the permitted acts in relation to copyright material applies. Copyright may be infringed on the internet in a number of ways, including copying text (e.g. printing from a web page), although limited personal use may well be permitted, whether expressly or impliedly. Unless a website categorically states that material may be used without a licence, it is advisable to contact the website administrator for permission.

*See [www.cla.co.uk](http://www.cla.co.uk) or contact Sarah Brear [[sarah.brear@cla.co.uk](mailto:sarah.brear@cla.co.uk)] or Tel: 0207 400 3100*