



## Copyright FAQs

These FAQs have been answered by Emily Stannard (@copyrightgirl) who has been working in this field of law for over 10 years and is now a School Librarian in an independent school.

### 1. How much of a book can we copy?

The Copyright Licensing Agency (CLA) provides a Schools Licence which sets out how much schools are permitted to copy from a book. Every state-funded school has a CLA licence which is paid for them by the government. Independent schools should check with their Academic Secretaries for an invoice from IAPS (<https://iaps.uk/copyright-licences.html>). As long as schools are registered with the Department for Education, they will hold a copyright licence.

The CLA's licence permits schools to copy one chapter or up to 5% of a book, whichever is the greater. **However, during the COVID19 pandemic, the CLA have extended this to 20% of the book. The changes to the licence terms mean that teachers can copy up to 20% of a print book, owned by the school, including scanned book content held on the school VLE. This ends on 31<sup>st</sup> March 2021 and any extra content on the VLE will need to be taken down after this date.**

### 2. (from the CLA) Does that use up my copying allowance for the year? How long do we have to wait before we can make copies from the same book again?

You can only copy up to the limit above for any one class, lesson, or 'course of study', so if you need a different extract from the same book for another year group in your subject, or another teacher needs another chapter for a totally different subject, that's fine, you can make the copy.

For example, if you make a copy of a book chapter and give it to year 4, you can make a copy of a different chapter from the same book to give it to year 5.

Alternatively, a Geography teacher could make a copy from a book and a Biology teacher could copy another chapter from the same book.

### **3. Can I copy from books that I personally own or borrowed from SLS?**

**Your school needs to own or subscribe to the thing you'd like to copy from.** You can't use personal copies, or free inspection copies that you get in the post. Regarding copies borrowed from the SLS, these will be fine as you are subscribing to them, albeit for a finite amount of time.

### **4. Are we automatically covered by a CLA licence?**

- a. If we're a state school - YES
- b. Academy – check whether DfE registered
- c. Independent school – check with IAPS / Academic Secretary

As long as a school is registered with the Department for Education, they will hold a copyright licence. This is either paid for by the government or directly by the school.

### **5. How can we loan class sets to pupils when they are not in school/learning remotely?**

There really isn't an easy answer to this. Copying the whole text and making it available online via the VLE or similar is not an option as this definitely infringes copyright, in spite of the fact that the school may own a number of hard copies. All you could do would be to approach the publisher to ask permission to use an e-book for the duration of remote learning. However, it is unlikely you would be able to and in many cases an e-book does not exist. The school could arrange for parents to come to the school to collect a hard copy of the class reader or the teacher could take advantage of the CLA's 20% limit (until 31<sup>st</sup> March 2021) to scan/copy 20% of the book and concentrate on that for class reading.

#### **Alternatives:**

- a) you could use a book which is out of copyright. Copyright lasts for 70 years after the death of the author and an author whose works are recently out of copyright is George Orwell. Project Gutenberg is a good place to start.
- b) Advertise the public library which may have copies of the text in stock with a click and collect service.
- c) Look at e-book platforms (there is a list on the SLA website); some, such as Browns VLEBooks have some licences which allow multiple readers (almost unlimited in some cases) to read some titles. There is a limited number of books with this, but it might be worth making a shortlist of titles and seeing what they have available.
- d) Swap to short stories, many of which are out of copyright and available online.
- e) If you have discovered a link to the full text of an in copyright e-book online, it is highly likely it is illegal.

### **6. Can I post pictures of book jackets?**

Images are more tricky when it comes to copyright, predominantly because when using an image you want to use the whole image rather than just a part of the image. And the things

we want to use images for are usually for the purposes of illustration, marketing and communication, which are all outside of the scope of the education provisions within the copyright act.

So it is important we take a risk-managed approach to this area of use:

### **A: If the Image is already Digital and you found it on a Website/Amazon:**

Amazon and other sales websites are granted permission from publishers to use their book covers on their websites. A photograph of a book cover, if it is the original, will usually be owned by the publisher who is promoting the book. Images of book covers other than for classroom use are not covered by the CLA licence.

It is likely that use of an image could fall under the provision of fair dealing as a quotation, particularly when schools are promoting an author's work or visit, for example, by using the book cover image.

If you are making a recommended reading list or drawing up a reading list for a year group, this activity will fall under "classroom use" and will be covered by the CLA licence and you can use the images as part of that.

Any activity or use which is non-digital (e.g. posters, printed newsletters) is much lower risk than when you use a copyright work online. As such, use of book covers on posters and in newsletters which are sent home is a low-risk exercise and is unlikely to pose any serious negative loss of income for the author/illustrator/publisher. The image itself will have the title and the author clearly visible on it, but for a "belt and braces" approach you can add a © symbol and the publisher if you so wish.

When using book images on the school website, the risk is higher because it is accessible to the public. Note that the VLE or intranet is more "closed" and therefore the risk is lower. It is best to be careful when sharing book covers on the school's website and ensure that the use is in line with the promotion of an author event or linked to a recommended reading list. Usually, a publisher/author will grant you permission to use the image of the book for promotional activity if they are speaking at your school.

It is important to reinforce that nobody has (as yet to my knowledge) been sued for copyright infringement when using book covers, and so it should be stressed that the risk for all uses (with the exception of blatantly ripping off an image to use on your own book, should you write one!) within education remains exceedingly low.

### **B: Where can I obtain these pictures? Is it different if I take them myself?**

Generally you can get images of book covers from anywhere on the Internet, usually Amazon or similar. Some library management systems such as Accessit provide book cover images which already have permission for use from the publishers as standard, so you can use them for anything you like. This takes a lot of the stress out of the book covers debate and it would be helpful if all LMS's would clarify whether book covers are already copyright-cleared when imported into the catalogue.

If you take images yourself, you own the copyright to that particular photograph but not to the book cover within it. You may feel more comfortable taking your own photos but strictly speaking you would still need the permission of the publisher to do whatever you wanted to with it, as they would own the artwork on the cover. However, as I mentioned, the risk of being sued for use of book covers is very very small. You may prefer to take your own photos of a pile of books to post on Instagram/Twitter, which is fine.

## **7. Is a display that I have created using many book jackets treated in the same way?**

Technically yes, but a montage of lots of book covers is likely to be extremely low risk of copyright infringement. So I think this particular use is fine.

## **8. Can staff read aloud from books?**

### **From the CLA: Can I make and share a recording of me reading a book aloud?**

This activity is outside the CLA Licence and so we advise that you check with the publisher of the book. There is currently no licence that would permit audio recordings from books.

The main copyright issue with teachers recording and broadcasting themselves reading from published material online is that they can't necessarily control who watches it and this sort of activity could potentially impact sales of audiobooks and be detrimental to content creators in the long term. Once something is published online, it's very hard to make sure that it's completely taken down.

The best advice regarding this practice is always to contact the rightsholder directly, whether it be the author, agent or publisher to ask for their permission.

However, due to the current circumstances, authors, publishers and other content creators are more likely to be sympathetic to teacher requests and are even doing a lot themselves to support remote learning and make their work as accessible as possible to teachers, parents and children.

The **SLA** has provided a list of book resources to use at home or in school during the current restrictive times - [School Closure Resources - books and reading \(sla.org.uk\)](https://www.sla.org.uk/school-closure-resources-books-and-reading). There is a wakelet of changes in publisher permissions.

**BookTrust** launched HomeTime in partnership with author Cressida Cowell to provide a concise list of what different authors, illustrators and organisations are doing to keep childrens' love of books and reading alive while being stuck at home for long periods of time.

There are other blogs about how children's authors are stepping up during lockdown and about picture books author events online. So there might already be a recording of a reading or something similar directly from authors available for teachers to use – it's worth a look.

Publishers are also doing a lot to make works more accessible to teachers and students while schools are closed. For example, some are offering temporary open licences that schools can apply for that permit recordings of stories, so it might be worth checking publisher's websites for updates on this. ALCS have put together [a very useful guide about sharing books and content online](#) which provides a list of publishers which have changed their usual policies and issued specific advice on how their works can be used and shared for a certain period of time. Libraries Connected have also created a comprehensive list of the different publisher permissions relating to online reading activities during COVID-19 [here](#).

Another avenue to explore for a more personal connection between teachers and students might be live streaming via secure platforms such as Zoom or Skype. As long as the session is not recorded, this could be considered the same as reading the story in class.

## **9. Can we reproduce children's work and share it?**

The owner of copyright in a child's work is the child, not the school. It is possible that the parents / child (of secondary school age) have signed a contract with the school which permits the school to use children's work in certain ways. It would be worth checking with your admissions process and your Academic Secretary to see whether parents have signed this sort of contract or it is within the terms of the school's admission policy.

If you want to be sure, seek permission directly from the child/children themselves. They may prefer to be anonymous or alternatively may want their name associated with their work. Copyright law is at odds with data protection law here but data protection law will always win, so ensure that no child is compromised by their full name being publicly available. There is therefore no requirement to attach a name to a work, but if you want to you can add their first name or "a Y6 child".

If you would like to know more and have further questions, we currently have places for a webinar on copyright with Richard Combes, Head of Rights and Licensing, Authors' Licensing and Collecting Society *Copyright for School Library Staff and Teachers*

[Ticket \(sla.org.uk\)](#)