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Author's note

This book tries to set out the basics of UK copyright law, concentrating on those areas that may affect librarians and archivists in their daily work. There are many subjects that have not been dealt with at length, such as public performance, and aspects of broadcasting and publishing; and the whole area of design and patents is left to others far more competent than me to deal with them in those areas where they impinge on the work of libraries. Neither is it intended as a scholarly textbook but rather as a working tool for the practitioner who is faced with actual situations that need to be resolved in an informed and sensible way. References to case law or even specific clauses of the legislation are therefore not included. The book can be used as a desktop reference work for anyone planning library, archive and information services or kept at the enquiry desk to help decide what can, or cannot, be done for a reader. The author's hope is that it will be as helpful to junior counter staff as to senior managers. It is also aimed at all types of library, archive and information service, whether public, academic, government or private. Attention is given to the different legal situa-

tions in which various libraries function. As would be expected, the book focuses on UK law, which it aims to interpret, and the answers found here should never be assumed to apply in other countries. Nevertheless, many of the questions raised are equally valid in any part of the world and should help professionals in other countries to address the issues facing their own libraries.

As libraries, archives and information providers increasingly move towards exploiting their collections or providing new information resources, there is a need to look at what rights libraries and others enjoy when they create a work as well as when they wish to use something. Digitization programmes in particular raise many challenging questions and some of these will be dealt with in this book.

It is organized on a question-and-answer pattern to simplify searching for particular problems and their possible solutions. Because of this there is a small amount of repetition between sections. This is quite deliberate to avoid unnecessary 'see also' comments, which tend to confuse or bewilder the user. Obviously not every possible question can be answered but every effort has been made to anticipate those that arise most often. The feedback from many users of previous editions of this book has been most useful in expanding and amplifying some of the paragraphs in this new edition. The law is not there to deal in specific terms with any and every possible situation but to provide the framework within which decisions can be made in specific circumstances. There are always 'grey' areas of interpretation or circumstance when the law will be unclear. Where this is the case, the book tries to offer guidance rather than provide a definite answer as this is not always possible. Although some of the legislation is still very new, other elements have been in place long enough to make it possible to give some further guidance in areas that were 'fuzzy' when the first edition was prepared in 1989. It should be remembered that what the law does not allow can often be done with the copyright owner's consent through an appropriate licence. Therefore, where the book says that the law prevents something, librarians and archivists should first check to see what kind of licence, if any, their institution holds for copying beyond the stated limits. For this reason a chapter

on licences has been included in the sure and certain knowledge that it will soon become out of date in such a fast-moving area. In a book of this kind it is not possible to say exactly what existing licences allow as they differ between different kinds of institution and will change with time but general indications have been given as guidance.

The author advised the British Library on copyright matters for 18 years and took part in many of the discussions that helped to shape the library profession's reaction to the new law and the many statutory instruments that have followed the main legislation. He was involved in many similar discussions in Brussels and Luxembourg when the EU introduced a series of directives that have profoundly changed some aspects of UK law. He has served on a number of groups and committees dealing with copyright matters and has lectured and run seminars on copyright law both in the UK and abroad. He was also involved in a number of initiatives designing and implementing Electronic Copyright Management Systems (ECMS), which are already playing a major role in the future development of information work worldwide. He now works as an independent advisor and trainer in all aspects of copyright under the label ©opyright Circle. The wealth of information and opinion gathered from these contacts has been used to compile this book but it must be remembered that it is written by a librarian trying to understand the law, not a lawyer trying to understand libraries!

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