

KWtL keeping within the law

Law Spotlight - extracts from Keeping Within the Law

How to obey Crown Copyright

Continuing our series of exclusive articles from Facet Publishing's Keeping Within the Law online intelligence service, **Paul Pedley** explains how copyright applies to the material which is produced by employees of the Crown.

Crown Copyright relates to copyright material which is produced by employees of the Crown in the course of their duties. Therefore, most material originated by ministers and civil servants is protected by Crown Copyright – in accordance with section 163 of the Copyright, Designs and Patents Act 1988. The Office of Public Sector Information (Ops) operates from within the National Archives, and it is responsible for managing and licensing the re-use of Crown Copyright material.

The Director of Ops in her role as Queen's Printer has been appointed by Her Majesty the Queen to manage all copyrights owned by the Crown on Her Majesty's behalf. Ops's Information Policy team licenses on the Queen's Printers behalf.

Crown copyright material originated by the Scottish Administration is managed by the Queen's Printer for Scotland (QPS). The Information Policy team of the Office of the QPS licenses on the QPS' behalf.

If you wish to copy material that is subject to Crown Copyright, it is best first of all to check whether one of the OPSI Guidance Notes covers the type of copying that you wish to undertake (www.opsi.gov.uk/advice/crown-copyright/copyright-guidance/index.htm).

Each guidance note covers a category of material and sets out what copying is permitted and under what conditions. For example, guidance note 6 covers the reproduction of primary and secondary legislation and it can be freely reproduced under the OPSI copyright waiver.

Copyright waiver

In the white paper entitled *The Future Management of Crown Copyright* of 1999 the government announced their intention to waive copyright for certain types of material protected by Crown Copyright.

The word 'waiver' can be a bit misleading, because Crown Copyright is still asserted in order to protect the material against use in a misleading or derogatory manner. But the OPSI waiver means that the Crown does not seek to exercise its legal right to licence formally, restrict usage, or charge for the reproduction of the content. The waiver stipulates a set of terms which must be complied with in order for the copying to be permitted. These terms include:

- all reproduction of the material should be made from an Official version
- the material should be reproduced accurately
- care should be taken that the material reproduced is from the current or up-to-date version
- the material should not be used in a derogatory or misleading manner
- the material should not be used to advertise or promote a particular product or service
- the material is properly acknowledged.

Reproducing short extracts

OPSI's policy on the re-use of crown copyright extracts can be found at www.opsi.gov.uk/advice/crown-copyright/copyright-guidance/re-use-of-crown-copyright-extracts.htm. It allows extracts of up to 250 words to be re-used without the need for a licence, in order to simplify the process and reduce unnecessary administration and delay for re-users of Crown copyright material. This covers both core and value added text. It does not, however, cover: text that appears in tables, diagrams and forms; cases where a department states that the material may not be re-used; and the re-use of official imprints and departmental logos unless you have the permission of the department concerned.

Also, where you are using the text within a publication of your own, you should properly acknowledge the use of the material by saying 'Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland'.

Click-use licence

Where the OPSI guidance notes (available at www.opsi.gov.uk/advice/crown-copyright/copyright-guidance/index.htm) don't cover the copying that you wish to undertake, it is possible that the copying might be covered by the PSI 'click-use' licence offered by OPSI – see www.opsi.gov.uk/click-use/psi-licence-information/index.htm. This covers crown copyright and public sector information.

There will, however, be information which falls outside the scope of this licence. Some government departments have delegated authority from the Controller of HMSO to license the re-use of the Crown copyright material which they originate. There is an Information Fair Trader Scheme (IFTS) which provides accreditation as a method of regulating decisions about the licensing of Crown Copyright information by public sector

Further guidance

For further guidance about the re-use of public sector information, it is best in the first instance to take a look at the information provided on the Ops website www.opsi.gov.uk. But if this doesn't provide you with an answer, there is an email address for licensing queries: licensing@opsi.gov.uk.

bodies which are IFTS members. In the case of crown information where the licensing responsibility has been delegated to the originating department see

www.opsi.gov.uk/ifts/ifts-members.htm.

There is also a parliamentary licence (at www.opsi.gov.uk/click-use/parliamentary-licence-information/index)

which covers material produced by the House of Commons and the House of Lords of the Westminster Parliament which is subject to parliamentary copyright protection.

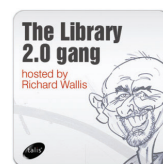
For instant access to KWtL's continually growing database, packed with useful resources on all aspects of copyright and information law, you need to become a subscriber. Call 020 7255 0590 or visit www.kwtl.co.uk

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TALKING TECHNOLOGY

Another fine mess...



Richard Wallis continues his series of regular bulletins keeping *Gazette* readers updated about the Library 2.0 Gang discussions – the entertaining podcasts from the LIS world which he hosts.

We have spent a decade evolving systems to manage libraries' electronic resources. The starting question for the April Library 2.0 Gang was whether we have arrived at a bit of a mess. As Marshall Breeding pointed out, at a time when it is not uncommon for academic libraries to be spending over half their resources budget on e-content, this mess is typified by the significant amount of human resource used to manage it, coupled with a low take-up in systems to help them. Gang member Oren Beit-Arie, Ex Libris CTO, suggested that the mess was multi-faceted. It includes the world of electronic publishing with its very messy business models, terms, delivery platforms and standards compliance; and on the other side the organisational structures within libraries and the tools that have been built to help them manage the mess. We (the industry) may need to look closely at the design of some of those systems as we may be helping to cause some of that mess.

It was clear from the discussion that,

from the library side, the approach has been at the wrong level of granularity – approaching e-journal content at the level of the journal itself as against the article which more often than not is the user's target. This is being aggravated by trying to catalogue the electronic in the same way as the physical – an article in an issue, of a volume, of a journal, on a virtual shelf. Add to this a publishing industry going through massive change, doggedly trying to preserve and protect its old business models, while a few forward-looking publishers try to work out what will replace it, and it is no wonder we are in a mess.

Far from being all doom and gloom, the conversation looked forward to libraries managing 'stuff' – physical, electronic, book, journal, paper, data set or piece of research software. The future could be impressive and efficient, but it may be a very bumpy ride to get there. Listen to this and other previous Library 2.0 Gang shows at <http://librarygang.talis.com>

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www.cilip.org.uk/benefits