

# Copyright Maze

Issue 2 February 2010



## Value for Money?

Welcome to the first issue of the newsletter in 2010 – a year which promises a number of changes in our favourite subject – copyright. The government seems very keen to push the Digital Britain Bill through before the general election, and the CLA are just as keen to turn the FE trial licence into a substantive one – target date August 2010.

I hope you all had an enjoyable break over the festive season – I was given a lovely present – an animatronic Frosty the Snowman, who, when prompted, sang his eponymous song – I was delighted to see a very large copyright notice on one of the accompanying tags reminding me that the song is still very much in copyright and was being performed under licence – yes I know, I'm very sad.

Thanks to all who took time to make positive comments about the first newsletter and to those who have asked themselves and colleagues to be added to the mailing list which has jumped from just over 50 to over 80. Always happy to take more names if anyone is interested.

I've headed up this newsletter with a theme from the first one and I make no apologies for this. Since the last newsletter, I've had the pleasure of visiting a few colleges either delivering CPD or talking to colleagues in library and learning centres and I'm left in no doubt that member colleges are seriously querying the amounts of money which are being paid to the licensing societies.

I've received papers from the CLA indicating their desire to introduce new monitoring and reporting systems which will be introduced as part of formalising the FE licence. I can't release this report just at the moment, but suffice to say, I would not be happy, as a college librarian, resource manager or financial controller to be receiving it – I sincerely hope we can change the CLA's mind on this. If



implemented, costs will certainly rise along with an added administrative burden. The report mentions 'compliance' on a number of occasions. This is something I have campaigned against previously – I'm not convinced that colleges should be subject to enforced compliance by a licensing body – that's something that is up to the colleges to oversee and implement in relation to policy.

What I would like to ask, and I appreciate that the comments will be anecdotal, is whether or not you think that your college receives value for your CLA licence.

Are you photocopying as many third party originals?

Are you scanning licensed third party materials for inclusion on your VLEs?

Should we consider asking the CLA for a transactional licence (pay as we go) rather than the 'blanket' licence which we have at the moment?

Your comments on any of the licences which you subscribe to will be very welcome – as college budgets come under pressure and costs are looked at more rigorously, perhaps the time has come to consider the licences' value for money – are there not other resources available to teachers and learners that don't incur the same level of cost?



# Does Copyright Actually Matter?

I'm intrigued by much of the comment and editorial I read in a number of well-known papers and periodicals where the authors question the need for copyright – I'm sure that they themselves would be at the head of the queue complaining if they felt they were not being duly recompensed for their work.

Undoubtedly we live in a world where the copying culture has changed – we have the digital revolution to thank for that – and yes, it's great to be able to copy pictures, music, articles, games etc and share them, pass them on, publish them etc – as long as they belong to whoever is doing the posting – and that's where all the difficulties begin.

If I buy a physical copy of a CD, book, DVD, video game or magazine – all I've got is a copy – I have virtually no rights to do anything else with that copy – either copyright law and/or the terms and conditions of the publication will prevent me from making copies, posting on to the internet etc. Exactly the same applies to materials bought by colleges – unless an item is bought, complete with an assignation of the rights, then there are limitations to what can be done with the publications/resources.

Just because something is freely available, does

not necessarily make it free to use. We are free to avail ourselves of a vast range of other people's efforts, but that does not give us the right to use those items as we choose.

In conversation with colleagues, I'm really taken aback by comments which say that copyright is dead, the digital world has seen it off and there's no problem in recycling other people's work – wrong! Copyright is still with us, it's not going anywhere soon and those who rely on copyright are now using the digital world to monitor their work.

Big Brother is a very controversial epithet, but that's what the internet is – and if you've read recent media articles, you'll know that the government has a pretty good idea already of what we're doing, supposedly in the privacy of our own homes – employers, using a network, have known for quite some time what is done at work.

Then there's the argument that colleges should be squeaky clean in all aspects of intellectual property – just think how many college students are going to be working either on their own, using their intellectual capital, or for companies and organisations who are increasingly relying on IP as their major income stream.

# Copyright Digest



Please watch the use of those pictures – especially on college websites and any other publications – they are so easy to copy, but they are the classic example of 'freely available but not free to use' – this is part of the Fife Coastal Path at Kinghorn, I think!

## Using Belbin Profiles?

If anyone is using any of the Belbin profiling materials, please check that you are licensed to do so.

Belbin profiling, used in Human Resource Management, appears to be one of those resources which has found its way into various other publications, and, in recent years, on to various websites from which the materials are downloaded.

Be very careful about such use, if it is happening – the Belbin Institute has taken action recently against infringers. There is a misconception that the Belbin material is out of copyright – not the case at all – Dr Meredith Belbin and his company are still very much with us and his copyright has a long time to run.

This could be construed as an example of materials which are commonly used (dare I say freely available) but are certainly not free to use. Please take care.

## IPTV

Internet Protocol Television (IPTV)

I've had a few enquiries about the use of IPTV in colleges – TV being streamed or downloaded through an internet connection – and what the copyright and licensing position is.

If ERA licensed programmes are being received in this way, that's fine – as long as they are being broadcast by the host broadcaster at the same time – otherwise known as a simulcast.

Please remember, that for the moment, ERA don't include on-demand services as a means of receiving broadcasts.

The other issue that accompanies IPTV is the location of the viewing. By its nature IPTV can be distributed over a network – should be acceptable for a classroom, but not for any public areas where programmes are able to be viewed. If a college wants IPTV to distribute to those public areas, then I would suggest that colleges look closely at their PPL and PRS for music licences – both of which are likely to be necessary.

## Sherlock Holmes – Solve This One

If you are at a loose end, or you're trying to get to sleep, try the following link – you may think that some of my outpourings are convoluted – I'm just a beginner in comparison to this maze.

<http://www.nytimes.com/2010/01/19/books/19sherlock.html>

# PPL and the Copyright Tribunal

Phonographic Performance Limited recently received a ruling from the Copyright Tribunal which may have an affect on colleges.

The dispute was over a tariff proposed by PPL for the playing of recorded music in the hospitality industry. PPL were proposing that the larger the establishment, the larger the payment – as it is with PRS tariffs – but according to the Tribunal, all bars, restaurants etc should all pay a flat rate of £100 per annum, irrespective of size, turnover, actual number of clients etc – a bit bizarre, I have to admit.

Those member colleges who have training restaurants, cafes etc are likely to be affected – in some cases, it

may mean a reduction in the licence fee, which is no bad thing.

I have tried to argue with PPL and PRS, without success, I'm sorry to say, that colleges shouldn't be paying for music played in training restaurants and hairdressing/beauty salons, since these are teaching areas and the music is a necessary part of the ambience. PPL and PRS do not accept this, however, claiming that members of the public use these resources on a semi-commercial basis and as such, a licence should be paid.

I'll keep trying!

## Facebook Concerns – Again!

Wildly popular social networking site, Facebook, has come in for criticism over their apparent attempts to get users to loosen their privacy settings. If users do this, they may not be aware just how much more widely their thoughts, pictures etc may be distributed.

Member colleges should consider the data protection implications if they are asking students to use Facebook as part of their learning.

Social network sites such as Facebook, Bebo, Twitter, Flickr, YouTube etc are highly popular, but returning to my earlier theme, they can bring their own risks – and risks which could lead to very unfortunate consequences.

More information on this most recent Facebook announcement at:

<http://news.bbc.co.uk/1/hi/technology/8405334.stm>

## Keep in touch, please!

I will be very happy to hear your views on this newsletter. Please feel free to circulate it to any interested colleagues but please reproduce it in its entirety - two of the photographs are subject to the copyright of Photos.com and cannot be disembedded for any other purposes. Please credit me with writing the newsletter - so that you know where to place the blame!

Also very happy to hear from anyone with any copyright or licensing question – this is the service I provide through the helpdesk run in association with Scotland's Colleges – your college is paying for this – feel free to use the service. Thanks for reading.

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