THE UNIVERSITY OF KENT

Copyright Policy

1. Introduction

1.1. This policy sits within the context of UK law with particular reference to:

- The Copyright, Designs and Patents Act 1988 (as amended);
- The Database Regulations 1997;
- Any other related legislation which has an impact on management of intellectual property rights¹.

1.2. The University of Kent recognises that the creation and use of copyright material is a fundamental element of the higher education environment. This policy is intended to provide clear statements on how material protected by copyright and related rights² should be used and how risk relating to this material will be managed at the University.

1.3. This policy covers all copyright material in any form - analogue or digital - used within the scope of University activity. For the avoidance of doubt, this material includes, but is not limited to: text, images, databases, drawings, graphic designs, logos, sound recordings, films, broadcasts, computer programs (software) and electronic material stored on local and remote drives and on internet sites.

1.4. This policy does not define the ownership of intellectual property³ created within the University – this is covered in the University’s Policy Statement on Intellectual Property (IP). However the two policies are intended to work together to provide students, staff, visitors and partners with a clear picture of how management of copyright and other types of Intellectual Property Right (IPR) interact.

1.5. For further information on how to deal with copyright and related IPRs at the University of Kent see www.kent.ac.uk/copyright.

2. Objectives

The objective of this policy is to clarify responsibilities for supporting and demonstrating best practice in the management and use of copyright material at the University of Kent. This applies to students, staff, visitors and partners.

3. Responsibilities

3.1. All staff, students, visitors and partners shall adhere to UK law and will abide by the copyright and Intellectual Property Rights (IPR) clauses in the following regulations/policy documents⁴:

- IT regulations

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¹ The policy will encompass and adapt to any new regulations which may come into force and resultant updates/enactments to the legislation listed.
² In addition to copyright this policy also relates to database and performers rights.
³ Copyright is a type of intellectual property. Other types include patents, designs, trademarks and confidential information.
⁴ For IS regulations please see http://www.kent.ac.uk/is/regulations/index.html. For the Policy Statement on Intellectual Property see https://www.kent.ac.uk/enterprise/university-staff/policy-and-procedure.html
3.2. Heads of Schools, Centres and Professional Services, or their nominees, will be responsible for implementation of this policy.

3.3. The University’s Information Services department have appointed a Copyright Officer who will be responsible for providing guidance on copyright issues and reviewing the Copyright Policy on an annual basis (or as required following any significant changes in legislation or licensing practice).

3.4. The Copyright Officer will maintain an information resource, accessible to staff and students which provides advice on copyright best practice.

3.5. The University’s Information Services department (incorporating Library and IT services) will demonstrate and promote best practice in the use of copyright resources. This will include both digital and non-digital resources within the Library collections, third party software and other copyright material created within the University.

4. Risk Management

4.1. At times it may be necessary for students or staff to take a risk-managed approach to the use of copyright material. This should be done following best practice and with due diligence\(^5\) in order to minimise the impact of any infringement claims. The Copyright Officer should be contacted if advice is required on identifying the level of risk and the appropriate due diligent activity to take.

4.2. Any online service hosted by the University of Kent which features, or may feature, third party copyright material should have a ‘notice and takedown’ mechanism and procedure to respond quickly and appropriately to any alleged infringement. ‘Notice and takedown’ will give rights holders and interested parties the ability to ask for content to be removed and the University will oblige where proof of identity and ownership is provided.

5. Licences

The University will, where available, acquire ‘blanket’ licences from appropriate licensing bodies to use third party copyright material in line with University requirements. The Copyright Officer will maintain a record of any University-wide copyright licences and provide information on how they apply to University activities.

6. Copyright Notices

The University will place appropriate copyright notices adjacent to any relevant equipment that may be used for reproducing copyright materials.

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\(^5\) Due diligence in this context refers to a certain standard of care that those using copyright material should take in order to minimise the impact of infringing copyright. This includes (but is not limited to) rights clearance investigation, contacting representative bodies and notifying rights holder communities.