

Consequences of making unauthorised or illegal use of copyright material

Illegal or unauthorised use of copyright material is a serious matter and has led to u3a groups in the UK facing threats of court action and requests to pay substantial damages for copyright infringement. Members should be aware that the internet has created a means by which materials can easily be accessed and distributed to millions of people. This makes it all too easy for people to believe that because a work is available on the internet, it is in the public domain and can be used free of charge by the public. Others believe that any image can be used in any manner as long as the use is accompanied by a sufficient acknowledgement. These are misconceptions, and members should be mindful that many copyright owners systematically monitor different media, including the internet, for copyright infringement. Large scale deliberate copyright infringement can also lead to criminal prosecution.

If in doubt, please contact u3a group coordinator or a source indicated below.

LICENCES

Photocopying

Photocopying without a licence --what is permitted?

Under UK copyright law you are only allowed to copy an *insubstantial* amount for personal use for the purposes of private study or non-commercial research, but the law does not define insubstantial. There is no magic figure or percentage applied as each case would be viewed based on the perceived importance of the extract rather than simply the quantity.

Bicester u3a purchases a CLA Licence each year.

With a CLA licence --what is permitted?

A Copyright Licensing Agency (CLA) licence allows multiple photocopies from books, journals, and magazines. Extracts can be up to 5%, one chapter or one article, whichever is the greater.

The licence costs £60 and runs until 31st July each year, regardless of when you take it out. The National Office will send application forms to the U3As at the renewal time.

What is not covered by CLA

MAPS NEWSPAPERS

*NB. The CLA licence does not allow multiple copies of maps, charts, newspapers, or printed sheet music including the words.

Licences for copying maps and newspapers can be purchased from the following organisations if you feel you need them

- Ordnance Survey (£54.75 + VAT) – 08456 050505 – www.ordnancesurvey.co.uk
- Newspaper Licensing Agency – 01892 525273 – www.nla.co.uk

Rules for Copying Digital images

The same principles and legislation which govern copyright in hard copy works apply to material in electronic formats. The main difference is that, by their nature, they are easy to access, copy and distribute. **Information is freely available via the**

internet, but this does not mean it is free to copy; there is a common misconception that anything on the internet is in the public domain i.e., publicly accessible, and therefore free to use. A work only falls into the public domain once copyright expires. One option is to search for images published under a Creative Commons (CC) Licence. CC is a non-profit organisation that enables the sharing and use of creativity and knowledge through free legal tools. CC licences do not replace copyright but are based upon it and allow sharing for non-commercial use.

Music

There is no blanket licence available for *multiple copying* of sheet music; **this is always illegal unless it is no longer in copyright.** If you would like help and advice on obtaining copyright clearance, you can look at Frequently Asked Questions on The Music Publishers' Association website (www.mpaonline.org.uk) or contact them on 0207 580 0126. There is also some free sheet music available on the internet at choral public domain see:- [Coral Public Domain Library](#)

Music Licensing

Under The Copyright, Designs and Patents Act 1988, permission is needed from the relevant copyright holders. Copyright holders are normally those people who create, record, and publish music – to play or perform music in public. Previously, businesses and organisations had to obtain separate music licences from PPL (Public Performance Licence) and PRS (Performing Rights Society) for Music. However, PPL and PRS have now come together and formed a new joint venture, PPL PRS Ltd, that provides permission – through 'TheMusicLicence' - to play music in public on behalf of both organisations. For more detail on PPL PRS Ltd and music licensing [see PPLPRS FAQ](#)

When do I need a music licence

The University of the Third Age has a long-standing **agreement with PPL** (Public Performance Licence) **that enables University of the Third Age' members to play recorded** music as part of their activity groups. Note this agreement only includes the PPL (public performance licence) element of The Music Licence, it will be the venue (not the group) that remains responsible for obtaining the PRS (Performing Rights Society) for Live performance of Music element of the music licence.

Therefore, University of the Third Age' members should not need to obtain a separate music licence to play music live as part of their activity groups.

The u3a license PPL (public performance Licence) covers the period January 1st to December 31st annually.

PERFORMANCE – PRS (Performing Rights Society) LICENCE (for **live** music and singing)

U3a does not have a PRS. This covers the use of the actual lyrics and composed music in *any live public performance* of music. **It is the sole responsibility of the proprietor/manager of the premises you are using to have a PRS licence arranged.**

Licences for choirs and singing groups

The Third Age Trust does not currently subscribe to the Amateur Choir Licence which has been launched by PMLL. This licence allows members of the choir to make photocopies of a certain number of works (if the publisher is a member of the scheme). It also allows small arrangements of works without the need for further

permission. The licence is charged based on the number of works a choir wishes to use. See [Amature chior licence](#)

Film DVD's and Video

There are two commercial companies which between them license films from all the production studios: Motion Picture Licensing Corporation (MPLC) and Filmbank Media.

The Third Age Trust has purchased a licence for all the production companies covered by MPLC, a list of which can be found on their website

(www.themplc.co.uk). It will start on 1st February and cover you for 12 months to show films outside your homes for both educational and entertainment purposes. Regarding Filmbank Media, a reduced licence fee of £60.00 has been negotiated for 2018 and if you have a film club or use films in a public place, you are strongly recommended to take this out as you will then be totally covered and will not have to worry at all. For more information go to their website at www.filmbank.co.uk. The licence will commence on 1st May for 12 months. The National Office will send application forms to the U3As at the renewal time.

Further information can be obtained from the UK Copyright Service – www.copyrightservice.co.uk

Copyright – summary and checklist

All u3a members are responsible for respecting the rights of others and should only use others' work when it is legally permissible to do so.

Before using any work that has been created by someone else, u3a members should ascertain who created it and who the copyright owner is.

It is particularly important that you are clear on what grounds you are making a resource available. The following checklist may be useful:

- Who created it and who is the copyright owner?
 - Be aware that some sites may be using images for which they do not hold the copyright – you will need to find the actual owner.
- How old is it? Is it still covered by copyright or has the copyright expired?
 - Review the 'expired copyright' section. If the copyright has expired, you will be able to use it. If not, you will need to investigate further.
- Has the copyright owner given permission for the intended use?
 - Check if it has been published (and the intended use is permitted) under a public copyright licence such as a Creative Commons licence.
 - *If not: Contact* the copyright owner for permission; or is there a similar image which has been released under a public copyright licence that you could use?
- Does the use potentially fall under a copyright exception?
- If you have not received permission from the copyright owner and the use does not fall under a copyright exception, has your u3a, the Third Age Trust or the relevant venue got a licence that allows that use?

- u3as need to purchase a CLA licence from the Trust. You may also want to purchase an Amateur Choir Licence.

It is always good practice to acknowledge the author and owner of any materials. If you are in any doubt regarding any aspect of using the work of others, take advice from the u3a Committee before using the work. The u3a movement is not exempt from copyright law and fines can be quite high so caution should be exercised. Note that Trustee Indemnity Insurance will not cover copyright infringement.

Copyright FAQs (Frequently asked Questions)

7.1 Can I photocopy or scan a section from a book and email to my interest group to discuss?

Yes, provided your u3a has a CLA licence and you have checked the CLA exemptions list to ensure the relevant material is covered. You must also ensure that any copies made do not exceed the limits set out in section 5.5 above.

7.2 Can I scan a document to make it bigger for disabled person?

Yes, provided it is on a non-profit basis for their personal use, and you ensure compliance with the requirements set out in section 5.3 above.

7.3 Can I copy sheet music (staff notation) to distribute to my choir/musical group?

Only if all copyright in the relevant sheet music has expired (i.e., the copyright in not only the lyrics and music, but also the typographical arrangement). Otherwise, each member of the group will need to purchase the music individually. Alternatively, you may want to purchase an Amateur Choir Licence which enables you to legally make copies of certain materials.

7.4 I want to play recorded music in the public venue where we meet as part of my interest group. What should I do?

This is covered by the Third Age Trust's PPL PRS licence.

7.5 I have found an image on the internet I would like to use. I will credit the website I found it on – is that sufficient?


Not necessarily. You should find the source of the original image and identify the owner, so that you can check whether the copyright has expired, and if the owner has made it available e.g., under a Creative Commons licence. If they have not, you may be able to rely on a copyright exception provided you meet the relevant conditions (e.g., sufficient acknowledgement).

7.6 Can I post or show copyright works on Zoom or any other video conferencing app?

Provided your u3a group has a CLA licence and the session is password protected and is not being recorded, you can share materials covered by the licence for educational and teaching purposes. Any other use of copyright works is likely not only to infringe copyright but also breach the terms of service (sometimes

alternatively known as “terms of use” or “terms and conditions”) which govern your use of the app – see for example Section 11 of the [Zoom terms of service](#).

The information above are excerpts taken from the document.

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