



University of Nottingham Copyright Policy

1. Introduction

The University of Nottingham (the University) is committed to safeguarding copyright, whether this is owned by itself, members of staff, students or external third parties. Any actions taken by staff and students of the University must accord with copyright rules.

Copyright is a protection that arises under UK law as soon as creative work is fixed in some form. Where content qualifies for copyright protection, reuse, reproduction and adaptation generally requires the consent of the copyright owner.

University staff and students make use of many types of materials that are protected by copyright. They also generate many types of materials in which copyright subsists. This policy addresses both categories.

2. Copyright Associated with Scholarly Publications

2.1 Staff

Under the Copyright, Designs and Patents Act 1988, an employer owns copyright in materials produced by employees in the course of their employment. Thus copyright in materials generated by University staff as part of their employment duties belongs to the University.

The University is committed to the customary practice of universities waiving assertion of their copyright ownership in favour of the academic author of scholarly publications including books, journal articles and conference papers. Income arising from these scholarly publications is thereby retained by the academic author. This practice is a matter of policy rather than law.

2.2 Students

Undergraduate and postgraduate students of the University will normally own copyright in texts that they create in the course of their studies, such as a doctoral thesis or a journal article. In choosing how to exercise this right, due regard must be paid to the terms of any contract that may exist with an external sponsor of a programme of study.



For further information see: “Provision and Processing of Intellectual Property Rights for Students and Graduates at The University of Nottingham” (<http://www.nottingham.ac.uk/fabs/documents/studentipr.pdf>).

3. Copyright Associated with Research Datasets

Data is an important strand of the intellectual property that may be generated in the course of research. In particular, untimely disclosure of data or other intellectual property may adversely affect the process of securing patent protection. For this reason it is important at the outset to clarify ownership of rights relating to datasets that may arise from a project and keep the data confidential in accordance with the Research Data Management policy (<https://uniofnottm.sharepoint.com/sites/DigitalResearch/SitePages/Research-Data-Management-Policy.aspx>).

An agreement concerning intellectual property ownership with a third party, such as the commercial sponsor of a studentship, may include provision for data. In the absence of such an agreement, the University asserts its ownership of rights in datasets generated using the institution’s facilities as defined in Section 6.1b of “Provision and Processing of Intellectual Property Rights for Students and Graduates at The University of Nottingham” (<http://www.nottingham.ac.uk/fabs/documents/studentipr.pdf>). This includes the right to retain such datasets upon the departure of any student or member of staff.

Subject to the above, the University grants each individual member a non-exclusive licence to copy and re-use any dataset that they create for non-commercial teaching and research purposes, including after they leave the University, subject to obligations of confidentiality and the securing of patent protection. This extends to deposit of the dataset in an institutional or discipline-based open access repository.

Where legal and ethical considerations permit, all members of the University are encouraged to deposit datasets created by them in the Nottingham Research Data Management Repository (<https://rdmc.nottingham.ac.uk/>).

4. Copyright Associated with Course Materials

In order to safeguard continuity of course provision to students, the University asserts its legal right to ownership of copyright in all course materials.

A member of staff who transfers to another institution may go on to generate similar materials based on their know-how, but the materials they produced to support teaching whilst employed at University of Nottingham and any copyright in those materials shall remain the property of the University. Alternatively, at its discretion, the University may be willing to grant continuing rights to use existing course materials to the member of staff and/or the new host institution. Authority to grant such rights is delegated to the Head of School. Any such grant must be in writing and may be subject to terms and



conditions. In cases of doubt the Head of School should consult the Director of Intellectual Property Management and Commercialisation.

However, whilst the above is the general position, at the sole discretion of the University, approval is likely to be granted if the University has determined not to continue delivery of a particular course, or where the delivery of such course is part of a contractual agreement with a sponsor and it has been agreed that the contract will transfer to the new host institution.

Where a member of University staff wishes to publish work commercially that substantially reproduces existing course materials, they should consult their Head of School before proceeding. Permission to proceed may be granted by the Head of School acting on behalf of the University. Ownership of copyright in the portion of the publication that reproduces existing course materials will remain with the University. This ownership should be acknowledged explicitly in the publication.

Allocation of royalties accruing from such publications must be considered in line with the Revenue Sharing Policy outlined in the University's "Policy and Code of Practice on Intellectual Property (IP)"

(<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/intellectual-property-ip-policy.aspx>).

5. Copyright Associated with Textbooks

In accordance with long-established practice, the University will continue to waive assertion of its legal ownership of copyright in published textbooks.

Although a textbook can be a recommended part of a student's reading and reference materials for a course, it is important to distinguish it from the category of teaching materials referred to elsewhere in this policy as "course materials". Such course materials are those teaching materials which form an integral and essential part of course content, and are provided only to students enrolled on a particular University course or module.

6. Copyright Notices

The University asserts its ownership of copyright in content published on its website by appending a copyright notice to all webpages. This is recommended good practice for all content published on University web space. An example copyright notice is as follows:

We own or are licensed to use all copyright and other intellectual property rights in our website, its design and content, and all technical infrastructure relating to it.



Material contained in our website may be downloaded, viewed and printed for personal non-commercial use or for internal non-commercial circulation within your organisation provided that no trade mark, copyright or any other proprietary notice contained in or appearing on such material is removed in whole or in part. Material contained in our website may not otherwise be copied, reproduced or redistributed in whole or in part without our prior written permission. In particular, it must not be reproduced or exploited for commercial gain. All other rights are reserved and you must ask our permission before making any other use of material contained in our website. This permission to reproduce material does not extend to material identified as belonging to third parties, where you must obtain the permission of the relevant owners before reproducing such material.

Queries regarding third party reuse of University web content that is not personal, non-commercial usage should be directed, in the first instance, to the University's web team (web@nottingham.ac.uk) who will be able to direct the query to the relevant University department.

7. Control of University Branding

The University name and logo are registered trade marks. To protect the reputational integrity of its brand, the University takes the quality control of those products and services which bear the University name and logo seriously. Use or reproduction of the University's protected trade marks is subject to the express written consent of the University. No person other than staff or a registered student of the University shall hold themselves out as being connected to or endorsed by the University without prior written agreement from the University.

Anyone wishing to commercialise a digital teaching and learning product bearing the University's name or logo must first obtain written approval from External Relations (externalrelations@nottingham.ac.uk). Subject to obtaining the requisite approval, the IP Commercialisation Office within Research and Innovation will then be responsible for arranging the provision of appropriate licensing terms for the product which will include a licence to the name or logo if appropriate, granting the required access.

The current institutional branding guidelines can be accessed via the University's Workspace.

8. Use of Third Party Materials

Development of teaching materials or research outputs will often involve reproduction of material created outside the University by third parties. UK law grants extensive rights to copyright holders to control such reproduction. Exceptions to these rights are limited (for example the various "fair dealing" allowances provided by the Copyright, Designs and Patents Act 1988) and the University may be able to benefit from a particular licence or an open licensing scheme such as "Creative Commons".



The University holds a number of licences that allow staff to copy materials for the educational use of students. Each licence covers different materials, and there are terms and conditions that staff should be aware of before making use of them. For full details see <https://nottingham.ac.uk/library/help/copyright/compliant/licences.aspx>.

Where any use of third party content falls outside such exceptions and licences, specific clearance should be secured in advance. This must be in writing from the individual or individuals that own or have the right to licence the content and must be retained on file. Negotiation with copyright holders is the responsibility of the creator of the new work, but advice and assistance can be provided by University of Nottingham Libraries (copyright@nottingham.ac.uk).

If content to be reproduced may be exploited commercially as well as for internal educational purposes, the request for permission should cover this. Evidence of clearance should be available when an application is made to commercialise new content.

Copyright holders are at liberty to require a fee in exchange for a licence to copy. Staff developing e-learning materials for both internal teaching and external commercialisation should carefully consider possible licensing costs associated with those licences obtained from copyright holders.

General guidance on reuse of third party copyright materials is available here <https://www.nottingham.ac.uk/library/help/copyright/index.aspx>. Further guidance on commercialisation is available here <https://www.nottingham.ac.uk/fabs/research-innovation/ipcommercialisation/ipcommercialisation.aspx>.

9. Materials Generated by Third Parties for the University

Where non-University employees, either as individuals, companies or other commercial organisations, are hired by the University or its representatives to generate copyright-protected materials in any format, the contract under which they are engaged must ensure that the University will be the owner of copyright in all materials generated under the contract.

If materials are generated jointly by University employees and employees of another academic institution, a cross-licence to use and, if appropriate, sub-license the materials must be agreed. Such contracts should be approved by Research and Innovation.

10. Copyright in Materials not Commercially Exploited via the University

Where the University decides not to commercialise materials produced in the course of its business, copyright in them may be licensed to the creator(s) on a non-exclusive basis at the creator's request. The creator(s) would then be able to commercialise the product independently of the University at their own risk. The University name or logo



shall not be used on the product, nor shall the creator(s) individually promote their association with the University beyond an indication of their current academic or other position. The creator shall not assert or imply an endorsement by the University. The creator(s) would need to provide their own product liability insurance as appropriate and would bear any costs associated with marketing the materials personally. Apportionment of any royalties would be considered as part of agreeing the terms of the non-exclusive licence and in line with the Revenue Sharing Policy outlined in the University's "Policy and Code of Practice on Intellectual Property (IP)"

<https://www.nottingham.ac.uk/hr/guidesandsupport/universitycodesofpracticeandrules/intellectual-property-ip-policy.aspx>.

Any variation to these terms will be defined by the IP Commercialisation Office within Research and Innovation.

11. Other Issues

If a student or staff member suspects or becomes aware of infringement of any University copyright as described in this policy by any third party, they should immediately notify copyright@nottingham.ac.uk with full details of the nature of the infringement. If they suspect or become aware of infringement of any other form of intellectual property right, including forms of copyright associated with a product or service which has been commercialised by the University, they should contact the IP Commercialisation Office (tto@nottingham.ac.uk).

In exceptional circumstances (e.g. recruitment of academic staff whose skills are scarce, or in order to accommodate specific needs in specific disciplines) Heads of Schools may agree exceptions to certain aspects of this policy, but only on the basis of advice taken from Human Resources before any appointment is made.

Any member of University staff who wishes to appeal against any aspect of this policy should make representations in writing to the Registrar in the first instance, explaining the grounds of the complaint.

General queries about copyright matters should be addressed to University of Nottingham Libraries (copyright@nottingham.ac.uk).