Keele UNIVERSITY

Using Copyrighted Materials in Teaching

A Guide for Staff

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Introduction

Teaching staff and students will invariably want to use copyright works in some way as part of their teaching and learning, and the law includes a number of exceptions (or "permitted acts") that allow for the use of all types of copyright work for specific educational purposes.

Alongside the law, copyright holder agencies also offer licences to copy which Higher Education Institutions (HEIs) can subscribe to (for a fee). These licences allow for copying of extracts of copyright works for educational use under special rules (see Section B).

The following guidelines apply to the use of copyright works in teaching and learning. Other contexts have other regulations which are discussed in more detail on the GOV.UK website devoted to copyright and intellectual property.

Section A:
The Copyright Exceptions and Lectures

The two main copyright provisions in UK law are;

1. Copyright, Designs and Patents Act 1988
2. The Copyright and Rights in Performances (Research, Education, Libraries and Archives) Regulations 2014

The main exception under copyright law relating to education permits the use of any type of work for the purpose of teaching, or as the law expresses it "for the sole purpose of illustration for instruction".

This means that copyright in the work is not infringed by an individual teacher as long as they are copying the work to give or receive instruction (or when preparing to give or receive instruction), and the copying is used to illustrate a point about the subject being taught.

The law says such copying does not infringe copyright as long as;

a. it is for a non-commercial purpose

b. the amount of the work used is “fair”. There is no fixed percentage given in the legislation so the amount used must be no more than is necessary to illustrate the teaching point. Staff should therefore use only the amount reasonably required for the particular teaching purpose.
c. it is done by a person giving or receiving instruction (or preparing for giving or receiving instruction), and
d. it is accompanied by a sufficient acknowledgement.

The law also states that “giving or receiving instruction” can also include copying for setting examination questions, communicating questions to students, and answering questions.

What does this mean?

- Academic staff can make ***reasonable*** use of all types of copyright work for lectures as long as the use is ***minimal, fair and non-commercial***
- Copying material to use for lectures within presentation software is allowed
- Includes use of copyrighted materials in setting examination papers

Recorded Lectures and 3rd Party Copyright Material

The exception also includes the use of 3rd party copyright material in lectures which are recorded. Such use is allowed;

- provided the original work is sufficiently acknowledged.
- the recording is fair, i.e in order to be fair the material must be included in the lecture and lecture recorded to illustrate a teaching point.
- only so much of the copyright work is used as is necessary for illustration for instruction and the use must not adversely affect the rights holder’s ability to exploit their work.
- access to the recorded lecture is via a password protected VLE, and is only provided to those students and staff requiring access for the purpose of instruction.

As part of the teaching session, a presentation may include;

- an image
- a short quotation, e.g. from a book, journal paper
- a diagram, chart or figure, from a published work
- an extract from a musical score
- an extract of a recording of a musical performance
- an extract of a recording of a radio or television broadcast
- a clip from a movie

The regulations, in fact, do not restrict the type of copyright work that can be used, but any use of a work must be ***reasonable, minimal, fair, non-commercial and provided with an acknowledgement.***

Section B:

Copying Licences - How Much Can I Copy?

Where much longer extracts from copyright works are needed (e.g. a whole journal paper, or book chapter), teaching staff should rely on the relevant copyright licence.

The licences at Keele which permit more substantial copying of extracts from copyright works are;

1. **Copyright Licensing Agency (CLA) Higher Education (HE) Licence which allows;**

a. photocopying of an extract from an eligible print work (no more than one chapter or 10% of a book, whichever is greater, or two journal articles or 10% of an issue of a journal, whichever is greater) for distribution to students on a module
b. digitisation of the same (i.e. conversion of extracts from print works to electronic format) by the Library for students to access via on a module's KLE space.

2. **Box of Broadcasts/ERA Licence which allows for;**

a. online recording of broadcasts for use in classroom teaching or for viewing by registered staff and students via the KLE (i.e. to people "directly connected" to the HEI and not visitors)
b. use of recordings made by others in the BoB consortium as above

Between them, the licences cover the following activities;

- photocopying of an extract from an eligible print work (no more than one chapter or 10% of a book, whichever is greater, or two journal articles or 10% of an issue of a journal, whichever is greater) for distribution to students on a module
- digitisation of the same, licence terms permitting, for delivery to students via a module space on the KLE
- use of a broadcast requested (or utilised) from the Box of Broadcasts service

Licence to create electronic copies under the CLA HE agreement at Keele is granted to the Library's Digitisation Service. Teaching staff should contact library.scanning@keele.ac.uk or consult the Digitisation Service's website at https://www.keele.ac.uk/library/academicstafftoolkit/digitisation/ for more information on this service and how copies can be provided to students.

Special rules apply to making and supplying digital copies of extracts from works under the CLA HE Licence - they are not the same as those applying to photocopying. Digital copying of book chapters or journal papers under the CLA Licence has to be done by so-called 'designated persons', in Keele's case the Library Digitisation Service.

Teaching staff should therefore contact the Digitisation Team for any electronic copying required from printed works to ensure they do not infringe copyright in this area.

If staff wish to make electronic copies of book extracts and journal papers themselves, without recourse to the Digitisation Service, they should seek out the copyright owner (this may be the work's author(s), publisher or a both) and obtain direct permission.

Remember - *this restriction applies to copying and is separate to that done for the purposes of illustration for instruction in teaching, and applies to more substantive extracts from print works (whole chapters, journal papers).*

Summary

- Limited use of copyright works in lectures does not require permission from the copyright holder or a licence, as this is permitted by copyright law. The law allows use of minimal extracts of copyright works provided 1) the extracts are for the purposes of 'illustration for instruction' and 2) the amount of the work used is within 'fair' limits, and included with appropriate acknowledgement.

- In practical terms, staff have the freedom to select any copyright works from which extracts can be used for teaching purposes, as long as the amount of a work used is minimal and fair and an acknowledgement of the copyright source is included in the lecture. Illustration for instruction is usually interpreted to mean that a copy can be used to illustrate or reinforce a teaching point but cannot be copied merely for aesthetic purposes to make a presentation look more attractive.

- Copying or using more substantial extracts from copyright works outside the context of a lecture (live or recorded), needs to employ a copyright licence (CLA, ERA etc), or depend on the direct permission of the copyright holder.

- Teaching staff have to decide as to whether they use the exception under the law, or the copyright licences, for any copying of a copyright work they are doing.

- For more details refer to the CLA's HE Licence Guidelines (https://www.cla.co.uk) or Box of Broadcasts guidelines (http://www.learningonscreen.ac.uk/ondemand).

This guide was last updated in October 2026.

Guidance for Teaching Staff

- Those preparing and/or delivering the lecture and relying on the 'illustration for instruction' exception should make an informed judgement in ensuring the amount of a copyright work used is actually minimal and fair.
- The law does not define "fair", however this is commonly regarded to be an amount which would not undermine the copyright owner's potential to benefit commercially from sales of the work.
- The extract used should be obtained from an authoritative, original, published source.
- 'Illustration for instruction' is usually interpreted to mean that a copy can be used to illustrate or reinforce a teaching point, but cannot be copied merely for aesthetic purposes to make a presentation look more attractive.
- Slides containing 3rd party material must contain full acknowledgement of the source(s) from where the extract(s) has been obtained (for example on-screen, or in "closing credits" if that is easier).
- Lecture slides/recordings using 3rd party copyright material and relying on the exception for 'illustration for instruction' can only be made available to registered students.
- Recorded lectures for public dissemination or marketing use should not contain any extracts from third party copyright material unless permission from the copyright owner(s) has been granted for such use.
- Material made freely available by authors (for example under Creative Commons licenses) could also be used, but will also need appropriate attribution of the author and source. More information on Creative Commons is available from this website (https://creativecommons.org/).

