



The Joint Information Systems Committee

“JISC-funded initiatives promote best practice and the use of agreed standards”

Copyright and Intellectual Property Rights (IPR)

Copyright and IPR are now important parts of modern life. This paper provides a brief overview of copyright and IPR issues for those people involved with publishing learning materials through a Virtual Learning Environment (VLE).

Why are Copyright and IPR Important?

There is an increasing awareness of the value of intellectual property within the sector. In addition, technological change means that IPR are becoming more and more significant.

Anyone wishing to protect their intellectual property may take a number of practical steps. Any intellectual property which can be registered should be, in order to maximise its protection. Copyright notices should appear on all works for which protection is sought. Intellectual property should be properly dealt with within all contracts and where appropriate confidentiality agreements should be used, for example to protect someone's "knowledge" or inventions during negotiations from being exploited for financial or other gain.

MLEs and VLEs may give rise to specific copyright problems. For example, while MLEs and VLEs necessarily involve the circulation of learning materials and lectures, the author of such materials has rights in them. His or her rights must be considered and properly dealt with. Similar copyright issues arise in relation to materials posted on college Intranets.

Copyright

Copyright is an extremely relevant right for the information technology sector. It could almost have been designed with computers and the Internet in mind. Copyright is the right of the originator of a literary, dramatic, artistic or musical work to control the reproduction and publication or performance of the work. Copyright is governed primarily by statute and the Act now in force is the Copyright, Designs and Patents Act 1988 (CDPA 1988).

Copyright:

- Requires no registration (in the UK)
- Arises as soon as a work is produced
- Costs nothing to obtain protection
- Lasts for a lengthy period without any requirement for renewal; generally the life of the author plus 70 years in the EU
- Is flexible, simple and easy to apply

As far as the Internet is concerned, copyright protects most materials on the Internet. It protects computer software and its source code, screen displays and other literary, musical and artistic works on the Internet. In the EU, database right is a lesser right than copyright which may be the sole protection for some new databases which lack individual creativity.

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change*

<http://www.jisc.ac.uk/mle/>

Downloading material from the Internet may involve breach of copyright. Hypertext links with other Web sites are usually, but not always, permissible. Copyright material placed on the Internet should include appropriate copyright notices, for example "© ABC College, 2001".

Copyright is probably the most relevant right in respect of a Managed Learning Environment (MLE) and a VLE, but other intellectual property rights may also apply.

Other intellectual property rights are:

- Trade marks
- Patents
- Registered design
- Design right
- Rights in passing off

Further Information

The JISC's Legal Information Service (LIS) provides information on legal issues relating to the use of ILT/ICT.

<http://www.jisc.ac.uk/legal/>

Guidelines on Policy Approaches to IPR in HEIs.

<http://www.strath.ac.uk/ces/projects/jiscipr/>

Case Study: Integrating IPR into a Product Development Strategy. Rod Harris, Projects Manager, NCN.

<http://www.nilta.org.uk/papers/documents/ncn.ppt>

JISC Senior Management Briefing Papers (SMBP):

SMBP No. 10 New Developments in UK Internet Law

<http://www.jisc.ac.uk/pub00/smbp10.pdf>

SMBP No. 5 Copyright

http://www.jisc.ac.uk/pub98/sm05_copyright.html

Details of Organisations

Copyright Licensing Agency

90 Tottenham Court Road
London W1P 0LP

Tel: 0207 631 5555

Email: cla@cla.co.uk

<http://www.cla.co.uk/>

Federation Against Software Theft (FAST)

1 Kingfisher Court
Farnham Road, Slough
Berks SL2 1JF

Tel: 01753 527 999

Email: fast@fast.org

<http://www.fast.org.uk/>

About the Author

This paper was prepared by the IP/IT unit of Robert Muckle, led by Mary Anne Macharg. Mary Anne is a partner in the firm and joined Robert Muckle in November 1998 after working for 8 years in the City of London. Her practice includes advising on copyright and trademark issues, data protection, e-commerce projects and complex IT litigation. Mary Anne regularly contributes to local and national publications and is frequently invited to participate in national events by organisations such as the Learning and Skills Development Agency (formerly the Further Education Development Agency, FEDA) and the National Information and Learning Technologies Association (NILTA).

Robert Muckle is one of the leading commercial law firms in the north east of England and has built up a reputation nationally for its expertise in intellectual property and information technology (IP/IT), particularly in the education sector. Last year the unit was invited to join the respected Intellectual Property Lawyers Association. Robert Muckle's successful and expanding IP/IT unit advises public and private sector businesses on the protection and exploitation of intellectual property rights, as well as a wide range of IT, e-commerce and new media issues including Internet contracts, policy drafting and IT procurement.

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The Patent Office

Concept House, Cardiff Road
Newport, South Wales
NP10 8QQ

Tel: 01633 814 000

Email: enquiries@patent.gov.uk

<http://www.patent.gov.uk/>

Patents Information Service

25 Southampton Buildings
London
WC2A 1AW

General enquiries

Tel: 0207 412 7919/7920

(British and European patents)

Tel: 0207 415 7901/7902 (Foreign patents)

Email: patents-information@bl.uk

<http://www.bl.uk/services/stb/servmenu.html>

The Patent Office is also responsible for running the Trade Marks Registry.