

## Crawley u3a FAQs on Copyright Law for Trustees, Group Leaders and Event Organisers

### 1. Why do we need to be aware of copyright law?

Illegal or unauthorised use of copyright material has apparently led to u3a groups in the UK facing threats of court action and requests to pay substantial damages for copyright infringement. The Third Age Trust Trustee Indemnity Insurance does NOT cover copyright infringement.

### 2. What is Copyright?

Copyright is an area of the law which protects creativity and confers certain rights on the owner of the types of works listed below (with the period for which the copyright persists shown, dating from the end of the year in which the relevant event took place):

- (i) Literary works, which include such things as letters, reports, accounts, computer programmes and song lyrics, in addition to books, journals and magazines (until 70 years after the author dies);
- (ii) Dramatic works (works to be performed such as plays, choreography, film scripts, etc.). (until 70 years after the author dies)
- (iii) Musical works (70 years after it was first published)
- (iv) Films (70 years from the death of the principal creators – directors, composers, screenplay author etc)
- (v) Artistic works, including photographs, sculptures, maps, and illustrations (70 years after creator dies)
- (vi) Sound recordings (70 years after it was first published)
- (vii) Television Broadcasts (50 years from when made)
- (viii) Computer generated literary, dramatic, musical or artistic works (50 years after it was made)

### 3. How can we tell if a work is subject to copyright law?

This is not always easy, though you can safely assume that anything produced before 1880 is now safely out of copyright. For work produced since that date note that:

- (i) A work does not have to have the copyright symbol © or the word copyright on it for it to be subject to copyright.
- (ii) Availability on the internet does not mean that a work is not subject to copyright law (it is often the case that texts, broadcasts or works of art are placed on the internet illegally).
- (iii) One piece of work can contain lots of different copyright elements. For example, in the case of a song, lyrics are protected as a literary work; the melody is protected as a musical work; and any recording of that song is protected as a sound recording.

#### 4. What types of use does copyright protection cover?

The default position is that a work protected by copyright may **not** be copied, distributed (whether free of charge or not, rented or lent out to the public, broadcast, placed on the web, performed or adapted unless one of the following conditions has been met:

- (i) The copyright holder has given permission.
- (ii) It is very clear that the work has been made available free of copyright (e.g. as on websites devoted to photographs free of copyright such as pixabay.com and pexels.com).
- (iii) The use falls under one of the copyright exceptions under the **Copyright, Designs and Patents Act (CDPA) 1988**.
- (iv) The relevant work and use is covered by a **licensing scheme** that the u3a and/or the Third Age Trust and/or the relevant venue has subscribed to.

Fortunately the protection offered by (iii) and (iv) are likely to apply to most occasions a u3a Activity Group uses copyright material.

#### 5. What are the CDPA Copyright Exceptions?

These are

- (i) If a work is used for the sole purpose of instruction in a non-commercial setting and accompanied by a sufficient acknowledgement (e.g. photocopying a poem for discussion in a u3a poetry group);
- (ii) Performing a literary, dramatic or music work before other members of a u3a for the purposes of education (e.g. a u3a music group entertaining u3a members at the u3a Christmas Party or AGM)
- (iii) Playing or showing a sound recording, film or broadcast before other members of a u3a for the purposes of education;

These exceptions apply only when the work in question is used for instruction purposes, and would apply when used in u3a activity groups. If the work is used in a newsletter or on a u3a website for u3a marketing or publicity purposes then that would constitute copyright infringement, even if only u3a members can access it.

#### 6. What is covered by u3a/Third Age Trust licensing schemes?

- (i) **Photocopying digital and print books, magazines, journals and websites** (NOT newspapers or maps) are protected by a Copyright Licensing Agency (CLA) licence, if a u3a has chosen to purchase one provided that:
  - (a) Photocopies do not exceed one chapter of a book, one article from a publication, one short story or poem from an anthology, or 5% of the total, whichever is greater, per licence year
  - (b) The copyright owner has not intentionally excluded them from this scheme.  
<https://www.cla.co.uk/excluded/authors-visual-artists> shows the excluded artists (the only well-known ones are Dylan Thomas and JP Salinger).

Crawley u3a purchases every year, via the Third Age Trust, a Copyright Licensing Agency (CLA) licence which runs from July to June and costs £60. Provision is made in the annual budget for this.

- (ii) **Showing films and other audio-visual material in public, including DVDs, downloads and streamed materials**

This is permitted in a public or hired location, and in a member's home, providing no admission fee is charged. This is covered by the Motion Picture Licensing Company (MPLC) Umbrella Licence held

by the Third Age which covers all u3as and allows u3a group members to show all MPLC films for educational and entertainment purposes. The cost of the MPLC Umbrella Licence is included in a u3a's Third Age Trust membership.

**(iii) Playing music in public**

The Third Age Trust has a Phonographic Performance Limited (PPL) Licence for music use for u3as across all venues. This ensures that all recorded music used by u3as is licensed by PPL and eliminates the need to investigate whether the licences held by the venues (if any) are suitable to cover music used by u3as.

**7. What is not covered by u3a/Third Age Trust licensing schemes?**

The Third Age Trust does not currently subscribe to the Amateur Choir Licence which would allow members of the choir to make photocopies of a certain number of works. The licence is charged on the basis of the number of works a choir wishes to use and the number of members in the choir. An individual u3a can purchase this licence itself if that works out cheaper than buying individual copies of the work.

Further details may be found at <https://www.printmusiclicensing.co.uk/licences/amateur-choir-licence/>

**8. What maps can we copy without infringing copyright?**

Maps published by Ordnance Survey (OS) before the 1<sup>st</sup> April 2015 are outside copyright law (as until then the OS was part of the UK Government) so may be copied.

If you have any questions on copyright not covered above please contact the Secretary ([secretary@crawleyu3a.org.uk](mailto:secretary@crawleyu3a.org.uk)).

Margaret Lloyd, Secretary 17<sup>th</sup> May 2023

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