

ICLA and the Higher Education Licence

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Copyright issues in Academic Libraries
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Irish Copyright Licensing Agency

The role of ICLA

Licensing body as defined by Section 149 of the Copyright & Related Rights Act, 2000 (aka a CMO)

Issue licences for the re-use/copying of digital and print books and periodicals within certain rules from a wide repertoire of Irish and overseas publications to:

- Businesses (since 2000)
- Schools (since 1993)
- Universities and colleges (since 2003)
- Other educational establishments



How ICLA provides licence repertoire

- ❑ Set up by the Irish Writers' Union and the Irish Publishers' Association CLE in 1992 with a mandate to license the photocopying of Irish works on behalf of Irish authors and publishers and to distribute licence fees equally to authors and publishers
- ❑ Member of IFRRO – part of international network of RROs
- ❑ 'Bilateral' agreements with other RROs for licensing of specific repertoires and sectors
- ❑ First digital 'bilaterals' in 2006 with ongoing expansion
- ❑ IVARO and 'bilaterals' for images



Repertoire for the HE Licence

Material Licensed for Photocopying

Books, journals and periodicals published in print form in the following countries: Ireland; UK; Argentina; Australia; Austria; Belgium; Canada (including Quebec); Denmark, France; Germany; Greece; Iceland; Italy; Japan; Lichtenstein, the Netherlands; New Zealand; Norway; South Africa; Spain; Switzerland; Taiwan, Trinidad and Tobago and the United States of America.

Newspapers published in print form in Ireland, Great Britain and Northern Ireland.

EXCLUDING: Excluded works as advised from time to time by ICLA.



Repertoire for the HE Licence (2)

Material Licensed for Scanning and Digital Distribution

Books, journals and periodicals published in print in the following countries: Ireland, UK, USA provided they are identified as the Copyright Clearance Center's (CCC's) Academic Repertory Licence Repertory (CCC AACL Works) as published on CCC's website from time to time, Australia, Denmark, Japan, New Zealand and South Africa.

Newspapers published in print form in Great Britain and Northern Ireland

EXCLUDING: Excluded works advised from time to time by ICLA.



Repertoire for the HE Licence (3)

Digital Publications Licensed for Digital and Print Distribution

Irish publications: books, journals and periodicals distributed in electronic form that are published by the publishers listed on ICLA's website at www.icla.ie

UK publications: books, journals and periodicals distributed in electronic form that are specifically included in the list provided on the Copyright Licensing Agency's (CLA's) website, International section <http://schools.cla.co.uk/about-your-licences/cla-licence/what-can-be-copied/digital-material-publishers/>

USA publications: works distributed in electronic form that are specifically included in the list on the Copyright Clearance Center's (CCC's) website of Academic Repertory Licence Repertory (CCC AACL)Works) http://www.cla.co.uk/usa/us_ed

Newspapers published as digital originals in Ireland and the UK.

Books, journals and periodicals published in digital form in the following countries:

Australia, Denmark, New Zealand and South Africa.

EXCLUDING: *Excluded works advised in writing from time to time by ICLA*



Repertoire for the HE Licence (4)

Website Material Licensed for Digital and Print Distribution

Irish publications: The content (text and still images) of websites made available either openly or via a paywall by the publishers listed on ICLA's website at www.icla.ie.

UK publications: the content (text and still images) of websites made available either openly or via a paywall by UK publishers on their websites and specifically included in the list provided on the Copyright Licensing Agency's (CLA's) website, International section <http://schools.cla.co.uk/about-your-licences/cla-licence/what-can-be-copied/digital-material-publishers/>

USA publications: the content (text and still images) of websites made available either openly or via a paywall by USA publishers and specifically included in the list on the Copyright Clearance Center's (CCC's) website of Academic Repertory Licence Repertory (CCC AACL)Works) http://www.cla.co.uk/usa/us_ed

Newspapers: the content (text and still images) of websites related to newspapers published in Ireland and the UK.

Other territories: the content of websites (text and still images) made available either freely or via a paywall in the following countries: Australia, Denmark, New Zealand and South Africa.

EXCLUDING: Excluded works advised in writing from time to time by ICLA



History of the ICLA HE Licence

- ❑ SI 514 of 2002 – permitted photocopying extracts from print works of up to 5% (or one chapter/article); no whole works; as many copies as there are students on the course, plus lecturer; must own the original; no substitution for purchase; licence fee based on number of ‘FTE’ students; must take part in surveys of use to provide distribution data
- ❑ Revised licence in 2005 – clarification of issues including repertoire, warranties and liabilities
- ❑ Digital extension 2006 – licensed scanning of print works under same rules; no posting on websites/extranet; no digital manipulation; author of work copied must be credited; must provide usage data as basis for distributions
- ❑ Revised licence offered to sector September 2015 – revisions have followed in response to feedback from IUA



Purpose of licence

- ❑ Provide licensing scheme under Irish Copyright & Related Rights Act 2002 and SI 514 of 2002
- ❑ Enable legitimate use of copyright works purchased for educational purposes while preventing substitution of copying for purchase
- ❑ Obviate the need for micro-payments and related administration for copyright use
- ❑ Collect licence fees for distribution to authors, visual creators and publishers



Why a new licence?

- ❑ Bring 2005 licence and digital extension into one coherent set of Ts & Cs
- ❑ Reflect the digital repertoire we now have
- ❑ Bring digital uses to the fore to reflect their importance in education
- ❑ Provide greater clarity as to all uses enabled under the licence
- ❑ Answer concerns about provision for students with reading disabilities
- ❑ Responded to concerns raised during the Copyright Review Process 2011-2013



What's new in the 'new' HE licence

- One integrated document
- Permits:
 - Photocopying – books, periodicals
 - Scanning – books, periodicals
 - Digital copying – opted in books, periodicals, certain databases, certain websites
 - Posting to licensee's intranet/VLE
 - For access/use by Authorised Persons only
(no posting to WWW/internet)
(no substitution for purchase of original works)
(no whole works except for reading disabled)
(within Ireland only, except for Accessible Copies)
(storage only for duration of course – no digital archiving)



What's new in the HE Licence

- Permits the making of accessible copies for HEIs that are not Designated Bodies under Section 104
- Up-to-date definition of Authorised Persons so that distance learners, at-home workers and virtual classrooms can be included (but *not* MOOCs)
- Much broader and clearer definition of 'Licensed Material' to match the revised repertoire
- 100% increase in copying limit from a book, from 5% to 10% (or one chapter, whichever is greater)



What's new in the HE Licence

- Clarification of actions covered including:
 - Licensee can supply a digital copy to, or receive a digital copy, from another *licensed* HEI
 - Copying limits explained where digital content is not in conventional book/periodical format and not divided into distinct sections
 - Copying 'one chapter' can include references and related notes located separately in the book
 - Alterations and annotations allowed for teaching purposes provided author's Moral Rights observed
 - Graphic/visual material from a book or periodical may be copied without related text



Outstanding issues – Data!

- Lack of data about what's being used digitally as a basis for distribution to rightsholders
- Irish authors (academics, *etc*) and small publishers (university presses, specialist small presses, Irish language) may be missing out to multinationals, UK, USA?
- Librarians need to know what uses their acquisitions are being put to on courses/VLEs via the HE Licence and/or publisher agreements – what is their value? What do they need more/less of?
- Lack of knowledge about how Licence is being used within library work flows and digital rights management – are other changes to the Licence needed?
- Need for standard metadata, rights management and recording of use would be of primary benefit to libraries and could secondarily give ICLA sample distribution data that would give up-to-date picture of rightsholders to be remunerated
- QQI obligations to comply with legislation in force



Future collaboration

- Provide copyright awareness training
- Rights clearance assistance
 - digitisation projects, holdings, orphans
- Future of the licence
 - Second chapter permissions
 - Digital Content Store (DCS UK CLA)
 - Wish list from today?



Any questions?

- You can find me at:

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- You can find us at:

www.icla.ie



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