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Frequently asked questions

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Can you tell me more about Crown copyright?

Crown copyright exists in works made by Her Majesty or by an officer or servant of the Crown in the course of his duties such as legislation, government reports and other official material. If the work in question was commercially published within 75 years of the end of the calendar year in which it was made, Crown copyright will last for 50 years from the end of the calendar year in which it was published. Conversely if it is not so published, Crown copyright will last for 125 years.

More recently the Crown has licensed a broad range of public sector information under an [Open Government Licence](#). This is now the standard licence for Crown Copyright works. For some other Crown copyright works such as parliamentary materials, the Crown's Click-Use licence (which the University holds with the HMSO) governs the way you can deal with Crown copyright works.

- Find further details about reproducing [Parliamentary copyright material](#).
- National Archives have produced guidance on coverage of the [Open Government Licence](#).

What are moral rights?

An individual author of a copyright work will also have certain "moral rights". The two most important rights are:

- The right to be identified as the author (although the author needs to "assert" this right). A failure to so identify will amount to an infringement of the author's moral rights. Even if you have the copyright owner's permission to reproduce the work, the obligation to identify the author will remain.
- The right to object to derogatory treatment of the work (this can include any deletion, addition, alteration to the work which affects the reputation of the author). If a derogatory treatment of the work is made public, it will infringe the author's rights.

Unlike copyright itself, moral rights cannot be assigned and remain with the author.

What are performance rights?

In broad terms, performance rights will come into being when an individual gives a performance. A performance in this context would include a variety of different types of performance from a poetry reading to an improvised lecture. Performance rights usually only need to be considered when a performance is to be recorded (either sound only or film). You will infringe an individual's performance rights if, without their consent, you record their performance or play a recording (which was made without consent) in public. It is therefore important if you wish to record a performance, that you seek permission from the performer. Similarly, if you are making a performance, such as giving a lecture, you should be asked for permission before someone else makes a recording of it.

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What about copyright for my own work?

If you plan to publish any of your own work, copyright is an area you should consider carefully. It is standard practice for a publisher to ask you to sign some form of contract when publishing material with them. You should always read the terms and conditions very carefully before signing such an agreement. Many publishers may expect you to assign copyright to them for a set period of time. This may mean that you cannot use your own material for teaching purposes without first asking the publisher's permission. They may also restrict what you can do with your own material in terms of depositing it in an open archive or publishing it in an open access journal.

Do I have to sign a publisher's agreement?

In most cases yes, although some publishers will allow you to retain copyright of your material. You can also amend the publishing contract and insert new terms and conditions which will ensure you are able to re-use your own work in your own teaching and research.

What is Open Access?

The open access movement was established in the late 1990s partly by academics and librarians who were frustrated with the increasing rise in journal subscription fees. The open access movement believes that scholarly

information should be made available to the public for free, rather than locked into subscription databases. There are numerous open access journals available, for example [BioMed Central](#), which contains over 150 open access journals in the medical and life sciences.

How does Open Access relate to Open Archives?

Open archive repositories are increasingly being set up, usually by large institutions to capture their research output. Academic staff are encouraged to deposit their research publications into open archives so they are freely available to other researchers. These may take the form of "pre-print" versions of a published article or they may also include the published version. In fact, Research Councils UK (RCUK) have now decreed that publicly funded research must be deposited in an open archive. However, unsurprisingly, some publishers feel threatened by this trend and you should always check your publishing agreement before depositing in such an archive.

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