



COPYRIGHT

What is copyright

Copyright refers to the rights that creators / artists have over their creative (e.g. literary, scientific and artistic) works.

Copyright protects rights related to intellectual property such as books, articles, music, images, videos, software, illustrations, scientific text, student essays, thesis etc. A general mathematical formula is not protected by copyright laws, but a handbook including these mathematical formulas is. The copyright is needed to ensure that the creators' income.

“In the EU, copyright protection is obtained automatically from the moment when the work is created and no registration or other formality is required. However, some countries allow for the voluntary registration/ deposit of works protected by copyright. Therefore, registration is not constitutive of the right but can be useful in some situations (e.g. to solve disputes over ownership or creation, to facilitate financial transactions)” (European IP Helpdesk, 2019)

Although not obligatory, it is a common practice to mark a copyrighted work with a capital letter R or C in a circle, where the symbol R means Registered trademark, "all rights reserved" and the symbol C means Copyright. In order to use the copyright sign, the created work needs to be original enough.

Scope of protection

The *Berne Convention*, which is an internationally recognised system of international copyright protection, identifies two different categories of copyright:

- ▶ Economic rights – the artist / creator has a right to sell / license their works to others
- ▶ Moral rights - the artist has right to claim authorship to their work(s)

“The *Berne Convention* establishes that economic rights must last at least during the author’s lifetime plus 50 years from his death. However, national legislations can provide longer protection e.g. in the EU, 70 years from author’s death” (European IP Helpdesk, 2019)

The European Union Intellectual Property Office (EUIPO) provides services connected to protection of rights for trade mark and design throughout the European Union (EU) through online application. The same principles of copyright protection apply in all EU member countries, still there may be some differences in every of them according to their national law.

The copyright for teachers and students

Following the report on the subject of Intellectual Property in Education in Europe from 2015, which showed the need for greater inclusion of intellectual property (IP) concepts in education, EUIPO established a network of experts - representatives of the ministries of education of the EU member states as well as from national offices for intellectual property. The goal of this network is to jointly lead a development policy in the field of intellectual property and copyright protection in education in order to support the application of creativity, innovation, and the development of entrepreneurial initiative, but with the ethical and responsible use of IP-protected materials on all digital platforms.

The information on treatment of intellectual property and copyrights concerning education can be found at the European Union Intellectual Property Office Observatory under the title “EUIPO - IP in education” and the main aim of the Intellectual Property in Education Network is to promote creativity, innovation, entrepreneurship and responsible digital engagement among young Europeans (European Union Intellectual Property Office Observatory, 2023).

The Frequently Asked Questions (FAQs) on copyright for teachers is a useful source of information for teachers and students in the EU on best practice in different EU countries containing answers to 15 key questions concerning subjects of copyright in education and especially protected content in the context of online education. Conditions for every EU country can be found via the below link:



FAQ on copyright for teachers

<https://euipo.europa.eu/ohimportal/en/web/observatory/faq-for-teachers>

As an example of the above FAQ, a short excerpt from Croatia:

“Q1. a. Can teachers take photocopies or scan pages from books or newspapers for their students? If yes, under which conditions can teachers use them?”

[...] In general, when using copyright works for example in teaching, teachers are obliged to observe the following conditions:

- ▶ *they must indicate the source and name of the author or other copyright holders;*
- ▶ *as a rule, only a part of the work or passages are to be used;*
- ▶ *the purpose of the educational activity must be non-commercial;*
- ▶ *giving examples in teaching is only allowed for specific purposes prescribed by the ZAPSP, which are supporting, enriching or supplementing teaching and teaching activities.*

It is noted that the non-commercial purpose implies the non-commercial purpose of an individual

*teaching activity, where the organisational structure and funding of the educational institution are not decisive for determining whether the individual teaching activity is of a non-commercial nature.
Legal basis: Article 198(2), (3) and (4) ZAPSP*

Q2. a. Under which conditions can teachers display movies in class or at school in general?

*The screening of films protected by copyright and related rights is permitted in accordance with the substantive limitation of copyright solely for the purpose of giving examples in teaching.
To this effect, the screening of the film should be for the purposes of supporting, enriching or supplementing teaching and teaching activities, therefore, there should be a link between the teaching material being processed or the specific historical period being taught, and there must be a link between the teaching activities and the film that the teacher wants to present to pupils or students.
Furthermore, a teacher must take into account that, without the consent of the copyright holder and without payment of remuneration, they are allowed to display only a part of the film to pupils and students, but not the entire film. Also, the teacher should remember that the source and name of the author or other copyright holders of the film are always to be stated and that the purpose of the teaching activity must not be commercial.*

Legal basis: Article 198(2), (3) and (4) ZAPSP

(Excerpt from Answer to Q6):

Q6. Under which conditions can teachers or students use copyrighted material (such as images, articles, photos) from the internet for educational purposes, such as in an assignment, presentation or in a digital learning environment?

The law explicitly provides for the possibilities of using a copyright work without prior authorisation from the copyright holder and/or without payment of remuneration. (...) The substantive limitations of copyright and related rights of importance for the use of works lawfully published on the internet, and for the purposes of teaching and teaching activities are: the limitation for the purposes of giving examples in teaching or in scientific research (Article 198(2) to (5) and Article 199 ZAPSP) as well as the limitation for the purpose of using quotes, critiques and reflections (Article 202 ZAPSP).

*The conditions under which teachers are allowed to use copyright works or the subject matter of related rights legally available online, such as photographs, newspaper articles, etc., for the purposes of giving examples in teaching, during lectures, presentations or in the digital environment, refer to the following: (i) any use of the work should observe the moral rights of the author and it is therefore always necessary to indicate the source and name of the author or other copyright holders; (ii) as a rule, it is only permissible to use only a part of the work or a piece of the work; (iii) the purpose of the teaching activity must be non-commercial; (iv) the purpose of giving examples in teaching must be to support, enrich or complement teaching and teaching activities and (v) when it comes to digital and cross-border education, it should be taken into account that the use of said work takes place within the competence of the educational institution, in its premises or in other facilities or through a secure electronic environment accessible only to pupils or students and teaching staff of that educational establishments.
In addition, teachers, pupils or students wishing to use content published online for teaching or scientific research, including critiques, arguments, reviews, retrospectives, reflections or the like, can use quotes or literally quote sections of a copyright work or the subject matter of related rights. At the same time, it should also be the case that the copyright work or the subject matter of a related right, from which the quote is used, was published on the internet in a lawful manner. The source and the name of the author should be indicated when using quotes, and the use of quotes must be to the extent justified by the stated purpose and must reflect good practice.*

The authorisation of the author or copyright holder should be sought for any other use of contents protected by copyright or related rights that are published on the internet and are not in the public domain and are not covered by the substantive limitations of copyright and related rights. (etc.)

How copyright issues can be resolved

When using learning materials in a virtual environment, special caution is required in relation to copyright; some materials may be cited as secondary sources. Since unauthorised use of copyrighted material (e.g. images, video, music) can lead to legal action, universities and educational institutions as well as teachers should keep the following advise in mind to prevent copyright infringement:

- ▶ **SHARING THE LINK** - In the case of watching a video material or a work published on the internet, rather share a link to the web page of the material than download and share the material with students, provided that the material is available and legally placed on a digital platform. In this way, the authors will be visible and will receive credit for their publicly shared works.
- ▶ **OPEN ACCESS SOURCES** - Encourage the use of open access platforms where material is shared for free by informing your students about possible platforms for certain activities (e.g. Creative Commons). Such platforms do not charge for the use of copyrighted material, provided that it is used for educational purposes only, but be sure to teach your students to indicate the source of downloaded copyrighted work.
- ▶ **STOP STUDENTS FROM DISSEMINATION OF COPYRIGHTED WORK** - Teach your students the basic rules of protecting intellectual property and possible legal consequences to discourage them from further unauthorised dissemination and sharing of information and copyrighted materials they have received or used in class.

Teachers should also design their own copyrighted materials and presentations for lectures using open source works so that they can freely share their content with their students without worrying about infringing on someone else's copyright.










It is also desirable that the higher education institution subscribes to some digital platforms with sources of author's works (images and scientific papers) for greater possibility of creative work of its teachers and students.

Creative Commons

Creative Commons (CC) is an international free licensing system that allows the author of a work (for example, image, text, video) to define how others can use the work. The author always retains the copyright, but with the help of CC licenses it is possible to grant the user of the work more rights of use than the copyright would otherwise allow.

One of the advantages of the CC license is the use of author's works for educational purposes without compensation. In this way, students can freely use CC works (photos, illustrations, templates, etc.) for their exercises and student projects, and copy, share and sometimes change them without asking permission from the creator, but it is necessary to carefully study the details of each license.

There are 4 license elements which are mixed to create six CC licenses:

LICENSES	TERMS
	 Attribution Others can copy, distribute, display, perform and remix your work if they credit your name as requested by you
	 No Derivative Works Others can only copy, distribute, display or perform verbatim copies of your work
	 Share Alike Others can distribute your work only under a license identical to the one you have chosen for your work
	 Non-Commercial Others can copy, distribute, display, perform or remix your work but for non-commercial purposes only.
	

Source: <https://libguides.longwood.edu/copyright/creativecommons>

BY	Licenses may copy, distribute, display, perform and make derivative works and remixes based on it only if they give the author or licensor the credits (attribution) in the manner specified by these.
SA	Share alike
NC	Non-commercial
ND	No derivative work

Resources

- ▶ [Creative Commons Information Pack for Teachers and Students](#) (National Copyright Unit on behalf of the Copyright Advisory Groups - Schools and TAFEs, 2023)
- ▶ [Your Guide to IP in Europe](#) (European IP Helpdesk, 2019)
- ▶ [Digital Education Action Plan 2021-2027](#) (European Education Area, 2020)
- ▶ [Intellectual property and education in Europe. Study on IP education in school curricula in the EU member states with additional international comparison.](#) (Office for Harmonization in the Internal Market. Trade Marks and Designs, 2015)
- ▶ [Guidelines for teachers and educators on tackling disinformation and promoting digital literacy through education and training](#) (European Commission, Directorate-General for Education, Youth, Sport and Culture, European Commission, Directorate-General for Education, Youth, Sport and Culture, 2022).
- ▶ [Final report of the Commission expert group on tackling disinformation and promoting digital literacy through education and training](#) (European Commission, Directorate-General for Education, Youth, Sport and Culture, 2022)
- ▶ [Enhancing Learning Through Digital Tools and Practices: How Digital Technology in Compulsory Education Can Help Promote Inclusion](#) (European Commission, Directorate-General for Education, Youth, Sport and Culture, Melstveit Roseme, M., Day, L., Fellows, T., et al., 2021)
- ▶ [Digital education: free self-reflection tools](#) (European Education Area, 2023)