



Considerations for staff and students creating, sharing and using content online

Guidance for UAL staff and students

This set of FAQs is designed to support you when creating, sharing and using your own or other people's content online. It is not a definitive list but rather key guidance to help make informed decisions and encourage good working practice in an online space.

In this context:

Content includes but is not limited to all student and staff work such as teaching materials, images, graphics, sound, video, text, digital design. It also refers to content that is owned by someone other than a student or member of staff such as an image or film-clip sourced online.

Online space includes but it not limited to social media channels, portfolio sites, individual websites, VLE, third-party platform e.g. a film festival site, a co-created platform.

Creating content online

Q. How do I protect my idea and IP?

A. For the purpose of these guidelines, content refers to any works that are protected by copyright, a type of intellectual property. Most creative works will be protected by copyright and/or other areas of intellectual property such as trade marks and design rights. Copyright arises automatically once you record your idea or concept in some way, for example a sketch, a digital file, a sound recording. There is no formal registration process for copyright. It is important to always credit and date your work. If you post content online, always take a screen shot and time stamp to document your creative process.

Q. Do students own the IP in their original work?

A. Yes, students own the IP in the work they create whilst studying at UAL. However, there are a number of exceptions to this rule where UAL will require a student to assign their IP in writing to UAL. These include situations where students take part in a live brief project or research programme sponsored by UAL or a third party. Please refer to [student regulations](#) for further information on ownership of students' work and UAL's permitted use of students' work



Sharing and using content online

1. Using works which are owned by others (third-party content)

Q. Can I freely use works published on the Internet?

A. It depends on a number of things including:

- is the work still in copyright or in the public domain (copyright expired and free to use)?
- has the copyright owner waived his/her rights and made the work/content freely available?
- is the content available to use in respect of a licence agreement/terms?
- what do you want to use the content for?

Legally, copyright lasts for the life of the creator plus 70 years. After this time it falls into the 'public domain' which means it is free to use. Some content online may fall into this category but it's always important to check the online source.

In practice, it's become a cultural norm to share online and in some cases people may not assert copyright in their work, actively encouraging remixing, resharing etc. However to make sure you are using a work fairly, it's essential you know what the copyright status and terms of use are.

For in-copyright content, permission is required from a copyright owner. A copyright owner may be an individual (s), a company, a collective, a brand etc. For any content you source online, it's important to understand if and how you are able to use it.

All social media sites and most websites have terms and conditions which set out guidance both for the copyright owner and for someone wanting to use the sourced content. The terms and conditions will include:

- what the platform can use content for
- what responsibilities the copyright owner has when uploading content
- what responsibilities a user has when accessing and downloading content

As an example, here is a link to Instagram's guidance on what to do if you think someone has copied your work: <https://help.instagram.com/454257084652404>.

Sites like Google Images and YouTube also have a filter option so that you can see which content is in-copyright and if permission has been granted for use.

ual:

There is no universal licence model for all online content. However Creative Commons Licences aim to make it easier for copyright owners to make their work available and for users to easily understand how they can use it. Whenever you see a piece of content labelled with a Creative Commons Licence, you will usually have permission to use the work in some way. Please refer to the Creative Commons section below for further guidance.

If you are uploading your own content to social media sites, portfolio platforms etc. it is good practice to be clear on the terms of the site, assert your rights and be clear on how others can use and enjoy your work.

Q. Do I always need permission to use someone else's work?

There are a number of exceptions that allow limited use of copyright protected works without permission of the copyright owner so long as the use is 'fair'. In the UK these are known as fair dealing exceptions.

There is no statutory definition of fair dealing - it will always be a matter of fact, degree and impression in each case. The question to be asked is: *how would a fair-minded and honest person have dealt with the work?* 'Fair' is based on factors such as amount taken, motive for the use and the consequences of using the work.

An examination of each exception is beyond the scope of this guideline but fair dealing exceptions could include:

- using an image in an essay, thesis, presentation
- using a few lines of a song or film for parodic purposes
- shooting a film that happens to feature a well-known brand in the background
- taking photographs of artistic works and buildings in public places.

For further information on fair dealing exceptions then please refer to [Copyright user's resource](#) and the [UK IPO](#) guidance.

Q. May I use content from YouTube in work for my course?

A. Yes, you may share YouTube videos by either providing the hyperlink or correctly embedding the code given by YouTube. If you suspect any content to have been uploaded to YouTube illegally, avoid using it.

ual:

Q. I am inspired by other people's work and would like to source images from Google and either incorporate them in my work or use them as a reference. Where is the line between inspiration and copying?

A. Copyright is designed to protect the financial and reputational interests of creators. Equally, it helps encourage creativity and cultural production so that others are inspired by pre-existing work. Copyright protects the expression of an idea e.g. a textile design rather than the idea itself. This means that if two designers created something similar and it was purely coincidental it is unlikely that any infringement (illegal copying) would occur.

This is a very complex and subjective area so if you are inspired by something you have sourced from Google or otherwise, think about the following:

- have you copied the whole or substantial part of someone else's work?
- what is the reason/context for copying the work?
- can you rely on one of the fair dealing exceptions?
- put yourself in the position of the person whose work you have been inspired by. Would you consider the use to be fair/inspired by rather than a direct copy?

When sourcing images from Google, you can use a filter to check the copyright status of a work and the way in which you can use the work.

In light of the above, it is **not** advisable to incorporate someone else's work into your own; legally there is always a risk unless the copyright owner has granted you permission. Wherever possible, make your work as original as you can. It will help you build your own style, identity and reputation.

Q. I emailed an artist to ask for their permission to use an image from their website. They have not responded. Does this mean I can use it anyway?

A. No. This does not give you the right to use the image. If you have decided that you cannot rely on one of the fair dealing exceptions, you will need to obtain consent from the copyright owner.

Q. I emailed an artist to ask for their permission to use an image from their website. The artist responded and has given me permission to use the image. What do I do next?

A. The simplest and best way to confirm the licence arrangements is by entering into a short licence agreement with the copyright owner of the image.

A licence is agreement between two or more people that sets out copyright ownership and the way in which a work can be used. It's essential to have a licence in place to encourage transparency, good-working relationships and mutual benefits.

ual:

Q. I want to use a photograph of a painting in my coursework but I am unsure how to credit the copyright owner. Are there any special rules that I should be aware of?

A. There aren't any specific rules on how to credit the owner of a copyright work when reproducing it in any medium.

A common way of crediting a copyright work is as follows:

[NAME OF ARTIST], [NAME OF ARTWORK], [DATE AND CREATION OF ARTWORK]
[PHOTOGRAPH – NAME OF PHOTOGRAPHER- (If different to Artist)].

Please refer to question below about how to appropriately attribute under a Creative Commons licence.

2. Use of open source content created by others

Q. Where can I find content online that is free to use and reuse?

A. There are a number of websites and digital resources which provide images, sound recordings or videos that are free to use and re-use and where possible, people encourage open access to promote creativity and innovative practice.

Most content that is available to use for free will have licence conditions in place to help you understand how the copyright owner wishes to be credited. Therefore it is essential to check the terms of openly available content in the same way as other copyright protected content.

A good starting point is to look for content that has been made available under a [Creative Commons licences](#) as it is a trusted and reliable way to use content sourced online. Many resources publish content using Creative Commons licences and more information can be found on the [Creative Commons website](#).

Q. What are Creative Commons Licences?

A. Creative Commons (CC) is an internationally recognised licensing system which aims to make it easier for copyright owners to manage their IP and make their work available and for users to easily understand how they can use it. The six licences offer options ranging from restricted use for non-commercial purposes to openly available for free reuse.

CC licences are free to use and works created or released under CC Licences can be copied free of charge. Generally, it is quite easy to spot whether content has been made available under CC Licences by looking for CC logo which is usually embedded on the website and/or within the work itself. Otherwise, please use [Creative Commons search portal](#) to search for content released under CC Licence.

For more information on Creative Commons, please visit [Creative Commons website](#).



Q. I found an image/recording on Creative Commons I want to use, what is next?

A. Once you found a piece of content that has been made available using a Creative Commons licence it is important you understand what permission you have to use and if it covers the use you require. The summary of Creative Commons licences and what they mean in practice is available [here](#).

If you are unsure about specific use or any term of licence, please contact Legal Services Department.

Q. Do I have to attribute an image/recording I want to use under Creative Commons and how do I do it?

A. Yes! Attribution forms a part of all CC licences. All current CC licenses require attribution to the original author(s). If the copyright holder has not specified any particular way to attribute them, this does not mean that you do not have to attribute them.

An ideal attribution would be as follows:

Title: The title of the image.

Author: The name of the creator.

Source: The URL where the image is hosted (plus optional link to author profile).

Licence: The type of Creative Commons licence it is available under, including a link to the relevant licence.

Q. Can I make my work/materials available under Creative Commons licence?

A. Yes, however, before you do so, please consider which licence is best for the way you want to make your work available to others. For example, you may allow people to use your work for non-commercial use but do not want them to adapt it in any way without your permission. You will need to think carefully about how you would like others to make use of your work. CC licences are irrevocable and perpetual. This means that it is not possible for an institution to apply such a licence to a work, and then sometime later change its mind. In other words, once a licence is applied for that licence, it is forever and cannot be changed.

Q. What other website or digital resources offer content that is free to use?

A. There are a number of website or digital resources which offer free-to-use images without an attribution requirement (although still under licence) or “copyright-free” images which have been dedicated to the public domain. There are also some UAL wide licences with particular UK licensing bodies under which UAL can use some materials protected by copyright. The table below provides a snapshot of some of the resources available. You will need to read terms and conditions of each website and platform before any copyright protected material is used or downloaded.

ual:

<u>General</u>	
<u>Website / Name of Digital Resource</u>	<u>Conditions of use / What Am I allowed to do?</u>
UAL Image Library	Contains photos and films that celebrate the work of our students, the diversity of our community and our specialist facilities. You need to register to view and download the images. Terms and conditions on the use of images are available on the website.
CLA (Copyright Licensing Agency)	Limited copying and use of books and magazines in a Virtual Learning Environment (VLE) such as Moodle. Please refer to libraryservices@arts.ac.uk for more information on the type of material we have a licence for.
PRS for Music/PPL	Limited public performance of musical recordings/musical works, use of audio products and online services. Please contact College Directors of Administration as they may be able to provide you with further information.
<u>Images</u>	
Gratisography , Pexels , and Unsplash and Pixabay	These picture “banks” provide ability to download free-to-use images subject to their terms of use. Please read the respective terms of use before you download any image.
The British Museum, National Gallery, Tate, National Portrait Gallery, British Library, Imperial War Museums, Science Museum, Wellcome Trust Foundation	Many of these museums and institutions make some of their material available under creative commons licences. Please check their respective terms and conditions to ensure your proposed use is covered before you download and use any content.
EUScreen	Offers free online access to videos, stills, texts and audio from European broadcasters and audiovisual archives. Please check their respective terms and conditions to ensure your proposed use is covered before you download and use any material.
Europeana Collections	Represents collections from over 3000 museums, libraries and archives available to use under Creative Commons licences.



Making online content accessible

Q. I am a student and have been asked by a potential employer to send them my portfolio digitally. I don't feel comfortable sharing my entire portfolio but am worried I won't get the job if I don't. How can I approach this?

A. As the copyright owner of a work, you can make informed decisions about what you share, how much you share and when you share your work. In this instance, you might want to send a sample of your work clearly setting out that you are sharing it in confidence for the purpose of review. You can watermark all documents with an 'in confidence' stamp. If you have a website, you might want to send a sample of your work via email and then a link to more on your own site.

Q. What does the © symbol mean? Do I need to use it?

A. There is no legal requirement to use a copyright notice or the accompanying © symbol. However, notices can help prevent someone using your work without permission by drawing attention to your rights. The copyright symbol is recognised internationally and a shorthand means of putting others on notice of the copyright owner's rights. One recurrent myth is that if a work does not carry the © it is not copyright protected.

Q. Question not covered?

If you are a student and have a question that is not covered by this FAQ guide then please contact Roxanne Peters, Creative and Cultural IP Rights Specialist, Careers and Employability at: r.peters@arts.ac.uk.

Useful links and materials

UAL Creative IP <http://creativeip.org/>

[List of resources](#) via UAL Creative IP

Resources for licensed content - <https://www.copyrightuser.org/create/lawful-reuse/links/>

[UK Intellectual Property Office website - www.ipo.gov.uk](http://www.ipo.gov.uk)

[Copyright and E-Learning Guide for Practitioners by Jane Secker](#)