

Literature/Text

Provided the work is original and involved some creativity to produce, it will automatically be protected by copyright for 70 years from the end of the year of the author's death under the [Copyright Designs and Patents Act 1988](#). The duration of copyright is a little more complicated for work created before 1st August 1989 and where the creator is known (see [Ownership and Duration](#)).

Orphan Works

If the author or copyright owner is unknown, the work is referred to as an 'Orphan work' and protected either for 70 years from creation, or 70 years from when it was first made available to the public if made available within the 70 years from creation. For orphan works created before 1st January 1969 and also made public before this date, or never made available to the public at all, protection lasts until 31st December 2039.

Licences to copy or re-use orphan works may be requested from the government introduced an orphan works licensing scheme at: <https://www.gov.uk/guidance/copyright-orphan-works>. A licence may be purchased if the application is accompanied with evidence of a prior diligent search for the owner.

Publishers/Typographical Copyright

Published literary works come in a variety of formats e.g. books, journals, newspapers, magazines and in addition to copyright protection of the content, publishers will also enjoy copyright protection in the typographical arrangement of the published work i.e. the layout of the publication, contents, index, notes pages, footnotes etc.

Unpublished Works

Unpublished works (e.g. private letters, emails, notes, essays, manuscripts, research papers, dissertations and theses), enjoy additional protection in that the exceptions mostly prohibit copying or making available to the public.

Public Domain Works

If a work is in the **Public Domain** i.e. the copyright has expired or has been specifically waived by the rights owner, you may use it in any way you wish without permission, e.g. copy, distribute, display, republish etc.

Legal Exceptions

Current copyright legislation is contained in the [Copyright Designs and Patents Act 1988](#) (CDPA 1988) and contains 'fair dealing' exceptions for specific purposes, that can be applied in the use of literary works. These exceptions are more commonly referred to as '**Fair Dealing**' which are 'defences' in law, not absolute rights.

What is 'Fair Dealing'?

Fair Dealing is not defined in law but left open to the discretion of the courts in a possible copyright infringement claim. The courts decide on a matter of fact, degree and impression in each case i.e. what you are doing, how much are you copying and what impact your copying has on the work and its market value.

The key question asked is: how would a fair-minded and honest person have dealt with the work?

Before copying under the 'fair dealing' exceptions, you should always consider:

- a) Would your use substitute for possible sales and cause the rights owner loss of revenue?
- b) Is the amount you are using reasonable, appropriate and absolutely necessary for your purpose?
- c) Does the copying meet the provisos of the exception/s you are relying on?

Copying a whole work or a large proportion as opposed to buying a copy would be difficult to defend as fair i.e. would be considered damaging to the rights owner's legitimate economic interests and unfair.

The Exceptions

[General exceptions which apply to anyone](#)

[For Education](#)

[For Disabled Persons](#)

[For Libraries](#)

Licences

The [Copyright Licences](#) permitting the multiple copying of literary works for educational purposes are:

[CLA Licence](#) (Copyright Licensing Agency) permits multiple copying from mandated print publications (subject to mandates, limits and specific requirements).

[NLA Licence](#) (Newspaper Licensing Agency) permits multiple photocopying from printed and online UK National Newspapers and additional selected regional, foreign and specialist publications. Digital copying from licensed i.e. making and uploading PDF copies is permitted but must only be accessible for 28 days.

[OGL Licence](#) (Open Government Licence) permits copying of published Crown Copyright or Government produced materials and Parliamentary papers e.g. Legislation, reports, reviews, guidelines.

[E-Resource Subscription Licences](#) e.g. e-books, e-journals, online databases. The Terms & Conditions vary across licences.

[Creative Commons Licensing](#) Copyright owner attaches a licence which allows specific uses for specific purposes (a.k.a. Copyleft). CC Licences are usually found attached to works made available via the internet, e.g. Open Access/Institutional Repositories and content sharing sites such as Facebook, Google, YouTube and Flickr etc.

Royalty Free Sources

[Open Access Initiatives](#) – e.g. E-Prints.

Open Access materials are usually made available under Creative Commons Licences

[PubMed Central](#)

[UK/Europe PubMed Central](#)

[PhilPapers](#) – Online Research in Philosophy

Directory of Open Access Journals - <http://www.doaj.org/>

Institutional Repositories e.g.

UK [Middlesex University Research Repository](#)

[D-Space](#) – University of Cambridge
[ERA Edinburgh Research Archive](#) - University of Edinburgh
[Open Research Online](#) - Open University
[White Rose Research Online](#) - Leeds, York, Sheffield
[ePrints Soton](#) - University of Southampton
[WRAP Warwick Research Archive Portal](#) - Warwick University
[UCL Discovery](#) – University College London

USA [US Institutional Repositories](#)

International – Choose region at; <http://repositories.webometrics.info/>

Europeana - <http://www.europeana.eu/portal/>

Copyright Free Sources (Public Domain)

Project Gutenberg – <http://www.gutenberg.org/> - Free Public Domain E-Books (copyright expired)

Internet Archive - <https://archive.org/index.php> - Free Public Domain content

Newspapers

Historic collections:

British Newspapers 1800-1900 <<http://newspapers11.bl.uk/blcs/>> Search 49 local and national titles using keywords. View complete articles from the Penny Illustrated Paper and The Graphic free of charge.

Nineteenth Century Serials Edition (ncse) <<http://www.ncse.ac.uk/index.html>>

Free, online edition of six nineteenth-century periodicals and newspapers, including Northern Star (1838-1852) and The Leader (1850-1859). Contains extensive commentary on each title as well as the project's editorial process. UK HE usually have free access.

Chronicling America: Historic American Newspapers <<http://www.loc.gov/chroniclingamerica>>

Excellent free website maintained by the Library of Congress. Search hundreds of full text newspapers from 1860-1922. Site also has information about American newspapers from 1690 onwards.

Papers Past <<http://paperspast.natlib.govt.nz/cgi-bin/paperspast>> Maintained by the National Library of New Zealand. Access hundreds of national and regional titles from 1839-1945.

Hemeroteca Nacional Digital de México <<http://www.hndm.unam.mx/>> Page images and full-text search of nearly 600 titles ranging from 1722 to 1978.

ICON - International Coalition on Newspapers <<http://icon.crl.edu/>> Consortium of member libraries (Mainly USA) based who are seeking to preserve and improved access to newspapers worldwide. The website includes a database of bibliographic information about newspapers published worldwide. It also maintains an excellent directory of links to historic newspaper digitisation projects.

For further advice on licensing or any copyright advice, contact the Copyright Officer, Kate Vasili at:

k.vasili@mdx.ac.uk