

LEARNING
[ON] SCREEN

The British
Universities
and Colleges
Film and Video
Council

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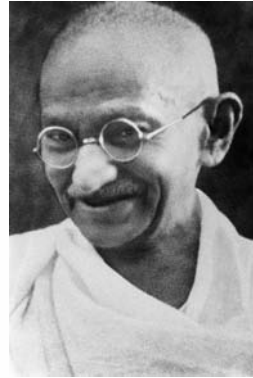
What You Can and Can't Do*

*Legally Speaking ...

Copyright

Pop Quiz

What do the following all have in common?



Copyright

Who'd be a Lawyer?

- 'The first thing we do, let's kill all the lawyers' - Shakespeare, **Henry VI part 2**
- 'The law is an ass' – Charles Dickens, **Oliver Twist**
- 'To live outside the law, you must be honest' – Bob Dylan, **Absolutely Sweet Marie**

Copyright

Who'd be a Lawyer?

- Some of my best friends are solicitors or barristers ...
- How many lawyers are there in the room today?

Copyright

Personal history

- LLB from London School of Economics (LSE), class of '92
- In 2016 LSE is still ranked as top place to Study law in London ... and seventh globally*

(*QS World University Ranking)

Copyright

Personal history

- Not one of my lawyer friends went into copyright ...

Copyright

Innovation without Permission?

- In the knowledge economy, copyright is too often seen as an impediment rather than a facilitator.

Two basic questions arise most frequently:

- Why can't I access it now?
- Why do I have to pay?

Negative or slow responses have led to some radical solutions ...

Copyright

Innovation without Permission?

- Mozilla Advocacy - Reform Copyright changecopyright.org
- Sci-Hub <https://sci-hub.cc/>
- VK <https://vk.com/>

Copyright

Innovation without Permission?

- Why are users so often frustrated and disappointed?
- Complexity often mistaken for Opacity
- Important distinction - defences rather than rights
- But progress can also be very slow

Copyright

Friend or Foe?

1988 Copyright, Designs and Patents Act

Statutory Instruments

- Copyright and Related Rights Regulations 2003 / 2001 EU Copyright Directive
- The Copyright and Rights in Performances regulations 2014

Copyright

Friend or Foe?

The screenshot shows the UK Legislation website for the Copyright, Designs and Patents Act 1988. The page title is "Copyright, Designs and Patents Act 1988" with a subtitle "1988 c. 48 ▶ Table of Contents". Navigation tabs include "Table of Contents", "Content", and "More Resources". On the right, there are "Plain View" and "Print Options" buttons. A left-hand sidebar contains sections for "What Version" (with "Latest available (Revised)" selected), "Opening Options", and "More Resources" (including "Original Print PDF"). A red callout box highlights a "Changes to legislation" notice. The main content area shows a table of contents with expandable sections: "Introductory Text", "Part I Copyright", and "Chapter I Subsistence, ownership and duration of copyright", which is further expanded to show "Introductory" and a numbered list starting with "1. Copyright and copyright works.".

Copyright, Designs and Patents Act 1988

1988 c. 48 ▶ Table of Contents

Table of Contents Content More Resources ?

Plain View Print Options

What Version ?

- Latest available (Revised)
- Original (As enacted)

Opening Options ?

More Resources ?

- Original Print PDF
- View more >

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Those changes will be listed when you open the content using the Table of Contents below. Any changes that have already been made by the team appear in the content and are referenced with annotations. ?

Collapse all -

Collapse -

Introductory Text

Part I Copyright

Chapter I Subsistence, ownership and duration of copyright

Introductory

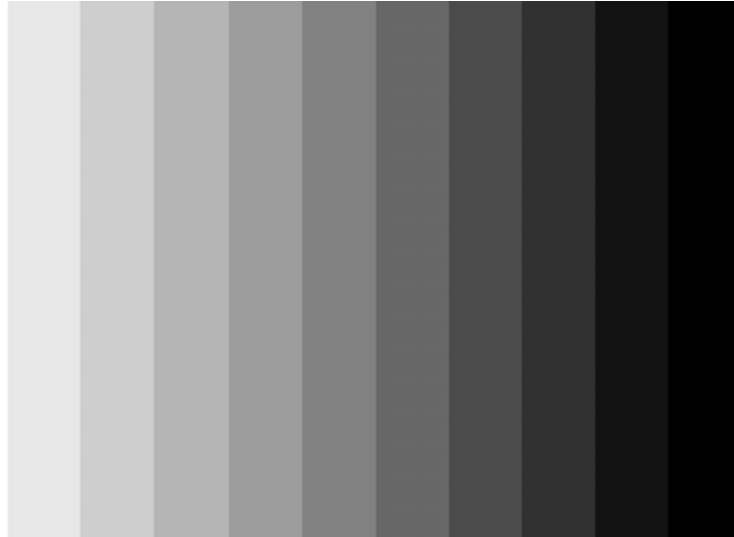
1. Copyright and copyright works.

Copyright

Friend or Foe?

- 'Black Letter Law' defines irrefutable legal principles
- But .. if Copyright Law had a colour, what would it be?

Copyright



Copyright

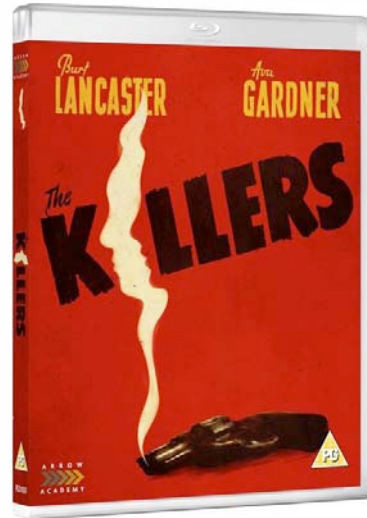
The colour is grey...

- And if copyright law were a genre, then it would probably be one where nothing is what it seems, the weather wet and foggy and the ethical boundaries permanently blurred ...

Copyright

The colour is grey...

- “Welcome to the black and white landscape of *film noir*, were everything comes in shades of grey” – from DVD booklet for **The Killers** (Arrow Films, 2014)



(blu-ray cover art by Jay Shaw © arrow films)

Public Domain

Friend or Foe?

- There are lots of movies in the *film noir* genre on YouTube, Mubi, Archive.org – why?
- Well, lots of them are allegedly in the public domain ...
- What does Public Domain mean? Well, depends who you ask ...

Public Domain

Friend or Foe?

- What does Public Domain mean in the UK?
- Is there any really free footage (yet)?
- Some examples of famous faces in very familiar films allegedly in the Public Domain ...



Bela Lugosi not as Dracula



James Stewart 'colorized'



Audrey Hepburn's Charade



Seeing 'The Invisible Man' (image © dan121314)

Copyright

Wait your term

- **Sound recording** – 70 years from date of recording
- **Performers' Rights** – 70 years from date of performance
- **Film** – 70 years from the death of the last of the main contributors: the Director, the Script Writer, and the Composer

Copyright

Layers of Rights



"Rainbow Cake" © Tim Ebbs (CC BY-NC-ND 2.0)

Copyright

Layers of Rights



'Cannel City' © James-St-John (CC BY 2.0)

Copyright

Law / Licence

A Copyright problem in education is often a licensing issue. For instance:

- TV and radio access for students based overseas
- Using copyrighted material in a MOOC
- Running a film club

Copyright

... is our Friend

1988 Copyright, Designs and Patents Act – improvements since 2014

- More accessible copies for differently abled users
- Improved levels of quotation
- Making archive copies
- Fair dealing extended
- Data mining easier

However, not all hunky dory, obviously ...

Copyright

The Sound of Licence

- Why can't I copy my CDs?
- Why did Woody Allen get sued for using seven words by William Faulkner?
- Why did Blake Morrison pay £1,000 to use 11 words from 'I Shot the Sheriff' in a novel?
- And photographic agencies keep suing for lost revenue ...

Copyright

Right to a defence

It is not a defence to copyright infringement claims to say:

- I was too busy to clear the rights
- I didn't want to pay the licence fee
- I believe it should all be open and free

Copyright

Is there anybody out there?

Jisc Legal is long gone, sadly, but ...

- CopyrightHub - copyrighthub.co.uk/
- Copyrightuser.org - copyrightuser.org/
- CREATE - create.ac.uk/
- Creative Commons - <https://creativecommons.org/>
- Educational Recording Agency (ERA) - era.org.uk
- National Education Network - copyrightsandwrongs.nen.gov.uk/
- UK Copyright Literacy - <https://copyrightliteracy.org>
- WIPO Lex - wipo.int/wipolex/en/

Copyright

Is there anybody out there?

Learning on Screen's Copyright Guidance resource

bufvc.ac.uk/copyright-guidance

Words to live by ...

You can't always get what you want (© Rolling Stones)

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