



Queen's University
Belfast

Commercial Copying

A Guide to the CLA Low Volume Document Delivery Licence

Introduction

The Copyright and Related Rights Regulations 2003 (Statutory Instrument 2003/2498) came into force on 31st October 2003. The full text is available on the HMSO website at www.hmso.gov.uk/si/si2003/20032498.htm. From that date copying for commercial purposes is not covered by fair dealing or the standard library exceptions. However copies can be made for commercial purposes by the Library at Queen's under the terms of the Copyright Licensing Agency's Low Volume Document Delivery Licence (LVDDL) which has been designed to enable organisations to provide a document delivery service on a small scale.

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The amount that can be copied under the terms of the LVDDL is similar to that allowed under the provisions of the Higher Education Copying Accord. The University must own an original of any licensed material it copies. The terms allow copying of the following amounts:

no more than one article from an issue of a journal, one chapter from a book or the entire report of a single case from a published report of judicial proceedings;

or no more than 5% of a given work, whichever is the greater;

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The following statement shall be included on any licensed copy supplied in printed form:

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Record Keeping

There is no requirement to maintain individual records of each transaction although a note of the number of commercial copies should be maintained and in most cases the standard inter-library loan form will have been filled in. The Fee-Based Service will keep a record of the total number of copies supplied each month and send quarterly reports to the CLA. The CLA may ask the Library to undertake a record keeping exercise for one month in which case Branches will be informed and the Fee-Based Service will compile a record of the author(s), journal title, publisher and ISBN/ISSN of all commercial copies made during the chosen month.

Charges

The cost of providing a photocopy required for commercial purpose is £1 for the first page + 25p for each additional page + £9 for copyright clearance. If the person has made his/her own copy but informed library staff that the copy is required for commercial purposes then only the £9 copyright clearance charge need be levied. The amount to be charged can either be passed to the Fee-Based Service with details of material copied for invoicing or paid in cash at Issue/Information Desks in the Branch Libraries.

Inter-Library Loan

The Licence only covers material owned by the University. If a copy required for commercial purposes is requested on inter-library loan, it should be obtained from the British Library or from other libraries that are known to have a Transactional Document Delivery Licence and it should be requested as a copyright cleared item. The charge to the library user (usually a professional associate member of the library) is £18 which can either be passed to the Fee-Based Service with details of material borrowed for invoicing or paid in cash at Issue/Information Desks in the Branch Libraries. **Please note that the declaration on the back of the form should NOT be signed if a copy is being requested for commercial purposes and requesters should be informed of the cost in advance.** It should be noted that any request made by a professional associate/commercial company will almost certainly need to be copyright cleared.

How commercial copying is defined

The purpose for which the copies are required is the decisive factor in determining whether copying is commercial. The purpose must be unambiguously non-commercial if copyright clearance is not required. Also it is the purpose at the time the request for the copy is made that is important and so some genuinely unforeseen income at a much later date is not relevant. It is the responsibility of the person requiring the copy to decide whether the purpose for which they want to make the copy is commercial or not.

Useful web sites

The Copyright Licensing Agency

www.cla.co.uk

The British Library

www.bl.uk/services/information/copyright.html

CILIP

www.cilip.org.uk/professionalguidance/copyright

The UK Patent Office

www.patent.gov.uk