

Commercial Copying

Introduction

Copying for commercial purposes is not covered by fair dealing or by the standard library exceptions. However copies can be made for commercial purposes by Queen's University Belfast Library Services 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.

The LVDDL is a blanket licence so that there is no need to obtain prior permission from rights holders or to maintain individual records of each transaction. Single copies can be made from most books, journals, and other periodical publications owned by the University and delivered to customers within the UK by post, fax or secure electronic means. Further information on participating organisations can be found on the CLA website at www.cla.co.uk/licence-for-doc-del/doc-del-supplier.

What can be copied?

The University must own an original of any licensed material it copies. The terms of the LVDDL 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;
- no more than one licensed copy of the same licensed material on the same occasion or for the same purpose.

Conditions of supply to customers

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

"The contents of this document are protected by copyright and, unless you have the permission of the copyright owner or of The Copyright Licensing Agency Ltd and save as may be permitted by statute, may not be copied (including storage in any electronic medium) or otherwise reproduced (even for internal purposes) or resold."

The following statement should accompany any licensed copy supplied in electronic form:

"The following item is a work protected by copyright which has been supplied and transmitted by electronic means. The following are NOT permitted, unless you have the permission of the copyright owner or of The Copyright Licensing Agency Ltd and save as may be permitted by statute:

- printing more than a single paper copy, which itself may not be further copied;
- retransmitting the article to anybody else, other than to enable a single paper copy to be printed out by or for the individual who originally requested the item;
- electronically storing any copy of the article."

Record Keeping

The Library will keep a record of the total number of copies supplied each month and send quarterly reports to the CLA.

Charges

The cost of providing a photocopy required for commercial purposes is £1 for the first page, + 25p for each additional page, + a copyright fee of £17.50 + VAT.

If the person has made his/her own copy but informed library staff that the copy is required for commercial purposes then only the £17.50 + VAT copyright fee will be charged.

The charge can either be passed to the Associate Membership Office with details of material copied for invoicing or paid at a Borrower Services Desk in any library branch.

Inter-Library Loan

The License 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 Transactional Document Delivery License, and it should be requested as a copyright cleared item.

The charge to the library user (usually an associate member of the Library), is £17.50 + VAT which can either be passed to the Associate Membership Office with details of material borrowed for invoicing or paid in cash at a Borrower Services Desk in any library branch.

Please note that the declaration on the request form should NOT be signed if the 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 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. In addition, it is the purpose at the time that 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 is commercial or not.

Useful website

The Copyright Licensing Agency
www.cla.co.uk

UK Intellectual Property Office
www.gov.uk/topic/intellectual-property/copyright