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RSM Library Information Guides

The European Copyright Directive 2003



What is the European Copyright Directive ?

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society was published in June 2001.

The full-text of the Directive can be accessed at:

<http://ukcdr.org/issues/eucd/eucd.html>

It has proved necessary to make certain changes to the UK's existing 'Copyright, Designs and Patents Act 1988' to bring it in line with the Directive.

Regulations giving effect to these changes were laid before Parliament on Friday 3 October 2003.

These 'Copyright and Related Rights Regulations' (SI 2003 No. 2498) came into force on 31st October 2003.

The full-text of the Statutory Instrument can be accessed at:

<http://www.legislation.hmso.gov.uk/si/si2003/20032498.htm>

What implications are there for the Library services ?

The new regulations will have a significant impact on both:

- Library users' self-service photocopying and
- The RSM's document delivery provision

Both of these services are now to be constrained if the user's purpose is directly or indirectly commercial.

Self-Service Copying

Individuals making copies in the Library, using the self-service photocopiers, are doing so under 'fair dealing' and should refer to the copyright notices provided above the photocopiers to ensure they comply with legislation.

The new regulations mean that, under the 'fair dealing' provisions of the Copyright, Designs and Patents Act 1988, self-service copying is now permitted only for research for a non-commercial purpose or private study.

As before, copies must be made within the following allowances:

- No more than one article in a journal may be copied
- Only a reasonable proportion of a book may be copied (one chapter or no more than 5% of the total work)

Please ask at the Enquiry Desk or e-mail us at library@rsm.ac.uk for further guidance.

The Copyright Licensing Agency's 'Sticker Scheme'

In order to accommodate these changes the Copyright Licensing Agency has initiated a 'Sticker Scheme' which will enable users to make legal copies of copyright materials for direct or indirect commercial purposes by paying a flat rate clearance fee (£9.00 incl. VAT per item).

Stickers can be purchased at the Library Issue Desk and should then be attached to the photocopied articles as appropriate.

Document Delivery

In order to comply with copyright legislation, under the 'library privilege' provisions of the Act, the RSM Library may only make copies on behalf of its members providing a signed copyright declaration is received.

Requests for copies therefore need to be made on the Library's 'Document Request and Copyright Declaration Form' (available either from the Library or via our website at):

<http://www.rsm.ac.uk/librar/docdeli.htm>

Requests made by telephone or e-mail must be confirmed by sending a signed form indicating that you are providing confirmation of a previous request.

To comply with the new regulations we have updated our Copyright Declaration to read as follows:

I declare that:

- a) *I have not previously been supplied with a copy of the same material by you or any other librarian;*
- b) *I will not use the copy except for research for a non-commercial purpose or private study and will not supply a copy of it to any other person; and*
- c) *to the best of my knowledge no other person with whom I work or study has made or intends to make, at or about the same time as this request, a request for substantially the same purpose.*

I understand that if the declaration is false in a material particular, the copy supplied to me by you will be an infringing copy, and that I shall be liable for infringement of copyright as if I had made the copy myself.

As before, copies must be made within the same allowances as quoted above for 'fair dealing'.

Copyright Licensing Agency (CLA) License

If you need multiple copies or are unable to sign the copyright declaration, please consider the 'Copyright Cleared' Service that the RSM Library is licensed to offer.

Please specify that you need 'copyright cleared' copies if:

- The article is to be directly or indirectly used for a commercial purpose (this will include most requests from Corporate or Library Subscription Members of the RSM).
- You are requesting more than one article from a journal issue;
- The article will be circulated within your organisation;
- You require more than one copy of an article;
- You are unable to sign the copyright declaration to the effect that the copy is for your own private study.

This service does not apply to report literature, examination papers, microforms, theses or any publisher who is not covered by the license agreement with the UK Copyright Licensing Agency; however, most copyright material held by the library is covered.

The following additional charges are payable for this service:

For each Copyright Clearance transaction we make a charge of the cost made to us by the Copyright Licensing Agency plus an additional administrative charge.

Copyright Cleared Fee (RSM Stock)	Price Per Article
Fellows/Members	At cost + £3.00 Admin. Fee
Non - Members	At cost + £6.00 Admin. Fee

We are also able to offer a 'copyright cleared' service for most of our inter-library copy requests via the British Library.

For each Inter-Library Loans Copyright Clearance transaction we make a charge of the cost made to us by the supplying Library plus an additional administrative charge for Corporate and Individual Library Members.

The following additional charges are payable for this service:

Copyright Cleared Fee (Inter-Library Loan Request)	Price Per Article
Fellows/Members	At cost + £3.00 Admin. Fee

Please contact the Library using the contact details provided at the beginning of this sheet if you have any questions or require any further assistance.