

Navigating Copyright in Academic and Research Institutions

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Copyright protection in the context of academic and research institutions

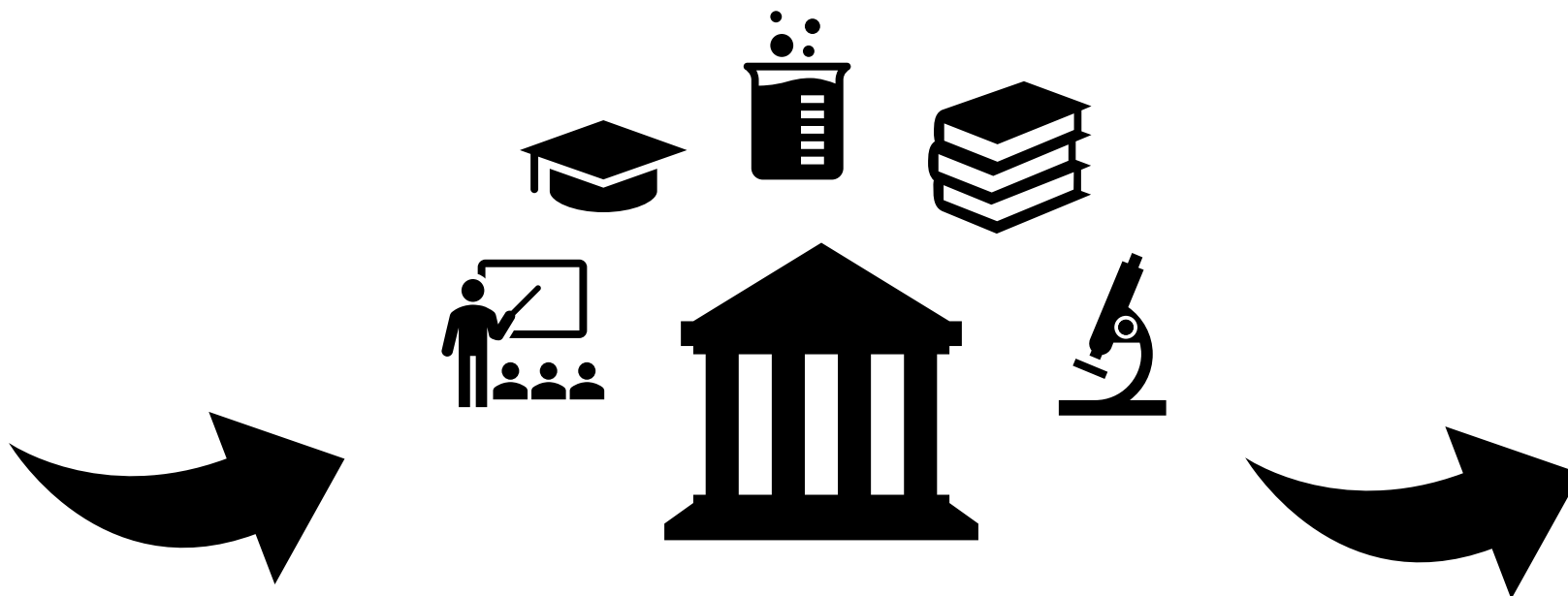


Copyright protection in the context of academic and research institutions

Protected Works – Article 2(1) Berne Convention

*The expression “literary and artistic works” shall include every **production in the literary, scientific and artistic domain**, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science.*

Copyright protection in the context of academic and research institutions



- **Copyright protected** (e.g. academic publications, press publications, novels, reports, audiovisual recordings, phonograms and sound recordings, works of art and images, software)
- **Not copyright protected** (e.g. objects, artifacts, methods, data, works in the public domain)

Copyright

Moral rights

- Attribution (paternity) or Authorship
 - Integrity
- cannot be transferred to someone else (in most jurisdictions)

Economic rights

- Reproduction
 - Distribution
 - Communication to the Public
 - Broadcasting
 - Adaption
 - Translation
- ... and many others

- can be transferred, divided and inherited

Access to copyright protected works

Uses permitted by a variety of **Limitations & Exceptions**, such as:

- Quotations
- Private use / Personal copy
- Fair use / Fair dealing
- Teaching and Research purposes
- Library uses
- Text & Data mining

Uses permitted through **licensing schemes**, such as:

- Direct licensing
- Collective licensing
- Open Science, Open Access

Using Copyrighted Works in academia and research institutions

- For a better quality of teaching, learning and research experience: contents from copyright protected works may be used.

Examples:

- Photocopying extracts from books
 - Playing music or displaying videos in class
 - Making available online extract of books for a virtual course
- For a lawful access to contents, a **license** is required, unless:
 - the use falls under an exception or limitation of copyright, or
 - the contents fall in public domain.

What is a license?

- An agreement between a user and a right holder of copyright or related rights to authorize the use
- With conditions (which use of which rights; how long; where) and fees
- **Individual licensing vs Collective licensing**
 - Individual licensing can be sometimes impractical or impossible (e.g. to license to mass users such as universities, schools, research institutions...).
 - Collective licensing can be provided by a **Collective Management Organization (CMO)**

Example of a license

It is a condition of the License that:

- The number of multiple Paper Copies of any one item of Licensed Material made for any one Course of Study shall not exceed the number needed to ensure that each recipient of instruction or student and each teacher has one Paper Copy;*
- The Licensee shall ensure that Licensed Copies which are distributed or made available to Authorised Persons or made by Authorised Persons do not for any single occasion or purpose or, in the case of Course Collections, during any one Course of Study, exceed either singly or in aggregate the greater of ten (10) per cent of any published edition, or*
 - in the case of a book, one complete chapter;*
 - in the case of an article in an issue of a serial publication or in a set of conference proceedings, one whole article;*
 - in the case of an anthology of short stories or poems, one short story or poem not exceeding ten (10) pages in length*

For digital copying, there might be different guidelines:

- The proportion of a book, journal or magazine that may be scanned/copied is restricted to whichever is the greater of:*
 - up to 5% or one chapter of a book;*
 - up to 5% or one article of a journal issue;*
 - up to 5% or one paper of one set of conference proceedings;*
 - up to 5% or one report of one case from a book of law reports;*
 - up to 5% of an anthology of short stories or poems or one short story or one poem of not more than 10 pages.*

(Source: Copyright Licensing Agency, UK)

What is a CMO? (1)

- Roles: A bridge between rights holders and users, facilitating both access and remuneration.
- Functions:
 - negotiates tariffs and other conditions with users;
 - licenses the use of protected works;
 - monitors when, where and what works are used; and
 - collects the fees from users and distributes these to the rights holders.

What is a CMO? (2)

- Operating under national legal framework (practices are various depending on the countries).
- Operate cross-border, based on representation agreements with foreign CMOs.
- **Reproduction Rights Organizations (RROs)** are a type of CMOs in the text- and image- based works and publishing sector.
- The International Federation of Reproduction Rights Organisations (IFRRO).
- What is your local RRO? List of IFRRO member-RROs is available at: <https://ifrro.org/page/membership-list>

WIPO Good Practice Toolkit for Collective Management Organizations (The Toolkit)

A Bridge between Rightholders and Users

Author(s): WIPO

Publication year: 2025

License: 



The WIPO Good Practice Toolkit for Collective Management Organizations (CMOs) brings together examples of legislation, regulation and codes of conduct in the area of collective management from around the world. Member states and other stakeholders may use relevant parts of the document to help them design an approach suitable for their particular context. Note - The Toolkit is not a normative document. The first version of the Toolkit was published in 2018. The current version was published in January 2025, and reflects the submissions received from WIPO Member States and other stakeholders throughout the consultation process in 2024.

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Navigating copyright in academic and research institutions

Questions that may arise:

Is the content protected or not?

Can I use it? (copy, translate, annotate, perform...)

Can I make a digital copy?

Can I “share” it with a peer? (notably, online)

What if a TPM prevents me from doing it? Am I allowed to circumvent it?

- **Intellectual property policy on the use of copyrighted works in an institution as a reference and guidance**

What is an institutional IP policy?

An institutional IP policy is a formal document which typically deals with:

- ownership of and right to use the IP;
- procedures for identification, evaluation, protection and management of IP;
- procedures for cooperation with third parties;
- guidelines on the sharing of profits from successful commercialization;
- mechanisms to ensure respect for third-party IP rights.

Its main objectives are:

- Provide legal certainty;
- Promote scientific research and technological development;
- Encourage researchers to consider the possible opportunities for exploiting an invention so as to increase the potential flow of benefits to society;
- Provide an environment that supports and encourages innovation and development;
- Balance the various conflicting interests of universities, industry and society;
- Ensure compliance with applicable national laws and regulations.

Thank you!

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