

MEMO

Topic	Information about copyright law in teaching
Date	2018-07-03
cc	Jacobs University Faculty

The following is a simplified overview of the provisions of the Germany Copyright Act (UrhG) in the amended version of 1 March 2018. These remarks are restricted to those provisions which apply to the use of text media as a teaching resource. The German wording of the UrhG is available online at <https://www.gesetze-im-internet.de/urhg/>. Sections §§60a-h are particularly relevant. The provisions do not apply to works in the public domain (if the author has been dead for at least 70 years).

In the following context, the word “use” is used within the meaning of the UrhG to cover “reproduction, distribution, making available to the public or public communication in any other form”. When used within the meaning of the UrhG, “public” also refers to making a work available to students as an educational resource.

Use of free licence works

Free licence works – i.e. works which are not restricted by a sole licence agreement, can be used within the scope specified in the licence granted by the owner and such use is generally free of charge. Typical examples are Creative Commons and other open access licences or pre-print publications by authors. Works created by the user of the work (e.g. lecture slides) can be used in any way whatsoever provided the rights of use in the work have not been assigned to a third party (e.g. to a publishing company for publication of a textbook written by the user).

Use of contractually licensed digital documents

Digital documents which Jacobs University is contractually entitled to use can be found by using the search function on the university’s library website <https://www.jacobs-university.de/library>. As a general rule, these documents are available to all members of Jacobs University. It is permitted to disclose the reference to the *home page of the document* (front door URL). As a general principle, however, *neither copies nor extracts* (neither in digital form nor hard copy) of the digital document should be distributed at Jacobs University, especially not to students (see below). The payment of royalties for use of the work is settled by Jacobs University under the terms of the licence agreement.

Use of unlicensed documents as a teaching resource

Documents for which Jacobs University does not have a contractual licence can still be used as a teaching resource within a clearly defined framework (“education and research regulation“). *Hard copies* may be distributed during a teaching event; *digital documents* may be made available as a download. This also applies to the books and journals which are available as hard copies from the Jacobs University library and to works available in the form of interlibrary loan. If such works are to be *used as a teaching resource*, however, *all* the following conditions have to be satisfied:

- Restricted purpose: only for the purpose of illustration of the lessons or lecture, inclusive of examinations, examination preparation and debriefing, provided this is not for commercial purposes (i.e. not for profit).
- Recipients: the works may be disclosed *only* to the *teaching staff and participants* of the event, to *teaching staff and examiners of the same educational institution*, but also to *third parties* for presentation of the lessons and learning results (e.g. parents, sponsors).
- Scope: maximum of 15% of a document. Complete: printed works of up to 25 pages, individual articles or essays from the same journal, individual illustrations and out-of-commerce works (i.e. works listed in the Register of Out-of-Commerce Works of the German Patent and Trademark Office)
- Source: permitted sources include specialist books, specialist journals, scientific books, scientific journals and textbooks.
- Source credits: All sources must be clearly stated.
- Remuneration: Jacobs University pays appropriate remuneration to a copyright association for use of the work.

Jacobs University regulations

Jacobs University pays a copy charge for *hard copies*. As safeguard for that remuneration, only the *Jacobs University multifunction printers (MFPs) in the IRC* may be used to make all printouts and/or hard copies which are to be used as a teaching resource. It is not permissible to make copies for teaching purposes on any other devices, even if they belong to Jacobs University.

Digital documents which are to be used as a teaching resource should be provided via the *Course Section of CampusNet or Moodle* ("key digital course texts").

No self-made copies or extracts (neither digital nor hard copies) of contractually licensed digital documents should be distributed, especially not to students. This would lead to duplicate remuneration and generate unnecessary expense. Moreover, it would falsify the statistics of the provider portals so that the source would be classified as rarely used owing to the infrequent access and could therefore potentially be discontinued because of the disproportionately high costs. Nor should a direct link be provided to the digital document (deep link), as this could be subject to modification and might no longer be valid for subsequent downloads. Instead, students should be referred to the *home page of the document* (front door URL).

There are as yet no regulations in force governing remuneration for the digital use of unlicensed documents as a teaching resource as from 1 March 2018 in accordance with the education and research regulation mentioned above. Lecturers are therefore obliged to collect the information that will presumably be required for the anticipated backdated remuneration. The following information is required for each *published document which is not licensed but may nevertheless be used in digital form as a teaching resource pursuant to the education and research regulation*: lecturer, course ID, dates of course, estimated number of participants, type of work ("book", "journal" or "other"), ISBN/ISSN, title of work, author(s), number of pages used. At the end of each semester, an Excel table of the above data must be submitted to VGWortMeldung@jacobs-university.de. A specimen table is attached to this memo. Once a remuneration agreement has been concluded and the data to be submitted as well as the submission method have been clarified, it is intended to discontinue this process and instead collect the relevant data directly through the digital course text system.

Example: Specimen table of data collection for submission to VG Wort:

Lecturer	Course ID	Course begin	Course end	No. of participants	Type of work (Book/Journal/Other]	ISBN/ISSN	Title of work	Author(s)	No. of pages used
A. Nymous	EX-101	01.03.2018	30.05.2018	12	Book	978-11183901889	An Exemplary Title	J. Doe	3

Attachment: Specimen Excel table of data collection for submission to VG Wort.