Lecture Capture Guidelines – Consents and Copyright

This purpose of this note is:

1. to familiarise lecturers with the requisite forms and notices used in the recording of lectures at the University and for those captured lectures to be made available to students on a restricted basis; and,
2. provide guidance on copyright with respect to materials lecturers may include in their lectures.

This document contains information on the following:

- Consent forms and notices
- Legal fundamentals governing the ownership of lecture notes and lecture recordings at the University of Cambridge
- Lecture Capture and copyright
- Sources/further reading

Consent Forms and Notices

The University’s lecture capture facility operates on a lecturer opt-in basis, determined in accordance with the University’s Lecture Capture Policy, Intellectual Property Rights (IPR) Policy and data protection and copyright legislation. Legal fundamentals that govern the ownership of lecture notes and recordings of lectures at the University are set out briefly at the end of this section.

The following Consent Forms and Notices are for Lecture Capture use at the University:

- Lecturer/Presenter Consent Form
- Guest Lecturer/Presenter Consent Form
- Small Group/Seminar Participant Consent Form
- Lecture Recording Location Perimeter Notice
- Lecture Capture: Student Terms of End-use

Data Protection

A link is provided on each consent form to information about the University’s use of the Lecturer/Presenter’s personal data and information provided in Consent Forms for lecture capture: https://www.information-compliance.admin.cam.ac.uk/data-protection/.

Lecturer/Presenter Consent Form

The Lecturer/Presenter Consent Form addresses the following:

*Copyright and performer’s rights.*

To be agreed by the Lecturer/Presenter, the Consent Form deals with the separate rights of copyright and performer’s right by obtaining consent to record the Lecturer/Presenter’s
presentation of their own original material and accompanying material (e.g. in a PowerPoint presentation) and make the ‘Captured Lecture’ available to students on the course of study.

**Access and use of lecture recordings by students.**

Access to University-recorded lectures is restricted to password-restricted University intranets/VLEs such as Moodle for the following reasons:

- To ensure that recordings are accessible only by those students and staff affiliated with the course of study for which the lecture has been prepared.

- to ensure lecturers may rely on statutory copyright ‘fair dealing’ exceptions such as ‘fair dealing for the purposes of illustration for instruction’, i.e. the use of quotations and brief extracts from others’ (third party) material such as illustrations, diagrams, tables, charts, etc. in their lectures, provided the extracts are no more than necessary to make a teaching point (to ensure the use is ‘fair’) and the sources are properly credited

- by utilising established delivery platforms, prominent standardised notices may be utilised to remind students of restrictions on the use of the recordings

**Recording of student questions or comments.**

Further in the Form, the Lecturer/Presenter agrees that students must be informed that the lecture is being recorded, using a verbal or visual notice. An announcement at the beginning of the lecture being recorded may be made, with the announcement itself recorded. A PowerPoint slide may be shown at the beginning of the lecture to remind students of the lecture recording. Rooms will have standard notices declaring that lecture capture is available, but because the system is opt-in, lecturers are asked to ensure that students are aware whenever lectures are recorded.

The lecture capture recording system primarily captures only the Lecturer/Presenter, i.e. microphones or video at the front of the lecture hall or room, so that students will not ordinarily be recorded; however, questions or comments they may make during the lecture, or standing by the microphones at the start/end of lectures may be captured. Students have the option to opt-out of recordings. In the Form, the Lecturer/Presenter agrees to pause the recording of the lecture, or to redact the relevant portion of the recording post-lecture if a student has requested to opt-out.

**Guest lecturers and student presentations.**

Should the Lecturer/Presenter invite a guest lecturer or student to make a presentation, the Lecturer/Presenter is obliged to have the guest lecturer or student sign up to the University’s template [Guest Lecturer/Presenter Consent Form](#). No recording may be made without this consent; oral consent is not sufficient for this purpose.

**Guest Lecturer/Presenter Consent Form**

To be used when a guest lecturer or student is called upon by the main Lecturer/Presenter to deliver a lecture or presentation, the Consent Form grants the University the right to record the lecture/presentation and make it available in the University’s Moodle or other password-restricted intranet/VLE to students on the course of study for whom the guest lecture/presentation was prepared.
Small Group/Seminar Participant Consent Form
(where all participants and their contributions may be recorded; each participant must sign up to the Consent Form prior to the recording)

To be used when a small group/seminar is to be recorded, the Consent Form is an agreement between each participant and the University, which when completed by each participant constitutes the individual’s consent for their attendance at, and any contribution they may make in the small group discussions/seminar, to be recorded and for the recordings to be made available in the University of Cambridge’s Moodle or other password-restricted intranet/VLE to students on the course of study that the small group discussion/seminar was undertaken for.

Lecture Recording Location Perimeter Notice
(for posting near all entrances to the venue where the lecture is to be recorded)

An example of the type of sign to be used at the location where the recording of a lecture may take place. The signs should be visibly posted at entrances to and around the perimeter of the lecture hall or room where the recording may occur.

In addition to the Notice, Lecturers/Presenters should inform students that the lecture is to be recorded. An announcement at the beginning of the lecture being recorded should be made. Alternatively or in addition to a verbal notice, a PowerPoint slide may be shown at the beginning of the lecture to remind students of the lecture recording.

Lecture Capture: Student Terms of End-use
May be used by lecturers at the start of each session, serving as a reminder to students not to make unauthorised copies or to distribute material provided for a lecture. This statement can be used independently or in conjunction with information provided as part of the lecture capture service, where applicable.
Legal fundamentals governing the ownership of lecture notes and lecture recordings at the University of Cambridge

Copyright ownership of lecture notes/teaching material.
Regulation 7 of the University’s Intellectual Property Rights (IPR) Policy:\(^1\)
Copyright and related rights in material created by a University staff member in the course of their employment by the University belong to that University staff member. This means that University staff members own the copyright in their original teaching materials, including the lecture notes they author for teaching purposes at the University.

Lecture notes/teaching material.
Regulation 30 of the IPR Policy:
“In relation to teaching materials prepared by a University staff member for use in the teaching primarily of the University’s students, unless the Faculty Board or other body responsible for teaching has agreed explicitly to the contrary, the University shall have a non-exclusive, royalty-free, perpetual licence to use the material for teaching at the University.”

Due to the purposefully limited time period and restricted use of lectures recorded by the University by its lecture capture facility, those recordings that include teaching materials prepared by a University staff member will be subject to the limited period of use set out in the Lecture Capture Policy.

Lecturer’s performers’ rights in the delivery of a lecture.
‘Performer’s right’ in law is separate from copyright. A ‘performance’ for the purpose of performer’s right includes a dramatic or musical performance or the reading or recitation of a literary work. A ‘recording’ in relation to a performance means a film/video or sound recording made directly from a live performance or made, directly or indirectly, from another recording of the performance. It is likely that the delivery of a lecture from notes or ad-libbed would be held to constitute a ‘performance’ in this context and, in turn, the lecturer as performer is accorded the legal right to consent to the recording of their lecture.

Copyright ownership of the recording of a lecture.
In copyright law, the "author", in relation to a work, means the person who creates it, in the case of a film/video, the producer (i.e. the person or body who organises the production) and the principal director, in the case of a sound recording, the producer. When the University organises and "directs" the filming/video/sound recording of a lecture, it becomes the author and owner of copyright in the film/video/recording in the first instance.

The underlying copyrights of the Lecturer/Presenter, in their own original material included in the recorded lecture, remain with the Lecturer/Presenter. Copyrights in extracts of third party copyright material included by the Lecturer/Presenter in the lecture remain with the materials’ respective copyright owners.
Lecture Capture and Copyright

Copyright rules for recorded lectures are generally the same as for lectures delivered live, i.e. there is an expectation that as the Lecturer/Presenter your presented work is original, and quotations, extracts or excerpts from other sources you choose to include in your work do not infringe the intellectual property rights, including the copyright, of any person or organisation.

The key legal bases that permit the limited use of others’ (third party) copyright material in lectures:

- **Statutory copyright ‘fair dealing’ exceptions**
- **Use of extracts from material licensed/released by its copyright owner on terms that explicitly allow for re-use for specific purposes without making specific permission requests**
- **Out-of-copyright material**

Statutory copyright ‘fair dealing’ exceptions

Two statutory copyright exceptions, ‘fair dealing for the purposes of illustration for instruction’ and ‘fair dealing for the purposes of criticism, review, quotation, news reporting’, permit the use of brief quotations, extracts or excerpts from third party sources without their permission for non-commercial educational lecture delivery, provided certain conditions are met.

**‘Fair dealing for the purpose illustration for instruction’** (Copyright, Designs and Patents Act 1988 (CDPA) s. 32)\(^2\) permits lecturers to copy and display to students on the course of study brief or short extracts from literary, artistic and musical works, films, sound recordings and broadcasts, so long as:

- the material is used to illustrate or reinforce a teaching point
- only what is reasonably required to illustrate or reinforce a teaching point is copied and displayed
- extracts from works provided under the illustration for instruction exception are limited to those students being instructed
- the material made available must not be made available to the public, e.g. made available online in a website or repository or social media
- original sources are cited unless to do so is impractical.

**‘Fair dealing for the purposes of criticism, review, quotation, news reporting’** (Copyright, Designs and Patents Act 1988 (CDPA) s. 30(1ZA))\(^3\) permits lecturers to quote from a copyright work (whether for criticism or review or otherwise) in their lectures, so long as:

- the work quoted from has been made available to the public, e.g. the work has been published
- the extent of the quotation is no more than is required by the specific purpose for which it is used
• if used for criticism or review, the quotation from the work must be directly relevant to the criticism or review undertaken of the work

• if used for criticism or review, the criticism or review must directly accompany the quotation from the work being criticised or reviewed, e.g. on the same or immediately preceding or following PowerPoint slide in a lecture

• original sources are cited unless to do so is impractical.

In some instances, use of an entire work may be justified under the exception’s criticism or review limb, e.g. use of a photograph or an image of a work of art with accompanying criticism or review.

Also, short extracts from a film or sound recording may be used (only as much as is reasonably required) if they can be justified for the intended fair dealing purpose of criticism or review of the source work.

Concerning the news reporting exception, use of photographs is excluded from the exception, but short clips of video/film or broadcast footage to report directly on a current event are the most common way of fair dealing for news reporting.

**N.B. Recording of commercial films and YouTube videos shown in a lecture is not allowed.**

Whilst the showing of commercial films/DVDs and YouTube videos for instructional purposes to students in live lectures is permitted by law (Copyright, Designs and Patents Act 1988 (CDPA) s. 34(2)⁴), the recording of the showing of a commercial film or YouTube video in a lecture is not permitted. The lecturer should pause the recording when a commercial film or YouTube video is shown in the lecture. Prior to or after the lecture, links to the URLs of YouTube videos and other material legally available on the Internet (i.e. not behind paywalls or obtained under personal subscription, e.g. Netflix subscription) may be provided to students in Moodle or otherwise.

Use of extracts from material licensed/released by its copyright owner on terms that explicitly allow for re-use for specific purposes without making specific permission requests

This applies to all types of copyright works, for example, reproducing an extract from a literary, artistic, dramatic or musical work, sound recording or film released by its copyright owner(s) under a Creative Commons Attribution Licence (CC BY Licence), or a Creative Commons Attribution-Non-Commercial Licence (CC BY-NC Licence) or the UK Government’s Open Government Licence, or on website or other platform terms that permit reproduction for educational purposes (“personal, non-commercial use” is inapplicable for educational use).

**Out-of-copyright material**

If copyright no longer subsists in a work, it is said to be in the ‘public domain’ and no permission is required to copy or use that work or quotations, extracts or excerpts from it, but the source must be acknowledged. Please note that ‘out-of-print’ works are not necessarily out-of-copyright.

• [The National Archives copyright duration charts for UK literary, artistic, dramatic and musical works](http://www.nationalarchives.gov.uk/education/rank/order-by/) ;

• [The Intellectual Property Office (IPO) UK copyright duration information for sound recordings, films and the typographical arrangements of published literary, dramatic or musical works](http://www.ipo.gov.uk/publicDomain.html).
Sources/Further reading

*Recording lectures: legal considerations - Clarifying the legal aspects of recording lectures at UK further and higher education institutions*, JISC, 19 June 2018.

*Questions and Answers - Copyright Changes 2014*, JISC Legal, 20 June 2014.


*Exceptions to copyright: education and teaching*, Intellectual Property Office, October 2014

(all URLs accessed 3 May 2019).

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1 *Statutes and Ordinances of the University of Cambridge*, specifically Ordinances, Chapter XIII Finance and Property, Intellectual Property Rights

2 *Copyright, Designs and Patents Act 1988*, s.32 Illustration for instruction

3 *Copyright, Designs and Patents Act 1988*, s.30(1ZA) Criticism, review, quotation...

4 *Copyright, Designs and Patents Act 1988*, s.34(2) The playing or showing of a sound recording, film or broadcast before an audience made up of students and their lecturer(s) at an educational establishment for the purposes of instruction; *YouTube Terms of Service*, 5.1 A, 5.1 C, 5.1 L and 5.1M.