Legal Services

What do I need to know about…?

Infringement of Copyright in Loughborough’s Learning and Teaching Resources

# University teaching materials are increasingly being discovered on document sharing websites, in breach of copyright. This note provides information on how to identify material that is protected by the University’s copyright and supports colleagues to start the process of removing infringing material from such websites.

## Copyright in teaching materials

## Every year, University’s staff produce large volumes of original teaching materials for our students. As more content is made available digitally (including as a result of the Covid-19 pandemic), there are more instances of where teaching materials are being discovered on online sharing platforms not associated with the University.

## There are a range of sites specifically set up for graduates or current students to share their own notes and study resources, to provide fellow students with extra support in their studies. Websites such as [Studocu](https://www.studocu.com/en-gb) and [Stuvia](https://www.stuvia.com/en-gb/sell-study-notes?utm_source=google&utm_medium=adwords&utm_adgroup=stuvia&utm_campaign=Whello%20-%20UK%20-%20&gclid=EAIaIQobChMIg9a5jqfH8gIVB-_tCh1yywD7EAAYASAAEgJEHPD_BwE#Branding%20-%20Sell%20study%20notes%20-%20Search&utm_term=stuvia) offer individuals (often University graduates or current students) money in exchange for uploading their study materials to their platforms. Those materials can then be downloaded and used by their members for free.

## Frequently, students and graduates are uploading their own notes, but also content provided to them by the University. Such content is provided to students for study purposes only, not for sale or distribution outside the University. Sharing University provided materials (including lecture slides, exam papers, handouts, etc) outside the University, including to generate personal income, is a breach of the copyright in those materials. It is also a breach of a student’s Terms and Conditions of Study.

## Copyright helps to protect the value in the intellectual and creative endeavours of the author. For the University, the copyright in our teaching materials is a legal cornerstone of our ability to operate in a competitive environment and to meet our charitable objectives. As such, we must also seek to intervene where our copyright is being infringed.

## How sharing websites operate

## Typically, when users sign up to these websites to sell their documents, the user agrees or warrants (promises) that they are the full rights holders of any intellectual property rights in the documents (including copyright). If a user uploads material genuinely created solely by themselves, they are the copyright owner of that material and are generally free to sell or distribute that material as they please.

## However, when a user uploads material originally created by someone else (including the University) without their permission, they do so in contravention of not only the website’s terms of use, but are also infringing the author’s copyright and breaching Section 16 of the Copyright, Designs and Patents Act 1988.

## Where the works originated from the University, the individual is breaching the University’s copyright and where the individual is a current student, this would also be a case of academic misconduct.

## Identifying material belonging to a Student Vs material belonging to the University

## As the main category of material found on these websites is study materials, usually in the form of Word documents or PowerPoint slides, the intellectual property right that is being infringed is copyright.

## You can learn more about copyright [here](https://internal.lboro.ac.uk/info/library/copyright/basics/).

## In some circumstances, it can be difficult to differentiate between material that has been copied from the University’s copyrighted work, and that which is a student’s own creation. This is particularly true with materials like lecture notes, as some infringing materials might contain a mix of their own work and content copied from that provided by a lecturer. For example, a print-out of lecture slides accompanied by a student’s notes directly on the copy, or a student’s essay with feedback from a lecturer.

## In many cases, the matter is more straightforward and the copyright is clearly infringed. For example, a deck of PowerPoint slides, a copy of an exam paper or a tutorial assignment provided by the University to a student, which has not been altered in any way.

## If you discover an example which is not straightforward, please seek further support before taking any action (see below).

## How to request University material is removed

If you have identified work that you originally produced on any of these websites, you should in the first instance follow the website’s procedures for removal.

You can usually find more information about the website’s approach to copyright by looking at the website’s “Terms of Use” (or similar), typically found at the bottom of the homepage. The Terms of Use typically include information on how to contact the website if you believe that any of your teaching materials have been uploaded without permission. The website’s FAQs also often contain information on copyright more generally and how to raise issues with the website.

Most websites either ask you to fill in a form or provide you with a template to request the material to be taken down. It is important that you read the instructions for filling in the form carefully as failing to provide any aspect of the required information could lead to the request being rejected.

At the end of this note is a template takedown notice which can be used if a website does not include a proforma to follow. Please note that this is an example and you may need to amend it to meet the specific requirements of a particular website, to ensure your request is dealt with promptly.

## How to escalate if the take-down notice is unsuccessful

If you have followed the process on the website for requesting removal of your copyright material and issued a takedown notice, but the website refuses to remove the infringing material, you should escalate the matter to Legal Services, who will consider whether any other action can be taken.

## Where can I get further help?

For further support from Legal Services and how to contact us, [click here](https://www.lboro.ac.uk/services/legal-services/).

You can also visit the [Copyright Guidance](https://internal.lboro.ac.uk/info/library/copyright/) webpages for more support and advice on copyright issues.

## Example Takedown Notice

Dear Sir/Madam,

[Contact details which the website can use to contact you, such as your complete name, address, telephone number and email address] My name is [*XXX]* of Loughborough University, Epinal Way, Loughborough, Leicestershire, LE11 3TU, Telephone Number [*XXXX]*, Email Address [*XXXX*@lboro.ac.uk].

[The URL within the website on which the allegedly infringing Study Material can be found] It has been brought to my attention that material on your website has been uploaded without the permission of the original rightsholder, Loughborough University. The material in question can be found at: [INSERT URL]

[A statement that your rights have been infringed and why] The material in question was produced by Loughborough University staff in the course of their employment. As such, the material is the intellectual property of the University. As the material has been uploaded without the University's consent, it represents an infringement of the University's Intellectual Property Rights and we request you remove it immediately.

[A description of the work or works which have been allegedly infringed, with a specification of the precise nature of that alleged infringement.] Specifically, the works that have been infringed are [*insert description of work, i.e. assessments, power point slides, exam papers*]. The work constitutes original works with copyright vesting in Loughborough University.

[A statement supported by documentary evidence that the information in your notice is accurate and complete and - if it concerns the alleged infringement of Intellectual Property Rights - that you are the holder of the respective Intellectual Property Rights or that you are authorized to act on behalf of the holder] I confirm that the information in this notice is accurate and complete and that I am authorised to act on behalf of the holder.