

Table of Rights – Digital Education Recording Policy

When reading the Digital Education Policy, it may be helpful to remember that multiple rights can (and normally do) co-exist in a video or sound recording and that these different rights can, in principle, have different owners. For example, there could be rights in a background soundtrack, rights in featured performances, rights in the lecture script, rights in other featured materials and rights in the recording itself.

In certain circumstances, the College may own some rights in the lecture recording itself (distinct from the underlying rights in teaching materials and performances) but the College cannot use the recording without having obtained the necessary consents and licences from the relevant Participants. The policy aims to provide the College with those necessary consents and licences for the limited purpose of using lecture recordings to educate registered students on the relevant module.

Type of right	What it's for	Owner(s)	How does the policy handle this?
Copyright – in the Lecturer's underlying literary works (including the spoken word of the Lecture) that are in	Managing the copying and use of the Lecturer's underlying literary works including the spoken words of the Lecture.	The copyright in a literary work is typically owned by the person who authored the work or, if they are an employee, their employer. Where the College is the Lecturer's employer, the College, recognising the skill and effort of Lecturers in producing high quality teaching and learning materials for recording, under its Intellectual Property Policy waives any claims to copyright in these underlying teaching and learning materials (including the spoken word of the lecture).	Under the Intellectual Property Policy the Lecturer grants the College a licence to use teaching materials (including the spoken word of the Lecture) for the purpose of research and teaching by the College. The Digital Recording Policy <i>limits</i> the College's licence to use teaching materials in the context of digital recordings. The College can only make the recording of the Lecture (containing the Lecturer's underlying literary works including

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the recording			spoken words) available to students that are allowed access under the policy.
Copyright – in the recording	Managing the copying and use of the recording.	<p>Owned by the person creating, i.e. producing/directing, the recording; note that there may be joint ownership by those producing, featuring or participating in a recording, with respect to their contribution(s). See clause 1.5 of the College's Digital Education Recording Policy.</p> <p>Where the College makes the arrangements for, or "produces", the recording of lectures the College will, in those cases, own certain rights in the video and / or sound recording. The College's ownership of the copyright in the recording may be joint with the Lecturer if the Lecturer has taken creative control, or "directed" the recording. If the College owns or jointly owns the copyright in the recording this does not mean that the College owns rights in the underlying lecture script or lecture materials. The College cannot use a recording of a Lecture without all necessary permissions from the owner(s), including Lecturers, of the underlying rights. There may also be situations where the Lecturer is both the "producer" and "director" of the recording and so owns the rights in the recording itself. For example, if the Lecturer makes the necessary arrangements and uses the Lecturer's own equipment to make the recording, and makes all creative decisions in respect of the recording. If the Lecturer is both producer and director, he or she is likely to be the owner of the rights in the recording.</p>	<p>If the College is the producer and director of the recording, it will own the rights in the recording.</p> <p>If the Lecturer is the director of the recording and the College is the producer, the Lecturer and the College will own the rights in the recording jointly. In this case, under the Digital Education Recording Policy, the Lecturer grants the College permission to make the recording available to students on the relevant module.</p> <p>If the Lecturer is the producer and the director of the recording, the Lecturer will own the rights in the recording. In this case, under the Digital Education Recording Policy, the Lecturer grants the College permission to make the recording available to students that are allowed access under the policy.</p>
Copyright – in third-	Managing reproduction	Permission from the copyright owner is normally required. Some exceptions apply (e.g. for 'fair dealing') in the same way as they would in a live lecture;	Use of third-party materials in recorded lectures is acceptable provided that 'fair dealing' applies

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party materials appearing in the recording	and use of third-party materials shown as part of the recording (images, videos, etc.).	<p>however, there are limitations. The use of third party materials is covered in the Library Services Copyright Guidance Webpages.</p> <p>Lecturers should provide visible citations on slides and on recordings used within recorded teaching and learning materials.</p> <p>If a Lecturer is contacted by a third-party claiming that their copyright (or any other right) is infringed by the recording of the Lecturer, the Lecturer should contact the College Legal Services department immediately for guidance on next steps.</p>	(and the author is cited/acknowledged) or permission is obtained.
Performers' rights	Managing or limiting the use of a performance including recording it and making those recordings available.	<p>The delivery of a lecture can be a "performance" and the Lecturer, as the "performer", is the owner of the applicable performers' rights. The College needs the Lecturer's consent before making a recording of a lecture and making the recording available to students.</p> <p>Other participants in the recording may also have performers' rights if they are reciting a literary work / lecture.</p> <p>Note that there may be joint ownership of performers' rights where there is a joint performance. See clause 1.5of the College's Digital Education Recording Policy.</p>	Ownership is retained by the performer(s), including the lecturer, but the College has all necessary consents to make and use the recording for teaching its registered students for whom it was specifically made.
Moral rights	Managing attribution (being identified as	Moral rights belong to the author of the copyright work / the performer of certain performances. The right to be identified as the author or performer	Moral rights are owned by the author of the copyright work or the performer. Moral rights cannot be assigned. Provided that the Lecturer is acknowledged as the person delivering the

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	<p>the author of a work or the performer of a performance) and integrity (to object to derogatory treatment of the copyright work or the performance, such as re-dubbing for example).</p>	<p>normally comes "live" only once this right has been asserted, meaning that the owner of the right makes it known that they want to be identified.</p>	<p>Lecture and the recording footage is not edited or manipulated in a derogatory way, the Lecturer's moral rights should not be infringed.</p>
<p>Data protection rights</p>	<p>The fair and proper use of information about people.</p>	<p>Owned by the individual. The UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 outline the College's responsibilities and obligations in respect of personal data.</p>	<p>A recording could be within the scope of the GDPR but it will normally be context specific. The College's legal basis for processing staff and student personal data captured in recordings will typically be that such processing is for the purpose of its legitimate interests in furthering the educational objectives of the institution. The UK General Data Protection Regulation (GDPR), grants individuals the right to access their personal data held by the College. These requests</p>

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			<p>are known as subject access requests and further guidance can be found on the Subject Access Requests Webpage. The College's retention period for recordings will be set out in the Retention Schedule.</p>