

Intellectual Property Office Call for Evidence: UK higher education response

Post Implementation Review of the 2014 copyright changes

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Introduction

Universities UK (UUK) and GuildHE represent 162 publicly funded higher education institutions in the UK. This response on their behalf is by their Copyright Negotiating and Advisory Committee (CNAC). The CNAC comprises copyright specialists from a representative range of HE institutions.¹ It negotiates copyright licences for the higher education sector, and advises and responds to national and international copyright developments on behalf of UUK/GuildHE. The CNAC welcomes to the opportunity to respond to this post implementation review.

According to data provided by Universities UK², there are 2.32 million students studying at UK higher education institutions who employ in total 208,870 academic staff and 212,840 non-academic staff. The total income for the sector in 2015-16 was £34.7 billion with an expenditure of £33 billion.

The CNAC would like to stress from the outset that the 2014 reforms have provided essential flexibility in copyright law to the UK higher education sector. They have enabled for the first time in decades the ability for students, teachers and researchers to make greater use of digital technologies and the ‘no contract override’ provision in most of the exceptions is of critical importance. This response supports this assertion with a mixture of quantitative and qualitative evidence from a range of sources.

The UK has a robust network of copyright specialists in the university sector (largely served by a closed mailing list LIS-Copyseek) which has over 500 subscribers and receives approximately 30 – 50 messages each month from university copyright specialists. Many of the queries to this list relate to uncertainty over the law or licences and the sector. The list is committed to copyright education and providing support and guidance to the academic community. A list of links to university copyright guidance is available online³. In the main, this evidence in this response has been gathered and compiled by university copyright specialists who are active LIS-Copyseek participants. In a recent survey⁴ 66% of UK universities and cultural heritage institutions were found to have a dedicated copyright specialist, usually based in the library. These staff provide a range of services including advice, support and copyright training to staff, students and others within their organisation. They enable institutions to ensure they are complying with copyright law, obtaining appropriate licences and making best use of copyright exceptions.

Although the UK higher education makes extensive use of copyright exceptions, which require no permission or payment to rights holders, it still pays significant sums to creators and entrepreneurs who exploit the copyright in creative works. In the case of printed publications, the current annual cost of the CLA Licence to the HE sector is over £15.5 million per annum⁵. Meanwhile the ERA

¹ For the full list of CNAC members see <https://www.universitiesuk.ac.uk/policy-and-analysis/Pages/copyright-working-group.aspx>

² Further details are available at: <https://www.universitiesuk.ac.uk/facts-and-stats/Pages/higher-education-data.aspx>

³ <https://copyrightliteracy.org/about-2/copyright-guidance-from-uk-universities/>

⁴ Hatch, P., Morrison, C and Secker J. (2017) *A study of copyright specialists in UK educational and cultural institutions: who are they and what do they do?* Available

at: <https://ukcopyrightliteracy.files.wordpress.com/2017/12/copyright-officers-survey-report-final.pdf>

⁵ CLA. (2017) Annual Transparency Report 2016-17. Available from: <https://cla.co.uk/sites/default/files/ATR-2017.pdf>

Licence costs the sector approximately £4.4 million per annum. In addition, primary subscriptions for journal and database access cost the sector in excess of £192 million per year⁶. Gold open access article processing charges (APCs) are now an additional cost to the sector at a conservative estimate of £14 million per annum⁷. Similarly, administration of Gold APCs has also shown to be very costly, and these costs are largely met from library budgets. UUK have estimated that administration of the CLA HE Licence costs institutions the same amount as the Licence itself, in terms of staffing costs⁸.

It is important to acknowledge that the way in which the IPO have presented the questions in its call for evidence have proved highly challenging to answer for two reasons. Firstly, the review focuses on three discrete groupings of questions relating to ‘archive exceptions’, ‘other copyright exceptions’ and ‘extended collective licensing and orphan works’. In some cases, such as the section on ‘archive exceptions’ this conflates a number of different provisions which have different effects. In other cases, it artificially separates exceptions which in practice operate in conjunction with each other when individuals or organisations make decisions on how to use copyright material. For example, the provisions relating to research and private study⁹ and quotation¹⁰, may equally be applied to a researcher’s use of material under the principle stated in section 28(4) CDPA. The CNAC recognises that the questions stem directly from the groupings presented in the 2014 Statutory Instruments and the impact assessments conducted by the IPO in 2013.¹¹ However, it is worth noting that subsequent analyses of the impact of these changes have identified the intrinsic artificiality associated with such an approach, particularly as it relates to educational use.¹²

Secondly, it is important to note that the call for evidence was announced on 30 January 2019 with a closing date of 10 April. It has therefore been challenging to compile evidence to demonstrate the impact of a complex and contested area of law in such a tight timeframe. In particular, it has been difficult to gather quantitative evidence and the CNAC would like to thank the dedicated staff within its member institutions who have worked hard to provide data to extremely tight deadlines.

The responses under each section provide as accurate a picture as is possible of the impact that each of the new copyright provisions have had on the UK higher education sector. They therefore do not always answer directly the questions posed in the call for evidence where doing so would distort the findings.

⁶ This data comes from the SCONUL Return in 2013-14 which was the last year the total spend on electronic resources was a mandatory field. In 2016-17 77 of 168 UK institutions completed this field and the total spend was £142 million, so it is likely that in fact the spend on e-resources is now significantly higher.

⁷ Johnson, R., Pinfield, S., & Fosci, M. (2016). Business Process Costs of Implementing “Gold” and “Green” Open Access in Institutional and National Contexts. *Journal of the Association for Information Science and Technology*, 67(9), 2283–2295. <https://onlinelibrary.wiley.com/doi/full/10.1002/asi.23446>

⁸ The figure was included in the UUK submission to the IPO consultation on copyright as part of the Hargreaves Review.

⁹ S29 CDPA

¹⁰ S30 CDPA

¹¹ <https://webarchive.nationalarchives.gov.uk/20130103043954/http://www.ipo.gov.uk/pro-policy/consult/consult-closed/consult-closed-2011/consult-2011-copyright/consult-2011-copyright-ia.htm>

¹² Morrison, C. (2018), Illustration for Instruction and the UK Higher Education Sector: Perceptions of risk and sources of authority. Available at <https://kar.kent.ac.uk/73310/> <accessed 7 April 2019>

Methodology

This response relies where possible on published, peer-reviewed data. These include statistics on institutional spend on copyright resources from The Society of College, National and University Libraries (SCONUL)¹³, published accounts from collective management organisations (CMOs) which serve the higher education sector and academic literature such as journal articles and research reports. In addition, a masters research dissertation completed in 2018 by one of the members of the CNAC provides much of the evidence regarding use of educational exceptions in UK higher education.

In addition to this, the CNAC have undertaken empirical research to assess the level of awareness of the copyright reforms amongst academic staff as well as surveying copyright specialists to assess how internal processes have changed since 2014. The results of these surveys are presented in Appendix A. In summary the survey found that 62% of academic staff were unaware that the law had changed in 2014.

Group 1: Archive exception

As stated in the introduction, this group of questions appears to conflate a number of provisions such as making works available through dedicated terminals,¹⁴ supplying copies to other libraries,¹⁵ making replacement or preservation copies¹⁶ and copying (parts of) works for library and archive users.¹⁷ Many universities have museums as well as special collections and archives which make use of preservation exceptions. However, university libraries also rely on “library privilege” in order to supply material to remote users, as well as requesting materials from other libraries for their own users.

The CNAC has not gathered data on the impact that preservation exceptions have had on the broader GLAM¹⁸ sector of which many of its institutions are part. The IPO are advised to consult responses from the Library and Archives Copyright Alliance (LACA) and its members, which the CNAC fully endorse. However, there are significant savings afforded to the university sector by not having to obtain permission or licences for archival purposes which are included in a number of university responses.

The changes to library privilege exceptions have created efficiencies for institutions supplying copyright material to students and researchers. The CNAC survey of copyright specialist staff (see Appendix B) determined that 63% of institutions have enabled digital document supply. This shows that institutions have taken advantage of the ability to capture end user declarations using an electronic signature, as well as provide material in digital format thanks to the contract override provisions in section 42A(6). In the response by WHELP on behalf of all Welsh universities, it is worth highlighting that all the institutions were reliant on s42A and on the back of the changes in the law they have instigated a Wales-wide interlibrary loan scheme. Their response highlights how in Wales

¹³ Society of College, National and University Libraries

¹⁴ Section 40B CDPA

¹⁵ Section 41 CDPA

¹⁶ Section 42 CDPA

¹⁷ Sections 42A and 43 CDPA

¹⁸ Galleries, Libraries, Archives and Museums

interlibrary supply has increased and there is significant value in having a ‘no-contract override’ provision allowing the institutions to supply material in digital format.

Despite the benefits that the reform of library privilege copyright provides, data supplied by SCONUL,¹⁹ show that across the sector inter-lending and document supply have slightly declined in recent years. Across all SCONUL members, the total number of interlibrary loan requests was 290,740 in 2014-15. In 2016-17 these requests had fallen slightly to 267,923.²⁰ Therefore, the broadening of library privilege exceptions does not appear to have led to a significant increase in interlibrary copying, which may have been of concern to rights holders if such an increase was to undermine primary sales.

Meanwhile, during this same period, SCONUL statistics show that library spend on educational licences in the form of e-books and e-journals continued to grow. There was an increase in overall sector spend on primary licences and an increase in use of these resources for staff and students as the table below shows:

	2014-2015	2016-2017
Total spend across the HE sector on e-books	£45,526,067	£51,004,256
Total spend across the HE sector on e-journals	£6,049,579	£8,044,495
Total full text article requests from e-journals	235,911,701	256,589,169
Total full text requests from e-books	266,367,083	348,382,006

One aspect of the law which has been raised by librarians in UK universities is whether a declaration statement on behalf of the requesting user is required at all. To the CNAC’s knowledge, not one library has ever reported being challenged to provide evidence of these declarations despite diligently keeping records.

Group 2: Other Copyright exceptions

Although grouped together as “other copyright exceptions” this collection of provisions provide essential flexibility for educational and research activity. As stated in the introduction it is difficult to distinguish between the value of each provision given the level of overlap between the legal provisions and the lack of clarity in how to interpret them. This lack of clarity comes largely from the expansion of fair dealing to cover additional kinds of work not previously covered (e.g. audio visual) and types of usage not previously allowed (e.g. teaching).

Copyright exception for research and private study

Copying for the purposes of research and private study (section 29) has existed for many years, although the change in 2014 expanded this exception to sound recordings and films. This exception is used widely across the university sector; however, few institutions hold records on volumes of copies made. Universities do not monitor copying by their staff and students as this takes place largely at self-service copiers, or through use of their own devices. The role of the university has

¹⁹ SCONUL represent all university libraries in the UK and Ireland, as well as national libraries and many of the UK’s colleges of higher education

²⁰ Note that these figures conflate both physical loans of collection items as well as copies supplied under the library privilege provisions. Therefore it is not possible to say that supply of copies has increased, or decreased.

been to provide guidance and support and many universities use the CILIP / LACA copyright poster²¹ displayed prominently by copying equipment. This poster was amended in 2015 to reflect changes to the law.

Another aspect of research and private study that has arisen since the law was reformed is the extent to which it might cover transformative use of copyright works by researchers. Discussion amongst university copyright specialists suggests a conservative interpretation is often applied to this provision meaning it is equated with copying a single journal article or book chapter. This is in contrast to an interpretation which might allow, for example, an image to be used on a website or app as part of a psychology experiment. Further examples are provided in the submissions by CREATe and Learning on Screen.

Copyright exception for text and data mining (TDM)

The exception to permit text and data mining (section 29A) is being used across the higher education sector to facilitate new types of research in a wider variety of disciplines. There are a number of organisations supporting researchers in this area, and organisations such as Jisc and Foster Open Science²² have created sector-wide guidance to encourage researchers to take advantage of this new exception.

The National Centre for Text Mining²³ has been established at the University of Manchester and a number of universities are also providing specific guidance for their researchers about how to take advantage of this exception.²⁴ In their response to the IPO, the British Library highlight how as part of an AHRC funded project in the digital humanities they have undertaken data mining on sound recordings to understand more about how music has been played across the 20th century. Also as part of another AHRC funded project, the British Library is working with the Alan Turing Institute on a data mining project. The discipline of Digital Humanities is also largely underpinned by the ability to text and data mine materials, many of which are in-copyright works.

Concerns about copyright issues such as the definition of non-commercial research and restrictive licence terms have remained an issue which mean the sector may not be taking full advantage of the exception. These have been highlighted in several publications²⁵ as well as individual responses from universities. The response from UCL also highlights how some database publishers are charging universities for the additional services they claim are necessary to permit TDM activity. In one example a prominent provider of legal databases insisted on the use of its own API for TDM which

²¹ See <https://www.cilip.org.uk/page/Copyrightposters>

²² See <https://www.jisc.ac.uk/guides/text-and-data-mining-copyright-exception> and <https://www.fosteropenscience.eu/content/text-and-data-mining-copyright-exception-benefits-and-implications-uk-higher-education>

²³ <http://www.nactem.ac.uk/>

²⁴ For example University of Nottingham:

<https://www.nottingham.ac.uk/library/help/copyright/research/text-data.aspx> and the University of Cambridge: <http://libguides.cam.ac.uk/tdm>

²⁵ See J. Secker, C Morrison, N Stewart and L Horton. To Boldly go.... the libraries role in text and data mining. <https://archive.cilip.org.uk/blog/boldly-go-librarians-role-text-data-mining> and Research Consulting report: <http://adb.ufr/competplug/uploads/2016/12/TDM-in-Public-Research-Revised-15-Dec-16.pdf>

was offered for in excess of £11,000 per month for a limited number of users. An offer which was too expensive to take up.

Another key limiting factor for use of the TDM exception is the ability for rights holders to apply technical protection measures (TPMs) to datasets, and the difficulty of applying to the Government to circumvent these under section 296ZA. A case from the London School of Economics referred to the IPO in 2016 involved a researcher undertaking legal analysis of court records who was prevented from data mining the website because of the TPMs they used.

The CNAC is aware that despite the uncertainty around Brexit, the Digital Single Market Directive is likely to be implemented in the UK, which will lead to an amendment of the TDM provisions in the CDSA. However, it is hoped that the limiting factors above which are also discussed in the report from Research Consulting²⁶ will be addressed by Article 3.3 of the DSM Directive.

Copyright exceptions for educational use

The use of copyright protected material for both teaching and research in UK universities is a complex area. The sector pays significant sums to publishers and rights holders for access to resources under “primary licences” as well as to collective management organisations (CMOs) under “secondary licences”. These primary and secondary licences cover different products and classes of copyright work, providing different grants of rights with varying levels of coverage. For example, the Copyright Licensing Agency (CLA) HE Licence covers the vast majority of published books and journals allowing copying of extracts of up to a chapter/article or 10%, whichever is greater. However, copying and communication of extracts or from audiovisual works is not possible under an equivalent blanket licence. Therefore, institutions need to employ different approaches depending on the nature of the works and the educational requirements. Examples of this could include finding broadcast recordings made available under the ERA licence, using third-party video streaming services such as Kanopy, navigating terms of use of online video sharing platforms such as YouTube or Vimeo, or liaising directly with film production companies.

The work of identifying the appropriate teaching content and ensuring it is being accessed on a legal basis usually involves collaboration between academic staff responsible for convening teaching programmes and library staff who are responsible for sourcing content and advising on copyright considerations. This is not always a straightforward process as the types of material required for teaching are diverse and available under a broad range of access terms with sometimes-limited consideration of educational use. The value of educational exceptions therefore centres on the ability for teachers and students to get access to material to support their studies where licences are unavailable or inappropriate.

Although the call for evidence questions suggest that there was a singular reformed education exception, there are in fact a range of exceptions which those in educational institutions need to refer to alongside licensing terms. This response first provides evidence on each of these exceptions individually, followed with evidence on how the entire suite of exceptions work together in practice.

Section 32

²⁶ <http://adb.ufr/competplug/uploads/2016/12/TDM-in-Public-Research-Revised-15-Dec-16.pdf>

Section 32 of the CDPA now provides for “fair dealing” uses for the “sole purpose of illustration for instruction”. A recent study by Morrison²⁷ explores the way in which UK universities have interpreted section 32, and the implications this has for institutional policy and practice. The findings of the study found that all institutions believe that the reform of section 32 has been a positive development. As the IPO stated in the 2013 impact assessment²⁸, one key benefit of changing the law was to avoid teachers having to spend time getting permission for fair uses of copyright material. The IPO were unable to quantify how many times university lecturers might be likely to seek such permission in 2014 and admitted that in most cases illustrative copying may have been done without permission.

Morrison determined that one of the key benefits of the change to section 32 was the ability to communicate copyright issues to academic staff and students. Prior to 2014 there was a considerable tension between the restrictions in the law (particularly the non-reprographic restriction) and perceptions of reasonable activity. This tension made it hard to promote best practice amongst academic staff and students, but this appears to have now been (at least partially) addressed. The survey of copyright specialists in Appendix B reinforces this finding by showing that over half of institutions have expanded their copyright awareness raising programmes since 2014.

However, despite the benefits that the reform of section 32 has brought, there are a number of issues that the IPO should consider as part of this review:

- The somewhat archaic term ‘illustration for instruction’ has led to confusion as to what types of activity this relates to.
- The inclusion of the term “sole purpose” limits the use of the exception, although it is not clear in what way. Many specialists have interpreted this wording to mean that works cannot be used where the result would be humorous or entertaining, which may limit more engaging teaching methods.
- The addition of “fair dealing” to an educational context without providing clear guidance on what this entails. The IPO guidance suggested that fair dealing would not relate to online uses, whereas the majority of fair dealing case law relates to making works publicly available.
- The lack of guidance on what constitutes “non-commercial” and how this relates to educational activities and course tuition fees.
- The persistent referral by the IPO to interactive whiteboards as an example, ignoring the widespread use of virtual learning environments (VLEs) which enable material to be made available to students at a time and place of their own choosing.
- The creation of “thicket” of educational exceptions, including quotation which in effect provides many of the same benefits as section 32 without the restrictions associated with non-commercial and educational use.

The key finding of this study is that the introduction of fair dealing into section 32 has effectively placed a standard in the middle of a previously rules-based regime. This has the effect of passing the cost of law making to end users who have to expend significant resource on interpretation. Lack of

²⁷ Morrison, C. (2018), Illustration for Instruction and the UK Higher Education Sector: Perceptions of risk and sources of authority. Available at <https://kar.kent.ac.uk/73310/> <accessed 7 April 2019>

²⁸ IPO (2012), Impact Assessment: Extending copyright exceptions for educational use
<https://webarchive.nationalarchives.gov.uk/20130103043954/http://www.ipo.gov.uk/consult-ia-bis0317.pdf>

such resource in many institutions has led to caution which in turn has limited the extent to which the exception can be used. It is recommended that any further amendments to educational exceptions should involve close collaboration with the CNAC, SCONUL, LACA and CILIP to ensure that all implications are properly considered.

Section 35

The extension of section 35 allows access to recorded broadcasts over secure networks. Although institutions are able to record some content themselves, it is primarily relevant as the legislative provision allowing access to broadcast recordings through the ERA licence. Subsequently universities have been able to make use of services such as Box of Broadcasts and Planet eStream to enhance their teaching.

Section 36

Of the 30 institutions surveyed about changes to their processes (see Appendix B) 50% had provided scanning or copying services which enabled material to be supplied under this provision. To a large extent this has allowed copies to be made from published books and journals not covered by the CLA licence. One example from the University of Exeter highlights an example where this enabled a work to be used in a distance learning module whilst avoiding an unbudgeted \$440 cost for single run of a course.

However, section 36 is not just relevant for published books and journals has also enabled copies of extracts to be made from sound recordings and films and used within the VLE.

A number of universities commented that the requirement to copy only 5% of an entire work throughout the entire institution was challenging if not impossible to monitor. This is a limitation that may have prevented the provision from realising the original policy objective.

Copyright exception for public administration

Universities do not make direct use of these exceptions, although they are very important for scholarship more broadly. The CNAC support the principles of open government and transparency of public information.

Copyright exception for use of quotations or extracts of copyright works

Across the sector section 30 is used widely to allow academics and students to quote from copyright works in their scholarly work. The number of published scholarly outputs across the UK higher education sector is estimated to be in excess of 90,000 journal articles per year²⁹, and academic book sales were up 6% in 2017 according to the Publishers Association³⁰ suggesting that both journal and book publishing remain healthy.

²⁹ See:

https://www.reddit.com/r/dataisbeautiful/comments/20k5dk/top_40_countries_by_the_number_of_scientific/

³⁰ In general the academic sector experienced a robust year in 2017, with physical and digital book sales combined up 6% to £1.2bn, while journals sales rose 5% to £1.6bn. Sales of social sciences and humanity print books were up 9% and STM print books were up 8%. Meanwhile, total income from Open Access charges rose by 21%. See <https://www.thebookseller.com/news/british-publishing-houses-break-all-revenue-records-textbook-sales-take-hit-833321>

Extending this exception to allow quotation, not just for the purposes of criticism and review has been of benefit to the sector, however some nervousness around the use of this exception remains. It is also difficult to measure the impact of this change as many universities reported that they do not keep statistics and could only make very rough estimates of use based on the number of copyright queries they might receive.

One large university (UCL) estimated that their copyright team deal with approximately 800 enquiries per year involving the use of the Section 30 exception. They highlighted how it helps to provide flexibility in scholarly communication and in the work of students at all levels.

Another smaller performance arts based institution (Trinity Laban) highlighted how the extension of this exception beyond criticism and review to now include more general quotation facilitates a more flexible use of copyright works in academic practice. This institution provides copyright training to staff and students, and both quotation and illustration for instruction are emphasised as ways of illustrating points subject to fair dealing.

While this exception was predicted to save the higher education sector money, avoiding the need to clear rights, publisher practice has continued to encourage academic authors to seek permission to reproduce content in published scholarly works. In order to facilitate such rights clearance, Publisher Licensing Services (PLS) launched the service PLS Clear³¹ in 2014 to streamline the permissions process. This has been marketed directly to academic authors and arguably created uncertainty over the ability to rely on Section 30.

The CNAC would also like to draw the IPO's attention to the submission from academics at King's College London regarding the broad interpretation of the quotation exception and the extent to which this correctly implements the provisions of the Berne convention.

Copyright exception for parody, caricature and pastiche

This new exception to copyright has potential value in creative subjects such as journalism, art or music. However, there are likely to be a range of uses in other subjects, as students increasingly are asked to undertake creative projects to remix existing content in new and imaginative ways. Many universities would not keep records of such uses unless the copyright specialist was approached for guidance. For example one university made use of this exception recently when creating a parody image of a Led Zeppelin concert poster in the University of Kent magazine (see <https://www.kent.ac.uk/alumni/news/kent/1901.html>). This illustrated an article telling the story of Led Zeppelin's legendary gig at Kent in March 1971. The decision to use the image was made after due diligent attempts to contact the rights holder and changes to the image to minimise the risk of trade mark or other IP infringement.

Group 3: extended collective licensing and orphan works

Extended collective licensing (ECL)

The CNAC has been in discussion with the CLA over the last 18 months with regard to their application for an ECL scheme. This would open up the possibility of getting access to a broader range of literary works including those that are out of commerce, for use in teaching and learning.

³¹ <https://plsclear.com/>



While we have no specific data to report, we are aware that academic staff request out of commerce works to use in teaching and there are currently real difficulties in obtaining these, sometimes even through the second hand book market. Please refer to the CNAC response to the IPO's consultation on the CLA ECL application dated 2nd February 2018.

Orphan works licensing scheme

We are aware that almost no universities have made use of the Orphan Works Licensing Scheme despite being part of the consultation group when this scheme was first set up. The costs associated with the scheme, its limitation to the UK only and the requirement to renew the licence every 7 years mean it is not suitable for digitising collections for use in teaching and research.

Orphan works EU exception

This provision has a much broader application and is has been used in university projects such as the University of Kent's Great War Theatre project. However, the limitation which excludes use of standalone artistic works, and the focus on online cultural heritage use rather than teaching limits its potential application. The CNAC is aware that the IPO has detailed statistics of the number of UK institutional records on the Orphan Works Database.

Conclusion

Overall the CNAC believe that the Hargreaves Review led to significant reforms which have largely brought the law in line with existing practice. The greatest benefit and impact has been that the amendments have enabled positive messages around copyright to be developed and communicated within universities. There has also been particular value in introducing the contract override provision, giving greater freedom and benefits to the sector. This allows university staff and students to make greater use of copyright exceptions, while not undermining the sales of published content.

However, despite the benefits that the reforms have brought, a number of deficiencies remain. The law remains complex for those without legal experience to interpret, and understanding of copyright remains low. The lack of a streamlined process to apply to the government to remove TPMs from databases limits take up of text and data mining as does publisher practice of charging additional fees for mining their databases. Similarly, the publishing industry is keen to promote rights clearance as a solution to all uses, even those for which the quotation exception was intended which impacts on the willingness for those in institutions to rely on copyright exceptions. The CNAC believes there is still latent flexibility within the law that could be realised through further community discussion to codify fair practice. However, the CNAC also urges the IPO to work closely with the sector ahead of any future amendments to copyright law. This will increase the rate and extent to which the provisions relating to education and research can be understood, respected and used by those in used within the UK higher education sector.

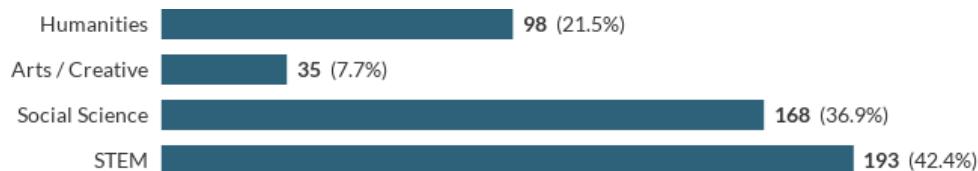
Appendix A – Survey of UK academics

The CNAC ran a survey in March / April 2019 of UK academics to assess levels of awareness which received 464 responses. The following is a summary of the quantitative evidence.

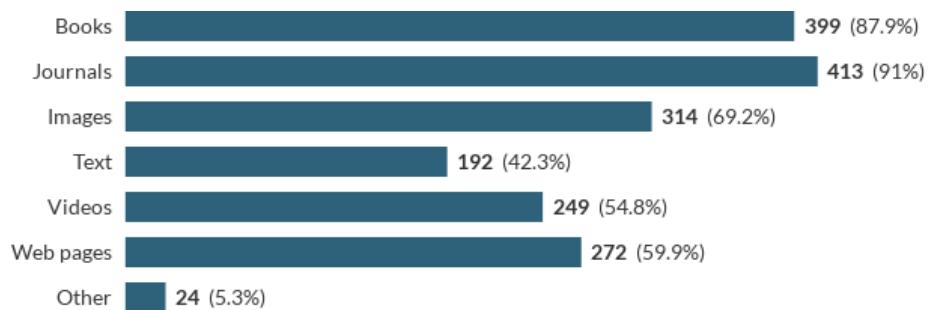
1. Please give us the name of your institution

[Responses withheld]

2. Please select your subject area / discipline



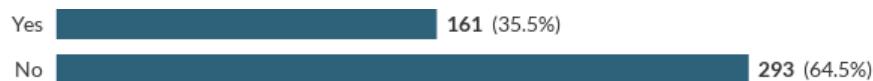
3. Do you use copyright material owned by others in your teaching or research? (Tick all that apply)



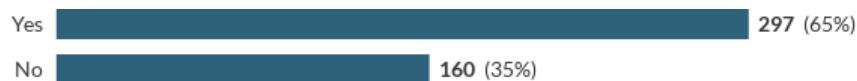
4. Were you aware that UK copyright law changed in 2014?



5. Are you confident that you understand enough about copyright?



6. Do you know where to go for copyright advice?



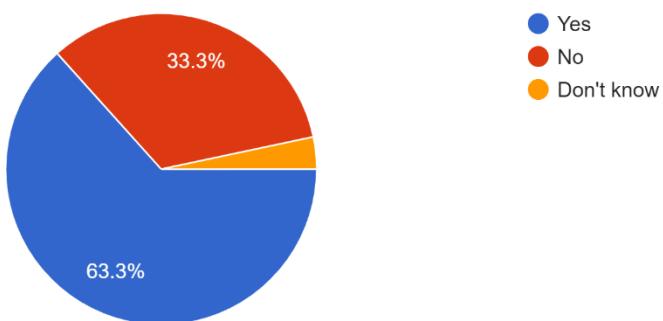
In a free-text commentary box 135 out of 464 respondents (29%) mentioned the library as a place they would go for copyright advice.

Appendix B – survey of copyright specialists in institutions

The CNAC ran a survey of copyright specialists in April 2019 to determine the extent to which institutions had enabled processes taking advantage of the 2014 copyright reforms. Summary responses are as follows:

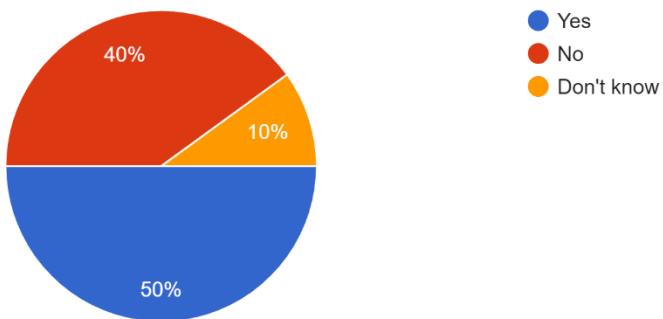
1. Have you enabled digital document supply to end users or other libraries from your library following the changes...ceptions, not under the CLA licence).

30 responses



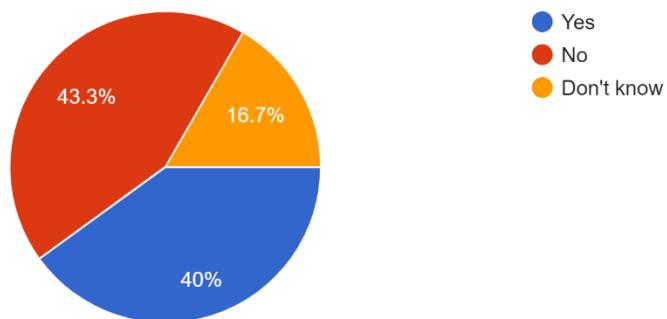
2. Have you started supplying extracts of copyright works for educational purposes under section 36? E.g. extrac...rk such as films and audio recordings.

30 responses



3. Do you keep records of copyright enquiries received?

30 responses



4. Have you expanded your copyright education/training programme since 2014?

30 responses

