



EXPLORE@HKUL

## PERMISSIBLE USE OF COPYRIGHT WORKS IN TEACHING AND LEARNING

ownership that copyright  
ts comes with several right  
u, as the owner, have exclusiv  
**Copyright** is  
ed by the law of

- Refreshing / deepening your copyright knowledge
- How to use copyright works in teaching and learning
- How to avoid infringement - Licence
- Smart use of library materials
- Q&A

# 1. Refreshing/deepening your copyright knowledge

## Copyright, Creative Commons and Open Educational Resources in Virtual Instruction



**Date:** 29 September 2021

**Time:** 12:30 - 13:30

**Speakers:** Ms Alice Lee, Dr Leon Lei (HKU TELI)

- Copyright?
- Author? Owner?
- How to avoid infringement?
- Creative Commons Licence?

**Webinar link:** <https://www.youtube.com/watch?v=93gfD9ejX8U>

# 1. Refreshing/deepening your copyright knowledge



The Copyright Classroom 版權教室 - HKU  
316 位訂閱者

訂閱

首頁 影片 播放清單 頻道 簡介

[https://hku.to/Copyright\\_Classroom](https://hku.to/Copyright_Classroom)

The Copyright Classroom - The Basics  
3:36

The Copyright Classroom - The Basics  
觀看次數：1901次 · 2年前  
字幕

The Copyright Classroom - Lesson 7: Social Media  
2:51

The Copyright Classroom : Lesson 7 Social Media

Basics  
2:00

Contribution to the work

Employee ? Employer  
“in the course of employment”

Author vs Owner  
(life + 50 years) who can license others to use the work

There is no need for joint authors to contribute equally

# 1. Refreshing/deepening your copyright knowledge





The University of Hong Kong

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About Us

Research Funding

IPR & Contracts

Intellectual Property Rights

Home > IPR & Contracts > Intellectual Property Rights Policy (for Staff, Students and Visitors)

## Intellectual Property Rights Policy (for Staff, Students and Visitors)

Understanding and protecting Intellectual Property Rights (IPR) is important in order to avoid potential disputes when engaging in research and writing. HKU's Intellectual Property Rights Policy—approved by the Council in June 2011—sets out the University's policy on IPR for works produced at the University by staff, students and visitors of HKU. For enquiries,

Search “HKU copyright policy”

[Research Integrity](#)

[Honours & Awards](#)

[RAE & Resources](#)

[1. Preamble](#)

[2. Definitions](#)

[3. Application of Policy](#)

[4. Overview](#)

[5. Copyright](#)

# 1. Refreshing/**deepening** your copyright knowledge

## 5. Copyright

5.1 The University's policies on relation to copyright in various categories of works are outlined below:

5.1.1 Scholarly work and teaching materials created by Staff **academic / non-academic (FT / PT)**

- (a) The University does not normally exercise its claim of copyright ownership over any work created by Staff that is of a scholarly nature or created for teaching purposes.
- (b) Staff grant the University a royalty free, perpetual, non-exclusive, worldwide licence to use the work for non-commercial purposes. The licence granted under this clause shall continue after the Staff is no longer employed by the University.
- (c) Staff may submit their work to publishers and assign copyright in the work to a publisher as they judge appropriate, subject to any pre-existing licence granted in respect of the work. Staff shall procure that the University is granted the right to re-use the scholarly work (including any subsequent editions) for non-commercial purposes, including without limitation, posting the work on the University's institutional repository, the HKU Scholars Hub (the "**Hub**").
- (d) Where publishers' agreements permit, once a work is published, the University encourages Staff to submit their prior version of the published work ("**Author's Manuscript**") to the Hub to facilitate knowledge sharing. Administrators of the Hub will be responsible for confirming that the relevant publisher's agreement permits the posting of the Author's Manuscript, prior to posting any manuscripts on the Hub.

# 1. Refreshing/deepening your copyright knowledge

## 5.1.5 Work involving substantial use of University resources

Where a work has been created by Staff or Students making a substantial use of University resources, the University shall retain ownership of such works, subject to any written agreement to the contrary. Where there may be a question of whether a work involves substantial use of University resources, it is strongly advised that an agreement relating to Intellectual Property Rights should be reached between the parties before the use of such resources.

**Substantial use of University resources** means use of time for which the University is compensating the inventor, creator or author to provide services for the University; use of funding provided by the University and/or funding that is made available to the inventor, creator or author in the form of grants, contracts or awards from external sources; and/or use of any University resources that are not ordinarily used by, or available to, that Staff member or Student, but does not include an incidental use of University resources. For the avoidance of doubt, casual use of library and desktop computer facilities shall not be considered to be a substantial use of University resources.

## 5.1.10 Videotaping and related classroom technology

Copyright in audio recordings and audiovisual recordings of courses taught at the University or courses developed for the University shall be the property of the University. Videotaped courses and courses recorded using any other media are University property and may not be reproduced, distributed, performed or displayed without permission of the University.

# 1. Refreshing/**deepening** your copyright knowledge

- (e) Works which have been specifically commissioned by the University or works governed by agreements with research sponsors will be governed by those agreements and not the above.

## 5.1.2 Student coursework

- (a) The Student shall retain copyright in his or her work submitted in the course of his or her study, including papers, essays, reports and articles.
- (b) The Student grants the University a royalty free, perpetual non-exclusive worldwide licence to use the work (i.e. perform any Restricted Acts in relation to the work) for non-commercial purposes. The licence granted under this clause shall subsist after the Student is no longer enrolled as a student of the University.

## 5.1.3 Student thesis

### Theses @ HKU

The Libraries acquire printed and electronic HKU theses for PhD, MPhil and SJD programmes. The printed theses are transferred and stored in The HKU Archives while the ETDs (Electronic Theses & Dissertations) are on open access in the [Scholars Hub](#) under the licensing of the [Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License](#). For all other theses producing degrees, the Libraries acquire and store electronic copies only, which are also accessible in the Scholars Hub.

# 1. Refreshing/**deepening** your copyright knowledge



Attribution (BY)

Users of your work must give you credit the way you request



ShareAlike (SA)

Users of your work must distribute the work under the same license



NonCommercial (NC)

Users of your work can only use the work for non-commercial purpose



NoDerivatives (ND)

Users of your work cannot modify the work and must use in original form

# 2. How to use copyright works in teaching and learning

## The Copyright Classroom - The Basics to Lesson 6 ▶ 全部播放

Copyright Classroom The Basics 3:36	Copyright Classroom Lesson 1 Learning 2:47	Copyright Classroom Lesson 2 Teaching 2:27	Copyright Classroom Lesson 3 Entertainment 3:37	Copyright Classroom Lesson 4 Art 2:46	Copyright Classroom Lesson 5 Performance 3:32
The Copyright Classroom - The Basics	The Copyright Classroom : Lesson 1 Learning	The Copyright Classroom : Lesson 2 Teaching	The Copyright Classroom : Lesson 3 Entertainment	The Copyright Classroom: Lesson 4 Art	The Copyright Classroom: Lesson 5 Performance
The Copyright Classroom 版權教... 觀看次數: 1895次 • 2 年前 字幕	The Copyright Classroom 版權教... 觀看次數: 2335次 • 2 年前 字幕	The Copyright Classroom 版權教... 觀看次數: 3096次 • 2 年前 字幕	The Copyright Classroom 版權教... 觀看次數: 755次 • 2 年前 字幕	The Copyright Classroom 版權教... 觀看次數: 342次 • 2 年前 字幕	The Copyright Classroom 版權教... 觀看次數: 546次 • 2 年前 字幕

## The Copyright Classroom - Lesson 7 to Lesson 12 ▶ 全部播放

Copyright Classroom Lesson 7: Social Media 2:51	Copyright Classroom Lesson 8 Research and Presentation 2:55	Copyright Classroom Lesson 9 News Reporting 2:49	Copyright Classroom Lesson 10 Design 5:23	Copyright Classroom Lesson 11: Creative Commons Licences What? 2:49	Copyright Classroom Lesson 12: Creative Commons Licences How? 3:05
The Copyright Classroom : Lesson 7 Social Media	The Copyright Classroom : Lesson 8 Research and...	The Copyright Classroom : Lesson 9 News Reporting	The Copyright Classroom : Lesson 10 Design	The Copyright Classroom : Lesson 11 Creative...	The Copyright Classroom : Lesson 12 Creative...

# Lesson 1: “Fair dealing”

Section 41A, Copyright Ordinance

S 41A



**Purpose &  
Nature of  
dealing**



**How much  
of the work**



**Nature of  
work**

The Copyright Classroom : Lesson 2 Teaching



**Effect on  
Market**



**Upload Entire**



(4) the effect of the dealing on the potential market and value of the work<sub>10</sub>

## 2. How to use copyright works in teaching and learning

HKU



Home > Courses

LLAW 3033



### Message on Copyright Issue

If you are not the author, making copies of course materials (e.g., PowerPoint files) available online in places other than HKU Moodle may constitute an act of copyright infringement. Please use the materials responsibly.

According to the Copyright Ordinance, materials put on Moodle will only be exempted from copyright infringement for the purpose of giving and receiving instruction under section 41A if (1) it's password-protected and (2) the intranet page is available for NOT MORE THAN 12 MONTHS. If you have such material in Moodle courses, please remove it at end of academic year.

For details, please check

[https://hku.to/Copyright\\_Classroom\\_L2](https://hku.to/Copyright_Classroom_L2) or  
[https://hku.to/Copyright\\_Classroom](https://hku.to/Copyright_Classroom).



Lee Alice Suet Ching



Turn editing on



### Lecture recording via Zoom

Create Zoom Meeting

Please note recording will start automatically when Zoom starts.

Create the meeting



### ReadingList@HKUL

Reading list for LLAW3033\_2A\_2020



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[https://hku.to/Copyright\\_Classroom\\_L2](https://hku.to/Copyright_Classroom_L2) or  
[https://hku.to/Copyright\\_Classroom](https://hku.to/Copyright_Classroom).

## 2. How to use copyright works in teaching and learning

**Fair dealing for giving and receiving instruction (S41A)**  
**in a specified course of study**

### **Fair**

- (a) Purpose and nature of dealing
- (b) Nature of the work
- (c) Amount of the portion dealt with
- (d) Effect on potential market

### **Dealing**

**e.g. copying, playing or showing**

**e.g. making works available through Intranet**

**(i) Password + (ii) Not stored for more than 12 months**

**a course of study which consists of an assessment of a pupil's competence in the area covered by the course and leads to the award of a qualification**

## 2. How to use copyright works in teaching and learning

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**e.g. copying, playing or showing**

**e.g. making works available through Intranet**

**(i) Password + (ii) Not stored for more than 12 months**

**S41 copying for instruction purposes**

**“to a reasonable extent”**

**“by a person giving/receiving instruction”**

**S43 playing or showing a work**

**“in the course of activities of educational establishments”**

**“before an audience consisting wholly or mainly of teachers, pupils, parents or guardians”**

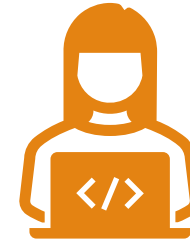


## 2. How to use copyright works in teaching and learning

Fair dealing for **giving and receiving instruction** (S41A)



Fair dealing for **private study** (S38)



Fair

- (a) Purpose and nature of dealing
- (b) Nature of the work
- (c) Amount of the portion dealt with
- (d) Effect on potential market



### 3. How to avoid infringement – Licence / permission



## Contractual Licence

# HKU

You may view, use, download and print data from our information services for individual use and may on an infrequent, irregular and ad hoc basis, distribute limited extracts of our data.

Neither such extracts nor downloaded, printed or stored data may reach such quantity as to have independent commercial value.

16 Feb 2022 email:

Thomson Reuters has decided to suspend our access to [Westlaw Classic](#) for HKU due to an **excessive** download of over 3500 documents last week ... **systematic** downloading and this contravenes its [terms & conditions](#).

22 Feb 2022 email from Law Library