



University of East Anglia

Information Services Directorate

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[REDACTED]

16 December 2016

Dear [REDACTED]

Freedom of Information Act 2000 – Information request (ref: FOI_16-241)

Thank you for your request of 9 December 2016 for information relating to the ownership of the intellectual property relating to the graduation ceremony regalia used by UEA¹.

On this occasion, it is not possible to provide the requested information. In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm that the University does not hold any of the information requested. The contract with our supplier and our University policies contain no information regarding the ownership of intellectual property of graduation ceremony hoods, mortarboards or gowns.

We hope this response will meet your requirements, however if you are not satisfied you have the right of appeal. If you wish to appeal, please set out in writing your reasons for appealing and send to the above address. You must appeal within 60 calendar days of the date of this letter. Any appeal received after that date will not be considered nor acknowledged. This policy has been reviewed and approved by the Information Commissioner's Office.

You also have a subsequent right of appeal to the Information Commissioner's Office. Further information is available on their website:

https://ico.org.uk/Global/contact_us, or by telephone on 0303 123 1113.

Please note that any material over which UEA has copyright is released on the understanding that you will comply with all relevant copyright rules regarding reproduction and/or transmission of the information provided.

Please quote our reference given at the head of this letter in all correspondence.

Yours sincerely

Dave Palmer
Information Policy and Compliance Manager
University of East Anglia

¹ The full request is provided on page 2.

Freedom of Information Act 2000 request (FOI_16-241)

I want to make a freedom of information (FOI) request specifically to find out which, if any, elements of the design (e.g. colour) or make (e.g. cut or fabric), of hoods, mortarboards, gowns or any other item used in your graduation ceremonies is under copyright, or protected from replication in any way. If copyright or legal protection from replication exists, I would like to know whether these rights are owned by the university, their current graduation supplier or some other party.

We have reason to believe that some graduation service providers have been claiming that they own the copyright to these designs, implying friction if another supplier were to take over the contract.

However, we have also been informed by the Copyright Enquiries Service (part of the Intellectual Property Office), that to the contrary, it is most likely that copyright cannot exist for these designs. Please see the following correspondence:

"...copyright would only subsist in the garment itself if it could be considered to be a work of 'artistic craftsmanship'...'Craftsmanship' presupposes special training, skill and knowledge for production. 'Artistic' means it will have a real artistic or aesthetic quality and must be a work of art or fine art.

"Two other points to note: firstly, copyright can only subsist in subject matter that is 'original' in the sense that it is the author's own 'intellectual creation'; and secondly, copyright expires after seventy years have elapsed following the year in which the author died. For these two reasons we doubt if copyright could subsist today in a traditional graduation gown"

Please kindly clarify what, if any, legal rights are associated with the production or replication of graduation regalia used by the university.