



## Copyright guidance and obligations for users of UEA Archives and Special Collections

*The following guidance is intended to offer practical support and to promote good practice and is not intended as legal advice, or as a substitute for it.*

### Can I make copies?

UEA Archives and its users must adhere to any restrictions to copying which fall under current copyright law. Please read this guide in full and ask for further guidance if required.

### Are you engaged in non-commercial research or private study?

You are only permitted to copy a work, or part of a work and your purpose must be genuinely non-commercial research or for private study.

### How can I make copies?

Subject to the restrictions below, archives staff can undertake photocopying on your behalf, or you can take photographs of material. You must ask permission before taking photographs.

We will ask you, as the researcher, to declare that you are doing non-commercial research. You will be asked to complete the relevant copyright declaration before any copy is supplied or before you are permitted to photograph. Copying of some third party material from the archive is not permitted. This may be because the information is sensitive and subject to the data protection act. *Archive users also have responsibilities under the data protection act and separate guidance is provided.*

### How do the rules regarding published/ unpublished material differ?

- *Published works from Special Collections/ Archive material:* The amount you are able to copy of a published work is limited to a reasonable proportion. This means that only a limited part that is necessary for the research project may be copied. You will be required to sign a copyright declaration form.
- *Unpublished works from Archive material:* A single copy of a whole or part of a work may be permitted provided that, to the best of your knowledge, the work has not been published or communicated before being deposited in the archive, or the owner of that work has not prohibited its copying. Please ask a member of staff to advise if you are unsure. Again, a copyright declaration must be provided.

### How much can I copy?

- To determine the extent that may be copied, 'Fair dealing' is applied. 'Fair dealing' is a legal term used to establish whether a use of copyright material is lawful or whether it infringes copyright. There is no statutory definition of fair dealing - it will always be a matter of fact, degree and impression in each case. The question to be asked is: how would a fair-minded and honest person have dealt with the work?
- Further information can be found at this link:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/375956/Libraries\\_Archives\\_and\\_Museums.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375956/Libraries_Archives_and_Museums.pdf)
- If UEA Archives is in doubt on the extent of copying requested, you will be required to seek permission from the copyright owner or his/ her literary Estate.

### What if I need to copy for something other than non-commercial research or private study?

- If you require copies for something other than non-commercial research or private study, you will need to seek the permission of the copyright owner or his/her Estate. UEA Archives can sometimes advise on who to contact.