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## **SSE Riga Copyright Guidelines for SSE Riga Faculty and Staff September 2012**

### **1. Copyright Principles**

In Latvia copyright is governed by the Latvian Copyright Act (*Autortiesību likums*) adopted on 6 April 2000.

Copyright is the exclusive right of the copyright holder to copy, distribute and gain income from a work. A “work” is defined very broadly as the product of any literary or artistic endeavor. Copyright exists as soon as the work exists in a fixed form. Copyright applies equally to works that are in electronic, book, journal, newspaper, handwritten or any other form. In addition to economic rights, copyright also includes so-called “moral rights,” which include the rights of authorship.

As a general rule, copyright is in effect for the lifetime of the author plus 70 years (Article 36 of the Copyright Act). Works in respect of which copyright has expired may be freely used by any person by making a reference to the author.

Copyright of a work published outside Latvia but used in Latvia is enforced under Latvian laws. This also applies to electronic works.

There is no requirement to use the © symbol and a date on a copyrighted work. However, it is recommended to use this symbol, the date and the copyright holder as a way of giving notice that the author asserts copyright.

Under the general principles of copyright, it is not permissible to copy, sell, translate or distribute a copyrighted work without the permission of the copyright holder. Copyright infringement may be punished by fines, civil damages, or even criminal sanctions.

Not every use of a copyrighted work is infringing, of course. It is not copyright infringement to borrow a book from the library or to access an article through JSTOR through SSE Riga’s access

to that database. It is also not infringement to assign a book as required reading. It may, however, infringe copyright to photocopy the book or to share a pdf of an article without the copyright holder's permission.

Fortunately for students and professors, the law defines specific exceptions to copyright, including use of works in the academic setting.

## 2. Copyright in the Academic Setting

The Latvian Copyright Act lists acts that do not constitute copyright infringement. Article 19(1)(2) of the Copyright Law stipulates that a work **used for education and research purposes** does not infringe copyright. Under this exception, there is no need to obtain the copyright holder's permission to use the work, nor is there a requirement to pay for the use. This exception is subject to the specific conditions defined in Article 21:

1. The title and name of the author is indicated AND
2. The work is incorporated into teaching materials of an educational standard OR the work is used in face-to-face or distance teaching AND
3. The acts in question are done for non-commercial purposes AND
4. The amount of material being used is proportionate to the teaching goal.

There are no hard and fast guidelines regarding what percentage of a published work may be photocopied or scanned for teaching purposes. However, keep in mind that the law states that the academic and other exceptions "shall be applied in such a way that they are not contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author." (Article 18(2)). This means that if the "normal use" of a textbook is that it is sold to schools as teaching material, it would be interfering with that normal use if a school purchased one copy and photocopied most or all of the book for students' use.

The law also provides that "In case of doubt, it shall be considered that the right of an author to the use of the work or to the receipt of remuneration is not restricted." (Article 18(3)).

## 3. Using Copyright Materials

### 3.1. Materials Used in Lectures/Presentations

An instructor preparing materials for a lecture or presentation at SSE Riga, whether delivered live or remotely, may use others' works to illustrate a point during a classroom activity.

An instructor may, without seeking permission from the copyright holder:

- Mention a book, article, film, etc. by name
- Play an **excerpt** of a video, movie, song during a lecture
- Develop an exercise based on someone else's theory
- Include logos and visual materials from organizations for a case study
- Include copyrighted photos and images in a power point

Guidelines for proper use:

- The instructor must mention the title and author of the cited work, and to indicate the source of the work.
- Check the copyright notice on audio-visual works. Without permission, it is not proper to show a full-length video or film to a class.
- The key is to maintain proportion. The “academic exception” to copyright is intended to facilitate the free flow of information by permitting reference to works, and permitting the use of fragments or excerpts. If the work is used to such a degree or in such a volume that it would interfere with the normal commercial sale of that work, then the academic exception no longer applies.
- The copyrighted material should be used to support and illustrate the instructor’s point. If the copyrighted material dominates the presentation—then the boundaries of the academic exception have been exceeded. At that stage, the instructor should contact the SSE Riga Library, which will contact the copyright holder for permission.

### 3.2.Course Materials

Course materials include textbooks, cases, articles, and exercises. The rules are the same whether the materials are posted on the E-Learning Platform in electronic form, downloaded and printed out, or photocopied and distributed to students in a form of book or handout.

Normally compendia and course materials fall within the exemption concerning usage for educational and research purposes stipulated in the Article 19 of the Copyright Law. Just as for classroom materials, is important to make sure that the provisions of the Copyright Act are observed, namely:

- The title and name of the author of the work must be indicated;
- The compendia must be of educational standard;
- The compendia and course materials must be used in face-to-face or distance teaching, or in the research process in SSE Riga for non-commercial purposes to the extent justified by the purpose of the educational activity.

An instructor may freely include the following types of materials in a SSE Riga course pack:

- A law or treaty (no need to secure permission)
- A brief **excerpt** of a book or article (10% of the total book or article)
- Self-authored materials to which the author holds copyright

Specific situations:

- Journal articles: if the article is accessible through a database to which SSE Riga subscribes and **includes a notice that it is approved for academic use**, then it may be used in its entirety in a course pack or online. Please note this is increasingly rare.
- Journal articles from other institutions: if a journal article originates from outside SSE Riga and/or does not include a notice regarding academic use, or the article does include a notice restricting academic use, then the proper procedure is to obtain permission from the copyright holder. As an alternative, it may be proper to direct students to access the materials individually rather than including the materials in a course pack or on the course portal.
- Magazine and newspaper articles: generally speaking, individual articles from a news publication may be used in compendia. The use of an entire magazine or newspaper would require permission.

- Business cases purchased by SSE Riga: the terms of the license will govern how these cases may be used. Stricly speaking, the number of copies will be limited by the purchase agreement, and the academic exception to copyright would apply only to copying excerpts or quotations from the case.

#### 4. Library Use

##### 4.1.1. Library Photocopying

A library patron of a library open to the public normally will not be supervised when using the reproducing equipment located in the library premises and, therefore, the **user is responsible for copyright infringement**. Nevertheless, display of a notice warning about the copyright restrictions is highly advisable.

**COPYRIGHT WARNING**

The Latvian Copyright Act governs making photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries are authorised to furnish a photocopy or other reproduction provided that the copied material "is used for educational and research purposes". **Copying in excess of the above condition may qualify as a copyright infringement for which the person making or requesting the copies is responsible.** The library reserves the right to refuse to accept a copying order if, in its judgement, fulfilment of the order would involve violation of copyright law.

If a library is requested to make a copy of a work, it is advisable to stamp the copy with the notice:

"This material may be protected by copyright law (Chapter IV of the Latvian Copyright Act)."

Copying performed by the library for educational or research purposes (including making compendia or course materials) cannot be for a commercial purposes, meaning that library cannot profit from copying. Responsibility for copyright infringement rests with the person commissioning the copies (usually, the faculty member).

##### 4.1.2. Access to EBSCO, JSTOR or Other Databases

Copyright licenses provided by databases shall be interpreted narrowly, meaning that if SSE Riga purchases a license for a certain number of copies, the copies should be returned to the library after the course and the electronic versions should no longer be accessible.

These licenses generally limit how materials may be used, and increasingly the articles include a notice prohibiting the inclusion of these articles in compendia. A publisher is not required to make its works available to any particular university. If patterns of use at SSE Riga flout the terms of copyright license agreements, that publisher may choose not to grant access to SSE Riga.

Alumni normally are not considered as part of the SSE Riga Community, and normally may not be permitted to access the materials under the agreements granting access to current students and faculty.

#### **4.1.3. Library/School Computers and Network**

The display of a notice reminding users about copyright restrictions is highly advisable. While SSE Riga does not have primary responsibility to ensure that users are not using the school's network and computers to perform copyright infringement, the school would be required to react if it received specific notice that its computers or network were being misused.

Under national, European and international law, **it is copyright infringement to download, upload and/or distribute copyrighted materials in a way that is not consistent with copyright law.** This includes the creation, use and distribution of software designed to circumvent or overcome anti-piracy devices (such as the zone restrictions on DVDs, or programming designed to prevent downloading of online books and articles, movies, songs, etc.).

### **5. Responsibility for Copyright Infringement**

Under the Latvian Administrative Infringement Code, the fine for copyright infringement is up to Ls 500 for acts committed by private individuals and up to Ls 5000 for companies.

For criminal copyright infringement, the possible sanctions include imprisonment, fines, and seizure of the infringing materials and/or devices.

The **course director** is primarily responsible for the proper access and use of copyrighted materials assigned in a course. The SSE Riga Library will facilitate and manage these rights, but can only do so when specifically informed by the course director of plans to use particular materials.

### **6. Recommended Changes in Copying Procedures**

#### **6.1. All Programs**

The SSE Riga Library will support faculty and students in managing the use and distribution of copyrighted materials. The Library's intention is to facilitate the use of materials, and the goal is to enable faculty to continue to any and all materials they wish to include in a course.

The key changes are as follows:

- For course packs and course materials, the preference is to have students access materials themselves through one of the databases SSE Riga subscribes to, rather than default to a course pack. Where a course pack is essential, SSE Riga will purchase copyright licenses for all material that does not carry a statement explicitly stating it may be copied and distributed for educational purposes.
- The library will need at least **10 working days** from the date of the request to provide rights for requested material.

## 6.2. BSc Rules for Faculty Regarding Use of Copyrighted Materials

BSc courses will no longer offer printed compendia containing licensed articles without securing permission, or including more than 10% of the total number of pages in a book.

- For materials that that can be accessed through the library's databases: faculty will post a list of assigned articles, with instructions on what search to perform to find the article in the appropriate database. The SSE Riga Library will train students in the basics of searching in EBSCO, JSTOR and other databases for the material.
- For articles that are NOT available in one of SSE Riga's databases: faculty will contact the library, which will buy the rights for that article. The faculty member can then choose to post the article to a password protected section of the e-learning platform for the duration of the course or ask the copy center to make copies of the article. All copies should be retained by SSE Riga. The library will keep track of all licenses to reproduce works.
- Faculty may ask the copy center to reproduce chapters from a book as long as the total number of pages copied is less than 10% of the total number of pages in the book. The chapters may be physically copied or posted to a password-protected course on the e-learning platform for the duration of the course.

6.3. **EMBA and EX-ED level**—The same rules apply, or the programs may choose to simply buy the rights for all of the restricted material they use.

## 7. The Role of the SSE Riga Library

- The library agrees to act as a clearinghouse for all copyrighted material used in courses.
- The library will audit course material in its current collection and purchase outstanding rights for items in use.
- The librarians will make themselves available to answer any questions regarding copyright from faculty and students.
- The library will train students to search for articles independently in periodical databases.

## 8 Acknowledgement of the policy

- Lecturers will send an email confirming that they have read and understood the policy to [copyright@sseriga.edu](mailto:copyright@sseriga.edu) before beginning their contracts at SSE Riga.