Education Licensing Workstream

September 2013

Contents

1. Introduction and Overview **4**

2. Term of Reference 1 **7**

- User journey mapping 8

- Unique identifiers 11

- Participation of government in licensing 12

3. Term of Reference 2 **13**

4. Term of Reference 3 **17**

- Licence start dates 18

- Obligation to report usage 18

- Relating licence fees to pupil/student numbers 20

5. Recommendations of the Workstream **21**

Appendices

Appendix 1: Membership of the Education Workstream 25

Appendix 2: Wireframe Diagram 26

Appendix 3: Copyright Landing Page 27

Appendix 4: Education Establishment Identifiers 29

Appendix 5: e-Licensing Availability 33

Appendix 6: Data Collection Comparison Table 38

Copyright Licensing Steering Group

Report of the Education Workstream

1. Introduction and overview

1.1 The diagnostic report, 'Rights and Wrongs', published in March 2012 concluded that copyright licensing in educational establishments was too complicated and was therefore not fit for purpose.[1]

1.2 The 'Copyright Works' report of July 2012 identified the difficulties reported by educational establishments in their obtaining of licences to use content as including[2]:

- A high degree of uncertainty and confusion over which licences are needed and for what activity;
- A lack of transparency in terms of pricing structures and the basis on which these structures are derived;
- The failure among certain collecting societies to take account of the variation in IP use in schools, colleges and universities, depending on the type of course and student demographics;
- The proliferation of licensors in the education sector.

1.3 'Copyright Works' also noted that the collecting societies and other licensing agencies were responding positively to these issues, and identified and welcomed a number of developments that addressed the problems of the sector, as described in paragraphs 114 to 117 of that report.

[1] Richard Hooper, *Rights and Wrongs: Is copyright licensing fit for purpose for the digital age? IPO, March 2012*.
[2] Richard Hooper/Ros Lynch, *Copyright Works: Streamlining copyright licensing for the digital age, IPO July 2012*.

1.4 Nonetheless, the central argument of 'Copyright Works' was that copyright licensing is not the core function of educational establishments and should therefore be streamlined to reduce the burdens placed on them. The report recommended that "*the organisations engaged in licensing content to schools and colleges should offer these licences for sale through an intermediary or aggregator thus in effect creating a 'one stop shop' for licensing for educational institutions. This will reduce the number of individual organisations that educational institutions have to deal with to obtain licences (currently around twelve) and should reduce the transaction costs involved in this process*."[3]

1.5 In response to the recommendations made in 'Copyright Works' covering copyright licensing across all sectors the rights licensing industry created the Copyright Licensing Steering Group (CLSG). The CLSG in turn established the Education Workstream specifically to address licensing in the education sector and in particular the licensing of educational establishments as defined by the Copyright, Designs and Patents Act 1988.

1.6 The Education Workstream's members are representatives of the education sector and of licensing bodies. A list of the members is attached as **Appendix 1**. The higher education sector, represented by Universities UK, decided not to participate in the Workstream but to follow its work. As all but one of the licensing bodies represented on the Workstream are collective management organisations (the exception being Ordnance Survey), the licensing bodies are referred to collectively in this report as CMOs. The Workstream has been chaired by Stephen Edwards, a partner in the law firm Reed Smith LLP, with Ros Lynch and Peter Ford providing the secretariat for its work.

1.7 The Terms of Reference set by the Education Workstream and approved by the CLSG are as follows:

[3] Hooper/Lynch, *Copyright Works*, p4

- To bring forward proposals for reducing complexity in licensing for educational establishments, both in terms of the process of acquiring a licence and of determining how the licence is used;

- To consider proposals for developing a one stop shop or similar appropriate structure for educational establishments requiring licences;

- To consider other options for improving transparency and rationalising licence terms.

1.8 The Workstream has held meetings at monthly intervals since 1 February at which the issues raised by its Terms of Reference have been discussed. The minutes of its meetings, together with a number of documents generated in the course of the Workstream's work, have been published on the CLSG website.

1.9 The subsequent sections of this report describe the work undertaken and the conclusions reached by the Workstream in respect of each of its Terms of Reference, and set out the Workstream's recommendations for action based on these.

1.10 In carrying out its work, the Workstream recognised that some of the complexities in licensing educational establishments arise from factors outside the scope of its Terms of Reference:

- The complexities and statutory constraints around calculation of pupil and student numbers;

- The statutory definition of educational establishment;

- Proposed changes to the exceptions to copyright protection in respect of educational usage set out in the Copyright, Designs and Patents Act 1988 and their effects on licensing.

1.11 Most of the work undertaken by the Workstream will need to be taken forward after publication of this Report. The Workstream cannot of itself implement

the improvements it has identified as being needed. The individual CMOs can do so as regards their own licensing businesses. Whilst it is established (and required) practice for CMOs to develop and apply licence terms in consultation with representatives of educational establishments, the Workstream has demonstrated the benefits of a wider forum for discussion including representatives from all the CMOs and representatives of educational establishments to identify best licensing practice and 'best of breed' licensing and operational models and methodologies**. The first recommendation of the Workstream, accordingly, is that the forum it has provided for the exchange of ideas and information should be continued in the same or similar form. Information about its work should continue to be published on the most suitable website, currently that of the CLSG, so that its work is transparent and available for all participants in the education sector to build upon.**

1.12 The concluding section of this report, a compilation of all the recommendations set out in the preceding sections, also serves to summarise the tasks which should be given priority attention so as to maintain momentum and, where possible, to increase the rate of change and development. Where the recommendations envisage further steps to be taken by CMOs, the CMOs represented on the Workstream have agreed to work towards their implementation. Likewise, the representatives of the education sector who participated in this work have committed to furthering the recommendations within the organisations and sectors they represent.

2. Term of reference 1: to bring forward proposals for reducing complexity in licensing for educational establishments, both in terms of the process of acquiring a licence and of determining how a licence is used

2.1 In respect of this first Term of Reference, the Workstream considered the key issues using three points of focus:

- User journey mapping, including the importance of distinguishing information about what activities and uses licences support and the process by which required licences can be most easily obtained;
- The importance of unique identifiers for each educational institution;
- The participation of government in licensing.

User journey mapping

2.2 **The Workstream recommends that the Copyright Hub should include a section, or a link to a section, dedicated to copyright licensing by CMOs for the education sector.** The architecture of this section should be inspired and guided by the needs of educational users, and should therefore reflect the journeys that such users would typically wish to follow. Three user journeys were identified, as described below.

2.3 The first user journey was identified as seeking relevant information about using copyright works and about copyright licensing. Such a journey should take a user to trusted, high quality information provided through a set of 'Trusted Sites' linked to the Copyright Hub. The Workstream identified a number of such sites. For example, for schools there are *www.Copyrightandschools.org* and *www.copyrightsandwrongs.nen.gov.uk*. These sites provide links to the detailed information which has been published by individual CMOs about the licences which they offer for the benefit of educational establishments. During the course of the Workstream's work, a new site for Further Education was introduced, the "Copyright Navigator", designed by the Copyright Licensing Agency (CLA) in collaboration with the FE Reprographics Forum[4]. A feature of this site is that it has moved away from the narrative style prevalent in the past, a style believed to have been of less value to users. In the HE and FE sectors JISC and in particular JISC Legal publishes authoritative guidance on copyright and, in addition, many

[4] The FE Reprographic Forum was founded in 1998 with the aim to 'assist and support managers and staff working in education who have the responsibility for the provision, development and maintenance of reprographics, printing and related services, by facilitating the sharing of information, ideas and good practice through discussion, debate and presentation.'

universities have website areas providing detailed information about use of copyright works. **The Workstream recommends that the controllers of the Copyright Hub, in consultation with CMOs and representatives of educational establishments, should establish a protocol to be followed for deciding which websites offering high quality information about the scope and application of copyright licences for the education sector should be accorded Trusted Site status on the Hub.** This is of particular importance because of the controls that educational establishments are under in relation to websites they are permitted to access.

2.4 **The Workstream recommends that Trusted Sites relevant to the provision of information about copyright licences available from CMOs should continue to be developed and maintained in collaboration between CMOs and representatives of educational establishments**. The Workstream recognised that such sites require a considerable investment of effort to ensure that they are regularly updated to take account of changes to the law, such as the forthcoming regulations, and of developments in licensing. **The Workstream therefore recommends that consideration be given to how this maintenance burden might be shared between CMOs and representatives of educational establishments.**

2.5 The second user journey would be to find information about licences held by an educational institution. The user here might be a teacher, student or parent, or a person with relevant administrative responsibilities such as a bursar, registrar, finance officer or librarian. They would be seeking to find out which licences are in place and what activities are authorised, and those with administrative responsibilities would wish to know details of any requirements (reporting or otherwise) for using copyright works with which their establishment needed to comply. It was noted that the turnover rate among school bursars was 12.5% per year, so it should not be assumed that such officers would be familiar with this area of their responsibilities, nor of the licences held by their establishment.

2.6 The third type of user journey would be undertaken by a user who wished to purchase a licence. Here the architecture of the education section of the Copyright Hub would need to offer the user a set of successive choices so that by the shortest route the user would arrive at a section of the Hub where the user could make contact with the appropriate CMO (or an aggregator acting as agent for several CMOs) in respect of precisely the type of licence the user wished to obtain for their institution. As an illustration of such an architecture, the Workstream reviewed a "wireframe" diagram produced by the Educational Recording Agency (ERA) relating to licensing of schools. This proved to be a useful starting point for development of a model that would cover further education and higher education establishments as well. The diagram is attached as **Appendix 2**. **The Workstream recommends that such a wireframe diagram which maps the optimum 'user journeys' for the obtaining of copyright licences from CMOs in the schools, further education and higher education sectors should be developed to guide the designers of the technical architecture for the Copyright Hub.**

2.7 **The Workstream recommends that the development of the architecture for the section of the Copyright Hub which links to provision of copyright licences by CMOs should be taken forward in close consultation with representatives of CMOs and educational establishments, and should be tested in successive pilot stages to ensure that it meets the sector's needs.**

2.8 As part of the future-proofing of the section of the Hub relevant to CMO educational licensing, the designers should provide for access to it to be possible through mobile Apps.

2.9 Some collaborative work by individual members of the Workstream resulted in a draft for a neutral "landing page", the starting point on the Hub for the user journeys. This is attached as **Appendix 3**. This should be considered within the full landscape of the Copyright Hub to ensure that user journeys are smooth and consistent.

2.10 The focus of the Workstream has been on licensing by CMOs. There is, of course, a considerable volume of usage by educational establishments of works controlled and licensed for use by individual companies and other organisations. Examples are Ordnance Survey (for maps and mapping data), whose representative participated in the Workstream, Pathé (for newsreel footage), Getty Images (for photographs), Espresso[5] (for video-rich learning materials). Some of these will no doubt be connected to the general licensing section of the Copyright Hub. For that reason, the Workstream did not think that the CMO education sector of the Hub, at least in its initial phase, should include a section for such individual licensors. Consequently, the educational user journeys would not initially lead to such licensors.

2.11 In addition to the works controlled and made available for use through such individual licensors, the JISC organisation makes materials available to educational establishments on a fully-cleared basis. The education section of the Copyright Hub should include an acknowledgement of the existence of such 'copyright-free' materials, that is, where it is JISC rather than the educational establishment that obtains the licences needed for the establishment's usage of the works involved.

Unique identifiers

2.12 It was recognised that for the second and third of the user journeys (respectively, finding information about licences held, and purchasing a licence), it would be essential that each educational establishment should have a unique identifier, such as a code number. Using this number, the educational establishment could obtain the information it wished to have on the licences it held, and a CMO could be certain that it was providing information about licences held by the enquiring establishment. At present, however, there is no nationwide identifier for schools and FE establishments, as can be seen from the summary of the Workstream's review of this, attached as **Appendix 4**. Further work will be needed on this in order to

[5] Espresso Education is a digital curriculum provider, providing video-rich resources, combining visual media and interactive resources to UK schools.

simplify operation of the Copyright Hub in the educational licensing sector. **The Workstream accordingly recommends that, in order to facilitate the use of the Copyright Hub by educational establishments wishing to ascertain information about the status and scope of the copyright licences they hold, and in view of the plethora of numerical and alphabetical identifiers currently allocated to educational establishments for various purposes, including identifiers allocated by CMOs and those used by other licence-enabling systems such as those of Ordnance Survey and EDINA[6], the Government should support the use of unique numerical identifiers for each educational establishment as a user ID, so as to enable the automated system of the Copyright Hub to recognise them.**

The participation of government in licensing

2.13 As had been foreshadowed in 'Copyright Works', a major development in the reduction of the complexities faced by schools within England in copyright licensing through CLA occurred in December 2012 when the Department for Education (DfE) entered into a 3 year licence agreement with CLA for the copying of material from books, magazines and websites covered by CLA in all state-funded schools in England[7]. CLA also negotiated an agreement with the DfE on behalf of the Music Publishers Association (MPA) so that the copying of printed sheet music is also covered. CLA also has an agreement for both licences covering all state-maintained schools in Northern Ireland. At the time of writing, the DfE is having discussions with other CMOs to assess how the blanket arrangements for CLA licensing might be applied to licensing of other types of copyright works. To state the obvious, a school's user-journey through the Hub in search of the licences it needs or holds will need to take it to information about such DfE licences.

[6] EDINA is the JISC-designated national data centre at the University of Edinburgh. It delivers online services and tools for students, teachers and researchers in UK Higher and Further Education.

[7] 'Schools to benefit from central funding for copyright licences' CLA, 21st December 2012 (http://www.cla.co.uk/about/news/article/?article_id=162&subject=Schools+to+benefit+from+central+funding+for+copyright+licences++)

2.14 Three recommendations emerged from the Workstream's consideration of these developments:

- **CMOs should work with government departments in the four nations to consider the practicalities of and any limitations on introducing further aggregated licences of this kind, which may allow the number of transactions relating to the obtaining of copyright licences that educational establishments have to undertake to be reduced**;

- **The Education Workstream should develop effective links to the DfE and other relevant government departments and devolved authorities so that those bodies can be kept informed of proposals to facilitate educational licensing and to assist in the effective dissemination of information when appropriate**;

- **The government should ensure effective co-ordination between its departments and agencies engaged in facilitating copyright licensing in the education sector, in particular the DfE and the Intellectual Property Office (IPO)**.

3. Term of reference 2: to consider proposals for developing a 'one-stop shop' or similar appropriate structure for educational establishments requiring licences

3.1 As explained in section 2 of this report the Workstream envisages that one of the journeys that a user might make though the education sector of the Copyright Hub is to a point at which it would be possible to obtain a licence from a CMO. The idea of a 'one-stop shop' is that through a single transaction an educational user would be able to obtain all the licences it needed. Users should be able to reach the aggregator offering such a service through links to the Copyright Hub relevant to CMO educational copyright licensing.

3.2 A point that emerged in the Workstream's discussion of this 'one-stop shop' model was that educational establishments would not be in favour of such a model if it meant that they were required to obtain every licence on offer, even if some of the rights obtained would thereafter be little used. Many (though not the majority of state-maintained schools) would prefer to be able to choose and pay only for those rights they need to have. Indeed, with a view to tighter management of costs, some representatives of educational establishments are keen to discuss the potential for replacing the blanket licence model, under which a fixed annual fee is payable to a CMO regardless of the amount of material actually used, with a more granular licensing model. Those establishments would, though, support a model which allowed them, after selecting which particular types of licences they wished to purchase from each CMO, to then proceed to do so in a single transaction. For their part, the CMOs made the point that such "granular" licensing would not necessarily result in lower overall fees; the licence fees for more comprehensive blanket licensing can take account of the fact that some of the rights licensed might be little used, and such licences offer the educational establishment security if such other uses were made. They can also reduce administration overhead costs in not requiring detailed tracking of usage. However, it was also noted that technology may change this balance to some extent over time, but possibly at the expense of an increase in infrastructure costs.

3.3 Within the education licensing sector there are already examples of aggregation of licensing that reduce the scale of the tasks which schools face in obtaining the licences they need:

- The Centre for Education and Finance Management (CEFM) already acts as an aggregator, offering licences to schools on behalf of *PRS for Music* (comprising The Performing Right Society and the Mechanical Copyright Protection Society), Phonographic Performance Limited (PPL) and Filmbank Distributors Limited. CEFM acts as a collection agency for each of these CMOs. Schools wishing to obtain a licence complete a standardised form of application available on the CEFM website, with CEFM additionally providing a tailored service including telephone

support and personal visits when required. Additionally, ERA is in discussion with CEFM about how CEFM might act as agent for ERA in facilitating easy access to ERA licences and to information about the scope of such licences. CEFM describes itself on its website as "an independent company solely focussed on supporting schools"[8], stating that "it has been assisting schools on financial, educational, personnel and legal matters since the inception of Local Management of Schools in 1990";

- The Independent Association of Preparatory Schools (IAPS) offers licences to approximately 2,500 independent schools in England and Wales on behalf of ERA, CLA (including the licence covering the copying of printed sheet music under licence from the MPA) and the Motion Picture Licensing Company (MPLC). IAPS is in discussion with Christian Copyright Licensing International Schools (CCLI) regarding acting as agent of CCLI. IAPS additionally provides advice and guidance to customer and non-customer schools who contact them;

- Ordnance Survey operates a different model, offering educational establishments who wish to access and use the Ordnance Survey data for educational purposes through its Digimap service the ability to do so through paying a service fee to EDINA to access the service. The terms of the Ordnance Survey copyright licence are accepted by the user as part of the sign-up process to the access service and the licence is free at the point of use;

- ERA and the Open University (OU) agreed that the OU licensing scheme would be wound down and merged with the ERA licensing scheme covering the use of audio and audiovisual materials sourced from broadcasts and identified linked digital online services[9]. This merger has now been effected and a new Statutory Instrument has been published amending ERA's certified scheme so as to include OU repertoire. This reflects the proposal recognised in the 'Copyright Works' report for ERA to develop itself as the Educational Resource Agency through which all curricular access to

[8] CEFM, www.cefm.co.uk/About
[9] 'ERA admits OU to membership to support joint licensing initiative for educational establishments,' ERA, (http://www.era.org.uk/news_developments.html)

audio and audio-visual materials can be covered by ERA licensing as a single point of contact.

3.4 **The Workstream recommends that CMOs should continue to collaborate with one another, with identified appointed agents (such as CEFM) and with bodies representing educational establishments to develop aggregated licensing so that, again, the number of transactions relating to the obtaining of copyright licences will be reduced**.

3.5 The creation of an educational licensing facility on or through the Copyright Hub should make provision for the design of the Hub to include an e-commerce licensing capability to support or supplement solutions implemented by the CMOs. To create such a capability will require the CMOs and their appointed agents to adapt and in some cases develop their licensing procedures so that e-licences can be issued, and will require both the educational establishments and the CMOs to adapt their systems and controls so that online payments can be made. The Workstream's discussion of these issues revealed that on both sides there was a considerable distance to go before e-commerce licensing could become the norm, including the need for further discussion of how e-commerce best fits in the user journey and the CMOs' portfolio of licensing options (online, telephone, paper-based and personal attendance). Attached as **Appendix 5** is a summary of the current e-licensing capabilities of the CMOs. As to the capabilities of educational institutions, it was noted that most schools are not at present prepared to make online payments. A factor here is that most schools do not currently hold corporate credit or debit cards, the simplest mechanism with which to complete an e-commerce transaction. CEFM reports that 50% of licence fee payments are received in the form of cheques and 50% by BACS transfers. Filmbank receives 80% of payments as cheques, despite offering an e-payment option.

3.6 **Against this background it was therefore evident, and the Workstream accordingly recommends, that the design of the CMO education**

licensing section of the Copyright Hub should envisage that at the outset:

- **Licensing transactions would largely take place between individual CMOs or aggregation agents and individual educational establishments**;
- **Many such transactions will continue to involve additional off-line communication by the CMOs and result in the issuing of hard-copy licences**;
- **Most licence fee payments would not be made on-line**.

Nonetheless, the design of the Hub should envisage that this pattern is likely to change over time so that e-commerce transactions will become the norm as licensing processes and educational establishments' own processes evolve.

3.7 **The Workstream further recommends that both CMOs and educational establishments should continue to develop their e-commerce capabilities so that full advantage can be taken by them of simplified licence acquisition, maintenance and payment processes, including any payment processes that may be developed for the Copyright Hub, thereby reducing administrative burdens and costs for all parties.**

4. Term of reference 3: to consider other options for improving transparency and rationalising licence terms.

4.1 In respect of its third Term of Reference, the Education Workstream focussed on three particular topics –

- Licence start dates;
- Obligations on educational establishments to supply usage information;

- Relating licence fees to pupil/student numbers.

On the first two of these topics, it proved possible to make real progress during the course of the Workstream's discussions.

Licence start dates

4.2 The Workstream explored whether educational establishments would find it helpful if the CMOs offered uniform start dates for their licences, so that all renewals could be dealt with at the same time. It emerged that schools are likely to prefer the start date to be 1 April, as this is the start of the financial year for schools and it is a less busy time of the school year for schools' administrative staff. Those CMOs whose licences do not start on 1 April agreed to review their schools licences to see if a change to that date would be possible (if it is requested). **Accordingly, the Workstream recommends that for annual licences which do not already commence from 1 April, CMOs should embark on a process of moving annual licence renewal dates to 1 April for licensing of schools, as it is understood that this will assist schools in reducing the administrative burden of making their licence renewals.** In the case of FE and HE, licences generally commence on 1 August or 1 October, but there is considerable variation. In their case, while representatives of FE and HE agreed that transparency over the start dates was helpful and that a uniform start date might be beneficial, they did not feel strongly that a change to present practice was needed. The CMOs nonetheless indicated that they were willing to change their licence start dates for FE and HE if educational establishments in those sectors wished them to do so.

Obligations to report usage

4.3 In order to be able to distribute equitably to their members the licence fees collected from educational establishments, the CMOs do so on the basis of the uses made of the works they control. At the one end of the spectrum are those CMOs which require reports from educational establishments on every use made; at the other end, a CMO will not require a report of usage and

instead will base its distributions on reports from entirely different types of users, whose usage of works serves as an analogy for the likely use of works by educational establishments.

4.4 The differing requirements of the various CMOs were compiled by the Workstream into the table attached as **Appendix 6** to this report.

4.5 The Workstream discussed how these various reporting requirements could be simplified. The key points that emerged from the discussions were these:

- The CMOs are keen to simplify the reporting burdens further and several are already engaged in negotiations to this end;
- Some of the CMOs are now looking into ways of merging their data collection requirements. If merger of data collection requirements for print based materials is achieved it will reduce the time and administrative costs involved, both for the educational establishments and for the CMOs. As an example, CCLI is in discussion with CLA about the possibility of combining their data collection functions. The approach is to be trialled in early 2014 in respect of 40 schools;
- Other CMOs were moving to reliance upon electronic reporting from use of technologies by educational establishments which allowed access to audio or audio-visual materials;
- ERA is developing relationships with services such as ClickView Exchange[10] and BoB for Schools[11] through which digital reports of usage of the services are compiled and delivered to ERA by the service operator (rather than by individual establishments reporting directly to ERA). Similarly, CLA is exploring technology partnerships to integrate digital reporting into the existing workflow of educational establishments.

[10] ClickView Exchange is a content sharing community platform and an online source of educational content added by teachers around the UK, which includes videos from free to air TV stations, recorded by ClickView users.

[11] Box of Broadcasts (BoB) is an off-air recording and media archive service, available to staff and students of member institutions of the British Universities Film & Video Council that hold an ERA+ licence. It allows users to record programmes, watch programmes from the archive, create clips, and compile favourite shows into playlists to share with others.

- There is a recognition on the part of both licensors and licensees that reporting is not carried out with 100% accuracy. While it is accepted that this will continue to be the case for some time yet, new methods of data collection are being developed that are capable of delivering very accurate reporting without increasing the administrative burdens on educational establishments. The new App being developed by CLA is an example; its use should result in a significant improvement in accuracy.

4.6 **Accordingly, the Workstream recommends that CMOs and education sector representatives should continue to look for ways to coordinate the collection of usage data and for other methods for simplifying usage reporting burdens on educational establishments required under licence agreements.**

Relating licence fees to pupil/student numbers

4.7 The Workstream noted that those licence schemes in which the size of the licence fee is related to the number of pupils or students registered with an educational establishment exhibited wide divergences in the methodologies for counting student numbers, primarily due to difficulties in measuring "full time equivalent" or "part time" students under national laws applicable within the United Kingdom. Additionally it was noted that, among those licensing schemes which provide for rates to alter when certain threshold levels of student numbers are reached, there is no uniformity across the CMO licences as to where those thresholds are placed.

4.8 After some discussion of whether there is scope for simplifying licensing by way of standardising the definitions of pupil/student numbers and harmonising of some of the rate thresholds, the Workstream concluded that these were matters that fell outside the scope of its work. They were terms that in some cases had been the subject of extensive negotiation between the parties, under the shadow of the Copyright Tribunal. Those negotiations could not be re-opened within the Workstream. However, the Workstream could make the

general point that there did seem to be advantages in harmonising the various agreements over time on these two issues.

5. Recommendations of the workstream

This final section of the Report summarises the recommendations which have been set out in the preceding sections. As stated earlier, where the recommendations envisage further steps to be taken by CMOs, the CMOs represented on the Workstream have agreed to work towards their implementation. Likewise, the representatives of the education sector who participated in this work have committed to furthering the recommendations within the organisations and sectors they represent.

Continuation of activities

1. The Education Workstream or a similar voluntary forum should be maintained to facilitate the exchange of ideas and information between representatives of CMOs and representatives of educational establishments. Information about its work should be published on the most suitable website, currently that of the CLSG, so that its work is transparent and available for all participants in the education sector to build upon. (Paragraph 1.11).

Copyright Hub structure and content

2. The Copyright Hub should include a section or a link to a section dedicated to copyright licensing for the education sector. (Paragraph 2.2).

3. The controllers of the Copyright Hub should, in consultation with CMOs and representatives of the education sector, establish a protocol to be followed for deciding which websites offering high quality information about the scope and application of copyright licences for the education sector should be accorded Trusted Site status on the Hub. (Paragraph 2.3).

4. In particular, Trusted Sites relevant to the provision of information about copyright licences available to educational establishments from CMOs should continue to be developed and maintained in collaboration between CMOs and representatives of educational establishments. Consideration should be given to how the maintenance burden of such sites might be shared between CMOs and representatives of educational establishments. (Paragraph 2.4).

5. A wireframe diagram which maps the optimum ‘user journeys’ for the obtaining of copyright licences from CMOs in the schools, further education and higher education sectors should be developed to guide the designers of the technical architecture for the Copyright Hub. (Paragraph 2.6).

6. The development of the architecture of the section within the Copyright Hub which links to provision of copyright licences to educational establishments by CMOs should be taken forward in close consultation with representatives of CMOs and educational establishments, and should be tested in successive pilot stages to ensure that it meets the sector’s needs. (Paragraph 2.7).

Unique identifiers

7. In order to facilitate the use of the Copyright Hub by educational establishments wishing to ascertain information about the status and scope of the copyright licences they hold, and in view of the plethora of numerical and alphabetical identifiers currently allocated to educational establishments for various purposes, including identifiers allocated by CMOs and those used by other licence-enabling systems such as those of Ordnance Survey and EDINA, the Government should support the use of unique numerical identifiers for each educational establishment as a user ID, so as to enable the automated system of the Copyright Hub to recognise them. (Paragraph 2.11).

Liaison with government and other authorities

8. CMOs should work with government departments in the four nations to consider the practicalities of and any limitations on introducing further aggregated licences of the kind entered into between the DfE and the CLA, which may allow the number of transactions relating to the obtaining of copyright licences that educational establishments have to undertake to be reduced. (Paragraph 2.14).

9. The Education Workstream should develop effective links to the DfE and other relevant government departments and devolved authorities so that those bodies can be kept informed of proposals to facilitate educational licensing and to assist in the effective dissemination of information when appropriate. (Paragraph 2.14).

10. The government should ensure effective co-ordination between its departments and agencies engaged in facilitating copyright licensing in the education sector, in particular the DfE and the IPO. (Paragraph 2.14).

Aggregation

11. CMOs should continue to collaborate with one another, identified appointed agents (such as CEFM) and with bodies representing educational establishments to develop aggregated licensing, so that the number of transactions relating to the obtaining of copyright licences that educational establishments have to undertake will be reduced. (Paragraph 3.4).

E-commerce

12. The design of the CMO licensing section of the Copyright Hub should envisage that at the outset:

- Licensing transactions would largely take place between individual CMOs or aggregation agents and individual educational establishments;

- Many such transactions will continue to involve additional off-line communication by the CMOs and result in the issuing of hard-copy licences;

- Most licence fee payments would not be made on-line. (Paragraph 3.6).

13. Both CMOs and educational establishments should continue to develop their e-commerce capabilities so that full advantage can be taken by them of simplified licence acquisition, maintenance and payment processes, including any payment processes that may be developed for the Copyright Hub, thereby reducing administrative burdens and costs for all parties. (Paragraph 3.7).

Licence start dates

14. For annual licences which do not already commence from 1 April, CMOs should embark on a process of moving annual licence renewal dates to 1 April for licensing of schools, as it is understood that this will assist schools in reducing the administrative burden of making their licence renewals. (Paragraph 4.2).

Reporting/sampling of usage

15. CMOs and education sector representatives should continue to look for ways to coordinate the collection of usage data and for other methods for simplifying usage reporting burdens on educational establishments required under licence agreements. (Paragraph 4.6).

Appendix 1

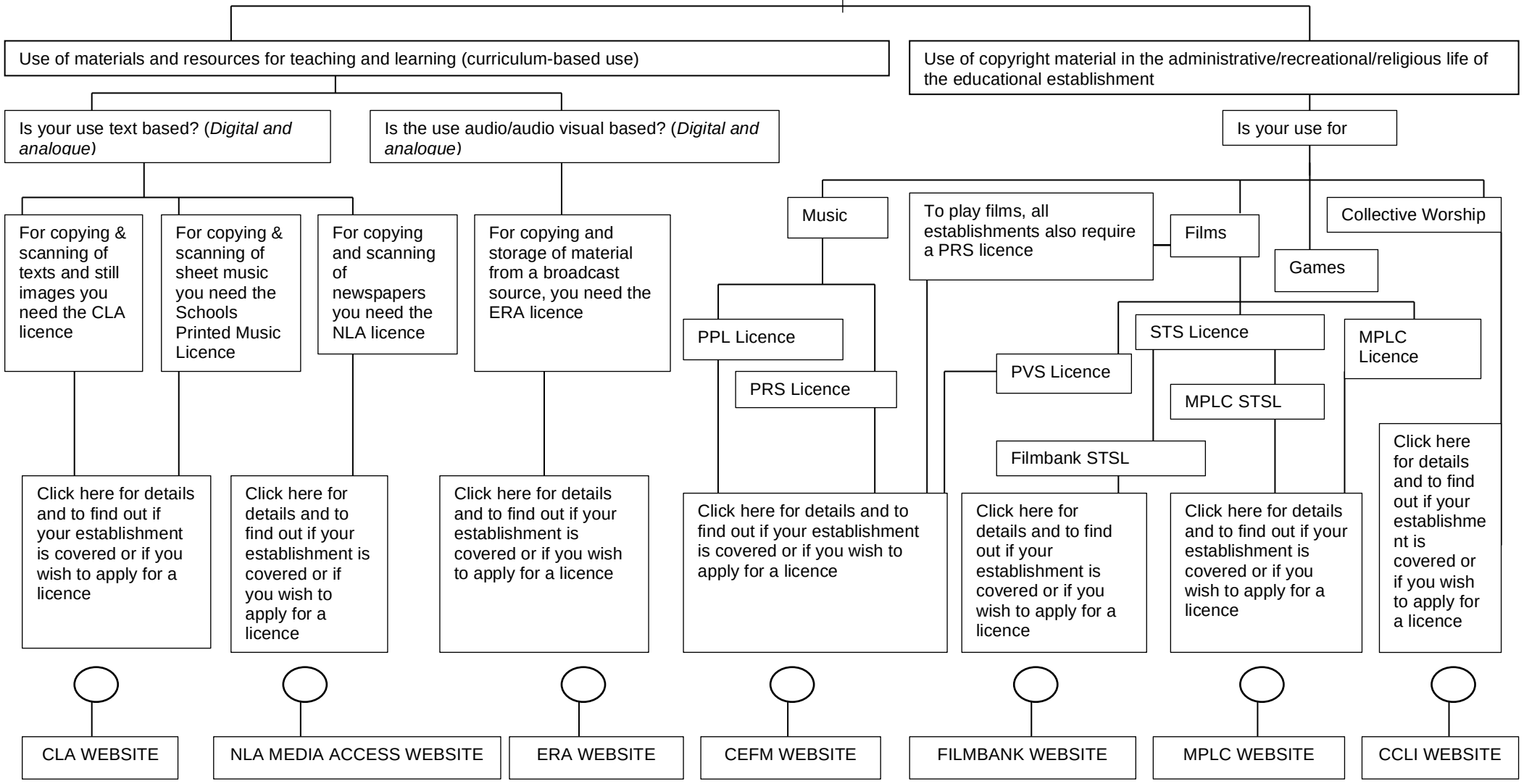
Membership of the Education Workstream

Andy Bodkin	Managing Director, Europe & Africa Christian Copyright Licensing International
Stephen Edwards (Chair)	Partner Reed Smith LLP
Kevin Fitzgerald CMG	CEO Copyright Licensing Agency
Richard Flower	Finance and Operations Director Independent Association of Prep Schools
Peter Ford	Project Co-ordinator Copyright Licensing Co-ordination Office
Julian Gravatt	Assistant Chief Executive Association of Colleges
Majella Griffin	General Manager Filmbank
Tony Jardine	Licensing Consultant Ordnance Survey
Keoghan Litchfield	Head of Tariffs and Public Performance PRS for Music
Carie Lowther	Business Development Manager NLA Media Access
Ros Lynch	Director Copyright Licensing Co-ordination Office
Marshall Mateer	Consultant National Education Network
Alan Rae	Copyright Consultant Colleges Scotland
Richard Stewart	Head of Dubbing & Tariff Development Phonographic Performance Limited
David Taylor	Commercial Manager Motion Picture Licensing Company
Jo Warner-Howard (alternate to Kevin Fitzgerald)	Head of Education Copyright Licensing Agency
Andrew Yeates	General Counsel Educational Recording Agency

Appendix 2

What CMO Licences does my school need?

There are two types of copyright licences provided by CMOs for Educational Establishments



Organisations:

NLA Media Access
ERA – Educational Recording Agency
CLA – Copyright Licensing Agency
PRS for Music– Performing Right Society
MPLC – Motion Picture Licensing Company
CCLI – Christian Copying Licensing International
PPL – Phonographic Performance Limited
CEFM – Centre for Education & Finance Management

Licences:

PVSL – Public Video Screening Licence
STSL – Single Title Screening Licence

CMO – Collective Management Organisation

Appendix 3

Copyright Landing Page

Welcome to the xxxxxxxxxxxxxxxxxxxxxxxxx to copyright and copyright licensing for educational establishments

The use of third party materials is a daily occurrence in schools, colleges and universities and has to be dealt with quickly and legally. Third party materials are those not wholly owned by the education establishment either through legal transfer of ownership or through their creation by members of staff, under the terms of their employment.

Copyright applies to all original works both in traditional form and to those in digital format

If a member of staff wants to copy third party materials for use in the education establishment –

- text,
- images,
- sound,
- music,
- moving images,
- broadcasts

from a variety of sources, such as –

- print publications,
- e-publications,
- CDs,
- DVDs,
- television broadcasts,
- the internet

and then present them on other platforms, such as -

- Virtual Learning Environments (VLEs)
- Websites
- Mobile platforms – smart phones, tablets, laptops, PDAs
- Blogs, wikis, apps
- Print handouts

Then, unless the educational establishment has ownership of the copyright, there are **four** options –

1. The materials may be covered by a collective licence, managed by a Collective Management Organisation

2. Or they might be covered by an "**open" licence**, such as Creative Commons

3. If not, then it may be possible to apply directly to the content holder for **permission**

4. Or it may be possible to apply an **exception** to copyright as detailed in legislation.

These guidelines will attempt to point you in the right direction to help make the right decision regarding legal use of copyright material in the education sector. They are designed to give you an overview of basic information and the options available to you, allowing you to make an informed choice and exercise best practice, showing a good example to your learners and third party content rights holders whose materials you may wish to use.

Appendix 4

Education Establishment Identifiers

Sector	**Country**	**Assignee of Unique Identifier**	**Other Information** (*e.g. length of identifier, type of identifier etc.)*
Schools (state)	England	Department for Education (DfE)	7 digits in length; 123 (Local Authority Code) 4567 (School code)*
	Wales	DfE	See above
	Scotland	Scottish Government (SEED Code)	7 digits in length; 1234567 (school code)
	Northern Ireland	Department of Education in NI	7 digits; 1 (Area Board) 2 (Type of school) 3 (type of management) 4567 (school code)*
Schools (independent)	England	DfE Number	See England above
	Wales	DfE Number	See England above
	Scotland	SEED Code	Must register code with Scottish Government register of independent Schools
	Northern Ireland	DENI Number	See NI above
FE	England	Data Service (established by BIS and funded by Skills Agency)	Provides colleges it helps fund with a unique, 6 digit pin number.
	Wales	Welsh Assembly	Internal reference number only
	Scotland	Scottish Funding Council	Internal reference number only
	Northern Ireland	No organisation uses them, colleges identified by name	
HE	All	Higher Education Standards Agency (HESA)	Gives each state university a 4 digit reference number. The number is only a reference number within HESA.

**England, Wales and Scotland have Local Authorities, NI have Library or Area Boards.*

Other sources of Unique Identifiers

JISC

JISC uses banding for Higher Education institutions based on the relevant income that each institution receives (this is income related to research, teaching etc.,), the statistics it uses for this come from HESA.

JISC do not, however, use unique IDs for HE or FE institutions, using their names instead.

UK Registry of Learning Providers (UKRLP)

The UKRLP is a government-sponsored database of learning providers in the UK. Registration is voluntary and over 25,000 unique reference numbers (UKRPN) have been assigned to date.

However, any organisation or business that provides a learning service can apply for a UKRPN, meaning that it is not exclusively an educational establishment database, as charities, businesses and sole traders can register.

There is also nothing within the UKRPN itself that distinguishes between the different types of learning providers, e.g. a different prefix for schools or colleges.

Both EduBase (see below) and UCAS allow for the UKRPN to be used in their respective search functions.

Overview of the EduBase Search Function

EduBase is a portal created by the DfE to allow users to access information about educational establishments held on their database.

EduBase search function operates as follows:

i) The user enters either the town, locality, postcode or establishment name and a list of relevant hits is then provided.

ii) The user is then taken to an establishment-specific page with details of both its DfE number (see Education Identifiers table) as well as a unique reference number (URN) assigned by EduBase.

Alternatively, the user can search using the EduBase URN, the DfE number of the establishment's UKRPN, which goes to the establishment-specific page.

On the EduBase search function the types of establishment that are searchable are listed as being:

- Academies
- Colleges
- Free Schools
- Independent Schools
- LA maintained Schools
- Other types
- Special Schools
- Universities
- Welsh Schools

Domain Names as a form of school identification

UK Access Management Federation (UKAMF)

The UKAMF provides a single solution to accessing online resources and services for education and research in the UK education sector. UKAMF covers schools, colleges and universities. They also register suppliers to education to enable secure access to their resources and services.

UKAMF covers all UK.

For unique identifiers ("the scope") for State Schools they make use of DFE numbers for England and Wales. For Scotland they use School domain names. NI uses DENI numbers for their Active Directory within the C2Kni environment.

For Academies, Academy Groups and Independent Schools who have registered they use school domain names.

For Colleges and Universities they use domain names.

The complexities with school reference numbers across UK has led to the use of domain names for some areas.

Domain names are unique and are registered through bodies such as JANET for universities and Colleges and Nominet for schools. Domain names are also internationally unique.

The DFE numbers for England and Wales have been re-ordered with the LA element (3 digits) following the school (4 digits) element to make it compatible with DNS format.

JISC and the UKAMF monitor, develop, and pilot where appropriate new access and identity management technologies including access from mobile devices and access to non-web based services.

UKAMF operates as part of JISC Collections in JISC.
Link to UKAMF site: www.ukfederation.org.uk/

Education Domain names

Nominet manages the Second Level Domains of 'sch.uk' for schools throughout the UK and 'ac.uk' for colleges, universities and research centres throughout the UK.

Schools are responsible for registering their domain names for websites and e-mail.

For schools an area name is added to the school name to avoid conflicts between school names.

Registration is by paper letter (not online) and schools provide their DfE, SEED or DENI code. Nominet ensure there is no duplication in the requested domain name and check the reference numbers provided to verify 'school status'.

Establishments may only have one domain - though they can, for instance, have multiple emails based on the domain.

In the UK new second level domain names have recently been made available and it is possible that academies or some of the new school or school/college initiatives could choose alternative domains to sch or ac.

Nominet
http://www.nominet.org.uk/

IP addresses

All locations with an internet connection have a unique IP (Internet Protocol) address.

This is often used as a secure form of access for online working. NEN and JANET manage a UK-wide database for state schools called 'CAR'. JANET has a database for Colleges and Universities.

Appendix 5

e-Licensing Availability

Licensing Organisation	Current e-Licensing Use (All sectors)	Current e-Licensing Availability (Education Sector)	Future Plans?
CLA	None	None	From late 2013, an online renewals platform will be offered to some 6000 Business Licence holders. Online system will be made available across CLA's education licensee base, rolled out on a sector-by-sector basis
MPLC	None	None	MPLC has not had any demand for e-Licensing from its licensees and has no plans to implement changes in the foreseeable future.
CCLI	myCCLI has been recently re-launched for churches, and has three main elements: - Online management of customer details (church) and contact details (individual acting on behalf of the church). - Online licence renewal & purchase/	None	No decision has yet been made as to whether to extend myCCLI to the school sector. Although customers can add/remove licences through myCCLI whilst making their renewal payment, the option to buy additional licences mid-year, pro-rated to the expiry date of existing licences is not yet available.

Licensing Organisation	Current e-Licensing Use (All sectors)	Current e-Licensing Availability (Education Sector)	Future Plans?
	cancellation via a secure Barclays e-commerce facility - Copyright information relevant to the customer and links to other CCLI websites/resources Customers who use myCCLI automatically receive their licence renewals remainders by email rather than post.		
NLA	An online licence renewal service was launched in 2010 and in 2012, nearly 1,000 licensees were using this option.	An online schools licence application service was launched in 2009. In 2013, over 2500 schools had signed up for a free NLA licence using this service.	NLA plans to launch an online licence application service, enabling its basic licence to be purchased online by the end of 2013.
***PRS for Music*/PPL**	The following licences can be purchased online as part of the *PRS for Music*/PPL joint licensing	Licences for schools are administrated by an agent (CEFM), who do not have the option to purchase	*PRS for Music* intends to offer the Production Music Licence online by January 2014.

Licensing Organisation	Current e-Licensing Use (All sectors)	Current e-Licensing Availability (Education Sector)	Future Plans?
	initiative: - Limited Manufacture Licence - ProDub Licence *PRS for Music* also offers the Limited Online Music Licence through the web.	licences online.	
Filmbank	The Public Video Screening Licence (PVSL) and the Single Title Screening Licence (STSL) can be purchased via the Filmbank website and paid for online.	PVSL is administered by an agent (CEFM) who do not have the option to purchase licences online. STSL can be purchased via Filmbank website.	
ERA	ERA allows for licences to be renewed online via a form on its website. There is no online payment method offered (BACS only).		Discussions ongoing with CEFM and the online options offered through their services.

Licensing Organisation	Current e-Licensing Use (All sectors)	Current e-Licensing Availability (Education Sector)	Future Plans?
Ordnance Survey	1. Total e-commerce process[12], for one high volume but low cost business licence. Only way for new licensees to obtain this licence, existing licences being migrated to new process.	OS digital data is available via two Digimap online services; one covering schools and the other covering further and higher education.	1. Similar licences under consideration for this online solution.
	2. An online solution is in place for direct commercial/business digital product licensees[13]. There exists a choice of payment including: online payment for B2B customers with corporate purchasing	EDINA delivers the service on behalf of OS. Licence free at point of use, though users pay a service access fee to EDINA, most payments are offline largely due to the fact that establishments do not have or wish to use corporate purchasing cards.	2. Similar system being developed to contract with and serve our commercial partners.

[12] *'Process' covers order/acceptance of terms/payment/issue of licence*

[13] *Online solution process covers quotation, offer and acceptance of both framework relationship contract and appropriate licensed use terms for individual digital products, order placement, online delivery of initial order and updates during contract lifetime.*

Licensing Organisation	Current e-Licensing Use (All sectors)	Current e-Licensing Availability (Education Sector)	Future Plans?
	cards, over the phone, BACS payment or by cheque. 3. Leisure maps and other products can be purchased on OS online shop via standard consumer type e-commerce process.		

Appendix 6

Data Collection Comparison Table

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
PRS for Music	Schools	Do not collect data, other distribution methods used.[1] (Currently under review)	N/A	N/A	N/A
	FE	Do not collect data, other distribution methods used. (Currently under review)	N/A	N/A	N/A
	Universities	General Use is distributed by analogies. Live use is distributed based on set list details.	- Per event set lists, quarterly	- Paper (some email)	- Distribution
	Other		As determined by distribution and tariff requirements	As determined by distribution and tariff requirements	As determined by distribution and tariff requirements

[1] *PRS apportions the collected royalties across various distribution pots (Live, Discos, Background etc.,) and those are then distributed based on appropriate methodologies (e.g. analogy to radio/TV broadcasting and/or sampling)*

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
MPLC	All	Do not collect data, MPLC Umbrella Licence given unlimited use without reporting.	N/A	N/A	N/A
Ordnance Survey	All	Do not collect data from Education Sector for copyright licensing purposes. A centrally paid-for licence fee covers the use of OS DigiMap data by Schools, FE and HE establishments. In return for granting a generic set of rights for 'educational use'[2]	N/A	N/A	N/A
IAPS	Schools	DFE Census (from the previous year)	Annually	Spreadsheet	Raising invoices
ERA	**Schools**		Annually	Spreadsheet (collated from information sent	Raising invoices
	England	LAs contacted directly and			

[2] *'Educational Use' meaning 'For the purpose of teaching, learning, educational or academic research and private study within an educational establishment'*

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
		provide school census		from individual schools, agents and from external sources)	
	Scotland	Use figures published by Scottish Government			
	Wales	Use figures published by Welsh Government			
	NI	Use figures published by DENI			
	Academies	Contacted directly (Numbers on Roll (NOR))			
	Independent	IAPS Census			
	FE Colleges				
	England	**Currently under review** (Formerly supplied by The Data Service[3])			

[3] *The Data Service is an independently managed organisation, established and funded by the Department for Business, Innovation and Skills and supported by the Skills Funding Agency to act as a single, central point of information for further education.*

Organisation Name	**Sector (*if data collection differs between licences please specify*)**	**How do you collect data? (*e.g. sample survey)***	**How often is data collected? *(if sample survey, please include the survey period)***	**What format is the data collected in? (*e.g. questionnaire)***	**What is the information used for? (*e.g. compliance, rightsholder distribution)***
	Scotland	Use figures provided by the Scottish Funding Council			
	Wales	Use figures provided by the Welsh Government			
	NI	Contacted directly			
	HE Institutions				
	All	Supplied by HESA			
PPL		Sample Survey online	Annually	Online questionnaire	Rightsholder distribution

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
Filmbank (PVSL)		Usage List	Quarterly	Faxed paper	Rightsholder distribution
CLA	Schools and FE	Sample survey for printed material 'yellow boxes'	6 weeks (50 working days) once every 3 years	Identify a book by taking a single copy of the 'identifier page'. This should be the page or cover on which the ISBN is displayed or - failing that - the title page. Complete a survey label noting how many pages have been copied and how many copies taken. Stick the label onto the 'identifier page' and 'post ' the page into the survey box	Distribution

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
		Sample survey for digital material 'web-logging'	6 weeks (50 working days) once every 3 years	Staff members are sent a link to the web-blogging tool, which installs itself when it's opened.	Distribution
				For each copying/re-usage event staff report the relevant information[4], which is then directly accessible to CLA.	
	HE	Sample survey for printed material 'yellow' boxes	6 weeks (50 working days) once every 3 years	As above, with the addition of submitting course packs	Distribution
		Scanning – full census and weeding	Annually	Spreadsheet	Distribution

[4] *Staff identify themselves by their subject/department/key stage/year group and their reference no., and then:*

- *Select website or digital publication route*
- *Provide required bibliographic information on website or e-publication*
- *Provide number of recipients and how distributed*
- *Submit this information by clicking on the appropriate window within the web logging tool*

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
		A new reporting model has been agreed for the new 2013 licence	*Once every three years with new scan only reporting annually*		
NLA	Schools Licence	Free Licence. No survey data is collected. Usage (e.g. page views) is captured for the online clippings service	N/A	N/A	Usage data from the online clippings database is used for compliance checks.
	HEA Licence	Two sources of data: a. Media Monitoring agencies (MMA's) report all copies delivered to clients. b. Client surveys: Clients can complete a manual survey or request an	a. Monthly, based on previous 4 weeks data. b. Collected annually based on 2 weeks data. Manual client	a. Excel, Text or XML templates. b. Automatic surveys as above. Manual surveys through	a. Used primarily for rightsholder distribution. Also used for compliance checks (MMA audits). b. Used for

Organisation Name	Sector (*if data collection differs between licences please specify*)	How do you collect data? (*e.g. sample survey)*	How often is data collected? *(if sample survey, please include the survey period)*	What format is the data collected in? (*e.g. questionnaire)*	What is the information used for? (*e.g. compliance, rightsholder distribution)*
		automated survey based on MMA data.[5]	surveys are based on any 2-week period and multiplied by 26. Automatic surveys are based on a 2-week average across previous 6 months and then multiplied by 26.	a PDF form.	rightsholder distribution. Also used for internal accounting purposes including estimate of copy volumes for billing.
CCLI		By completion of a Copy Report for all songs copied available either a computer application or on paper	Annually at licence renewal date	Schools provided with a list of available Songs and they indicate if they have copied/projected/made a recording	Rightsholder distribution

[5] *Manual surveys are required where no monitoring service is received and/or other frequent copying – e.g. internal scanning or printing.*