



# Document

## Copyright

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A guide to Copyright issues.

### Summary

This is an outline of the of some of the Copyright issues which need to be considered before publishing material via the internet.

### Keywords

Provinces, Lodges, Chapters, Guide, Copyright

## Copyright

Our increased presence and visibility, via websites or social media and a need for more relevant learning and development material, we must be mindful as to the origins and therefore the copyright of all content used. Here is a brief outline of what copyright is and what it is able to do: -

In essence, 'Copyright'<sup>1</sup> is the law that protects authors or creators of "original works of authorship," including literary, dramatic, musical, artistic and other intellectual works. It allows the author to decide how, when, and where their work can be reproduced and used. Copyright protection starts as soon as a work is created. Though, once copyright has expired, anyone can use or copy that work. All of the following the full text could have a bearing on Freemasonry: -

Copyright prevents people from: -

- copying someone's work
- distributing copies of it, whether free of charge or for sale
- renting or lending copies of someone's work
- performing, showing or playing someone's work in public
- making an adaptation of someone's work
- putting it on the internet

Copyright protection is automatic, it doesn't have to be applied for or paid for. There is no register of copyright works in the UK. The work can be marked with the copyright symbol (©), author's name and the year of creation. Whether the work is marked or not, doesn't affect the level of protection. [UK Copyright Law](#)

For the avoidance of any doubt, length of copyright is finite. So, Masonic works of old (Pre-1887) can be used as they have no current Copyright or are part of The Berne Convention (for the protection of literary & artistic works). Copyright protection starts as soon as a work is created. The length of copyright depends on the type of work.

TYPE OF WORK	HOW LONG COPYRIGHT USUALLY LASTS
Written, dramatic, musical and artistic work	70 years after the author's death
Sound and music recording	70 years from when it's first published
Films	70 years after the death of the director, screenplay author and composer
Broadcasts	50 years from when it's first broadcast
Layout of published editions of written, dramatic, or musical works	25 years from when it's first published

If, any of our educational material or websites, reproduces international work, that is also covered. Works can be protected by copyright in other countries through international agreements. In most countries copyright lasts a minimum of life plus 50 years, for most types of written and artistic works and at least 25 years for photographs.

An author of a work also has 'Moral Rights'. These include the right to: -

- be identified as the author of your work
- object to how the work is presented, for example if you think it's 'derogatory' or damaging to you or your reputation
- object to changes made to your work

Most importantly for our purposes, there are individual '**Fair Use**' and '**Teaching**' clauses within Copyright Law.

**Fair Use:** Fair Use is one means by which copyrighted works can be used under certain circumstances without first obtaining permission of the copyright holder. Fair Use is limited, but flexible, and is commonly used in educational settings. The "fair use" provision of copyright law isn't a simple yes or no. There are four factors you should use to evaluate whether a use qualifies as fair: -

- **Purpose and character:** Does it have a nonprofit, educational purpose?
- **Nature of the copyrighted work:** What kind of material do you want to use? Fiction/nonfiction? Published/unpublished?
- **Amount used:** Are you using a small portion of the copyrighted work?
- **Market effect:** Will your use deprive the author from making money?

**Teaching:** Several exceptions allow copyright works to be used for educational purposes, such as: -

- The copying of works in any medium as long as the use is solely to illustrate a point, it is not done for commercial purposes, it is accompanied by a sufficient acknowledgement, and the use is fair dealing. This means minor uses, such as displaying a few lines of poetry on an interactive whiteboard, are permitted, but uses which would undermine sales of teaching materials are not;
- Performing, playing or showing copyright works in a school, university or other educational establishment for educational purposes. However, it only applies if the audience is limited to teachers, pupils and others directly connected with the activities of the establishment. This exception will not generally apply if members of the public are in the audience;
- Recording a TV programme or radio broadcast for non-commercial educational purposes in an educational establishment, provided there is no licensing scheme in place. Generally, a license will be required from the [Educational Recording Agency](#)
- Making copies by using a photocopier, or similar device on behalf of an educational establishment for the purpose of non-commercial instruction, provided that there is no licensing scheme in place. Generally, a license will be required from the Copyright Licensing Agency.

**Summary:** This overview is not proposed as a definitive answer to a complex area of law. It is intended to initially highlight the growing need for diligence in the materials used and to initiate a process that will negate simple misunderstandings or misuse. The issues and pitfalls that could befall any part of our organisation are innumerable.

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Guidance by a specialist in copyright law would be advantageous, as copyright law is principally civil not criminal law. Civil law requires a lower burden of proof, actually making it easier to prove infringement. While work published on the Internet may be publicly accessible, it is certainly not in the public domain (which is where a work will fall when copyright expires). The Internet is also covered by UK copyright law. We must also bear in mind, the further responsibility that our own masonic integrity presents. It would be most remiss if a brother reproduced in whole or in part an original work by another brother, without the courtesy of researching the original author or source.

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#### **Endnote:**

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<sup>1</sup> The full text for the 1988 Copyright Designs and Patent Act can be found on the following url:  
<http://www.legislation.gov.uk/ukpga/1988/48/data.pdf>

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##END##

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