COMPI 205
Professional Development
Legal, professional and ethical perspectives
Legislation 2
Dr. Su White

http://www.edshare.soton.ac.uk/12707/
Workplace Perspectives

- WEEE
- Health and Safety
- Equalities Act
- Disabilities Discrimination
- Human Rights Act
- Whistleblowing
- BCS Code of Conduct
- BCS Code of Professional Practice
- Employment Law
- Advice and representation BCS and Trades Unions

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WHAT IS IMPORTANT...

Based on module needs and past experience
You are not learning to be a lawyer

But with this module
• develop some legal awareness
• think about your rights
• think about your responsibilities

Law in the workplace
• Contracted to/retained by your employer
• Employed in your organisation

Membership benefit
• Professional bodies
• Trades Unions
Understand the extent of the area

legal

workplace

ethical
Example: power & responsibility

- Info Security
- Data Privacy

common factors
professional and legal issues might include

- intellectual property
- code of conduct
- employment rights
- open data
- e-government
- e-commerce
- freedom of information
- environmental
- green ICT
- professionalism
- open source digital futures
- accessibility employment rights
- security
- defamations
- outsourcing
- equality globalisation
- inclusivity
- linked data
- computer crime
- academic ethics
- outsourcing
- outsourcing
- semantic web
- localisation
- professional bodies
- digital rights management
- health and safety
- free speech
- free data protection
- discrimination
- privacy
- censorship
- surveillance
- responsibility
- social enterprises
- digital divide
- ethics
- copyright
- morals

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These slides are the content of this week’s material
Overview:

Workplace rights

Workplace responsibilities

Respecting others’ work
Key legal areas

- Communications Act 2003 section 127 (Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
- Computer Misuse Act 1990
- Copyright design and patents 1988
- Data Protection Act 1998
- Defamation Act 1996
- Disabilities Discrimination Act
- Digital economy act 2010
- Electronic Commerce (EC Directive) Regulations 2002
- Electronic waste disposal
- Equalities Act 2010
- Health and Safety at work 1974
- Harassment protection act 1997
- Human rights act 1998
- Malicious Communications Act 1988 section 1
- Postal Services Act 2000 section 85 (commenced 26th March 2001)

Which topics are relevant in the work context?
Workplace specific Areas

- Communications Act 2003 section 127 (Came into force 25th July 2003 replaced s43 Telecommunications Act 1984)
- Computer Misuse Act 1990
- Copyright design and patents 1988
- Data Protection Act 1998
- Defamation Act 1996
- Disabilities Discrimination Act
- Digital economy act 2010
- Electronic Commerce (EC Directive) Regulations 2002
- Electronic waste disposal
- Equalities Act 2010
- Health and Safety at work 1974
- Harassment protection act 1997
- Human rights act 1998
- Malicious Communications Act 1988 section 1
- Postal Services Act 2000 section 85 (commenced 26th March 2001)

Which topics are relevant today?
Broad Scope

Employment Legislation
- Getting a job
- Keeping a job
- Your rights whilst working

Equality in the workplace
- Equality Act 2010
- Sex Discrimination Act 1975
- Equal Pay Act 1970
- Disabilities Discrimination Act 1995
- Agency Workers Regulations 2010

- Trades Unions
- ACAS, and Employment Disputes
- Harassment and Bullying
- Whistleblowing
- Health and Safety at Work
- Professional Bodies
  - Working Practice
  - Codes of conduct
Can include...

- Working time regulations
- Trades Unions and Collective Rights
- Part time Work
- Fixed Term Work
- Employment Tribunals and Dispute Resolution
- Work and Parents/Care duties
- Maternity
- Parental Leave
- Time off for Dependents
- Employment Act 2002
- Equality Act 2010
Employment....

- Pay
- National Minimum Wage
- Employment Contracts and Conditions
- Time off and Holidays
- Flexible Working
- Working Hours
- Sickness Absence
- Business transfers and takeovers
- Starting a new job

Employment terms and conditions incorporate
Find out for yourself

Employers
- Expect you to be aware
- You are making decisions about your future
  - Equip yourself with the information to make informed personal decisions

Our Module
- Expect you to be aware
- You are going to take an exam
  - Equip yourself with the information to answer the questions
  - Work collaboratively
  - Research and prepare

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Walkthough some new areas

TAKING A WORKPLACE PERSPECTIVE
The Equality Act 2010

Disabled people

Disabled workers share the same general employment rights as other workers. However, there are also some special rights for disabled people under the Equality Act 2010. Learn more about your rights and the Equality Act 2010.

Employers and the Equality Act 2010

Under the Equality Act 2010, it is unlawful for employers to discriminate against disabled people. The disability parts of the act cover:

- application forms
- interview arrangements
- aptitude or proficiency tests
- job offers
- terms of employment including pay
- promotion, transfer and training opportunities
- work-related benefits such as access to recreation or refreshment facilities
- dismissal or redundancy
- discipline and grievances

Disability Discrimination Act 1995

More notes see http://www.edshare.soton.ac.uk/10686/
Harassment

unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual
Chartered Institute of Personnel and Development

Diversity and equality
- General
- Age discrimination
- Bullying and harassment
- Disability
- Equal pay
- Ex-offenders
- Race discrimination
- Religious discrimination
- Sex and sexual orientation discrimination

Harassment and bullying at work

Revised October 2010

This factsheet gives introductory guidance. It covers:
- what is harassment and bullying?
- what do harassment and bullying look like?
- the legal position
- responsibilities of employers and employees dealing with complaints
- the CIPD viewpoint.

What do we mean by harassment and bullying?

In the Equality Act 2010 harassment is defined as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual.'

Bullying is not specifically defined in law, but in their advice leaflet for employers, Acas give the following definition: 'Bullying may be...'

http://www.cipd.co.uk
Whistleblowers...

an informant who exposes wrongdoing within an organization in the hope of stopping it; "the law gives little protection to ...

A whistleblower is a person who alleges misconduct. More complex definitions may be used, but the issue is that the whistleblower usually faces reprisal. ...

whistle-blower - One who reports a problem or violation to the authorities; especially, an employee or former employee who reports a violation by an employer

whistleblowing - the disclosure to the public or to authorities, usually by an employee, of wrongdoing in a company or government department

whistle blower - An employee who has inside knowledge of illegal activities occurring within his or her organization and reports these to the public.

Any person who makes a disclosure about improper conduct by public bodies and public officers under the Whistleblowers Protection Act 2001
Whistleblowing rights

Blowing the whistle on workplace wrongdoing

If you are blowing the whistle on malpractice or wrongdoing in the workplace you should make the disclosure (reveal the information) to your employer or to a prescribed person so that your employment rights are protected.

Blowing the whistle to your employer

If you are blowing the whistle on malpractice in the workplace you should strongly consider making the disclosure to your employer. If you make a disclosure to your employer it will help to make sure that your concerns are dealt with quickly and by the right person.

If you work for a small company, the right person to resolve your concerns may be the director of the company.

You should check your employment contract to see if your company has a process to help you make the disclosure. In some situations your employer might adapt the procedure, for example to allow confidential disclosures.

- Protection of whistleblowers
- Employment contracts

Blowing the whistle to a prescribed person

If you feel unable to use your company’s disclosure procedure then there are other prescribed people you can make the disclosure to.

You can only make a disclosure to a prescribed person if you:

- make the disclosure in good faith
- reasonably believe the information you are disclosing is substantially true

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COMP1205 http://www.edshare.soton.ac.uk/13648/
Public Interest Disclosure Act 1998

Employment Tribunals

http://www.employmenttribunals.gov.uk/
## Tribunals can consider....

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<td>CEC 1975</td>
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<td>COMAH 1999</td>
<td>Control of Major Accident Hazards Regulations 1999</td>
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<td>DRC 1999</td>
<td>Disability Rights Commission Act 1999</td>
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<td>Employment Equality (Age) Regulations 2006</td>
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<td>Employment (Industrial) Tribunals Act 1996</td>
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<td>FTE 2002</td>
<td>Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002</td>
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<td>HSCE 1996</td>
<td>Health and Safety Consultation with Employee Regulations 1996</td>
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<td>HSWA 1974</td>
<td>Health and Safety at Work Act 1974</td>
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<td>MPL 1999</td>
<td>Maternity and Parental Leave Regulations 1999</td>
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<td>MPL 2002</td>
<td>Maternity and Parental Leave (Amendment) Regulations 2002</td>
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<td>NESE 1994</td>
<td>Notification of Existing Substances (Enforcement) Regulations 1994</td>
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<td>PAL 2002</td>
<td>Paternity and Adoption Leave Regulations 2002</td>
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<td>PIDA 1998</td>
<td>Public Interest Disclosure Act 1998</td>
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<td>PTW 2000</td>
<td>Part Time Worker (Prevention of Less Favourable Treatment) Regulations 2000</td>
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<td>Race Relations Act 1976</td>
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<td>SDA 1975</td>
<td>Sex Discrimination Act 1975</td>
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<td>SRSC 1977</td>
<td>Safety Representatives and Safety Committees Regulations 1977</td>
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<td>SSPA 1975</td>
<td>Social Security Pensions Act 1975</td>
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<td>STA 1994</td>
<td>Sunday Trading Act 1994</td>
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<td>TCA 2002</td>
<td>Tax Credits Act 2002</td>
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<td>TULR(C) 1992</td>
<td>Trade Union and Labour Relations (Consolidation) Act 1992</td>
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<td>TURER 1993</td>
<td>Trade Union Reform and Employment Rights Act 1993</td>
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<td>RT (WT) R 2005</td>
<td>Road Transport (Working Time) Regulations 2005</td>
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AGENCIES AND INTEREST GROUPS
Such as…

- Government agencies
- Charities and action groups
- Professional bodies
- Trades Unions

- The next few slides give some examples, you need to familiarise yourself with these sources

- Opportunities
  - Revision for the stage test
  - Preparation for the case study
Be aware of agencies

ALSO USEFUL SOURCES OF INFORMATION

Which can be useful for revision
Public Concern at Work

Silence isn’t always golden

Public Concern at Work (PCaW) is the independent authority on public interest whistleblowing. Established as a charity in 1993 following a series of scandals and disasters, PCaW has played a leading role in putting whistleblowing on the governance agenda and in developing legislation in the UK and abroad. All our work is informed by the free advice we offer to people with whistleblowing dilemmas and the professional support we provide to enlightened organisations.

http://www.pcauw.co.uk/
Public Concern at Work

Making whistleblowing work
020 7404 6609

Silence isn’t always golden

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Help for individuals
Help for organisations
Help for the NHS
Latest news from PCaW

http://www.pcaw.co.uk/
Trades Unions

- May be active in your workplace
- There may be some kind of local workers group
- May not be usual in your workplace
- Like professional bodies they require a subscription
  - They also are afforded some (limited) recognition in workplace law
TUC

Know Your Rights

workSMART is a TUC site, helping today's working people get the best from work. Visit now for our free comprehensive, plain-English guides to all aspects of your employment rights, your health at work, and pay and pensions, as well as a jargonbuster to explain technical terms and an interactive trade union finder.

Know Your Rights leaflets

The TUC publishes a series of free leaflets explaining your rights at work and dealing with other common workplace problems. You download these online here, or read them online at workSMART.

- Facing Redundancy (updated March 2009)
- Coping with the Economic Downturn (December 2008)
- Maternity leave and pay (updated April 2007)
- Paternity leave and pay
- Adoption leave and pay (updated April 2007)
- Flexible working for parents (updated April 2007)
- You're not alone: trade union representation at work
- Time's up for long hours
- Paid holiday and rest breaks at work (New October 2007)
- Young people at work
- Agency workers have rights too!
- Your rights as a homeworker
- Time off for families

Worksmart (TUC)

your rights
your money
your health
your career
your company
news
union finder
jargon buster
fun & games
tools & utilities

Facing up to Facebook
Are the UK’s 3.5m Facebook users an HR accident waiting to happen? Read our advice

welcome to workSMART
workSMART, from the TUC, is here to help today’s working people get the best out of the world of work.

what’s new?

- Social media fail in the workplace
- And the dress code is… stripes
- 40 hour week ‘burnout’ risk
- Is your company getting workers on the cheap?
- Will you be affected by Tax Credit changes?

More news…

contact us | terms of use | privacy policy | about us | sitemap

free help
e-mail news

The Interns: Getting treated like a dog body?

Share

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COMP1205 http://www.edshare.soton.ac.uk/13648/
Employment Issues

Employment issues

We provide free legal advice and representation to members who have employment-related problems. Our team of workplace representatives, full time officers and specialist employment lawyers can give professional advice and support in tribunal and civil court claims.

Areas covered include:

- Contracts of employment (pdf, 194KB)
- Data Protection Act (pdf, 196KB)
- Employment status and related rights (pdf, 144KB)
- Human rights in the workplace (pdf, 213KB)
- Information and Consultation Regulations (updated July 2007) (pdf, 256KB)
- Intellectual Property Works created in the course of employment
- Privacy at work (pdf, 192KB)
- Redundancy (pdf, 287KB)
- TUPE - Transfer of Undertakings
- Annualised hours (pdf, 124KB)
- Bonus Schemes (pdf, 44KB)
- Bullying (pdf, 47KB)
- Shift working patterns and premia (pdf, 2)
- Sick pay and sickness absence (pdf, 84KB)
- Standby and call out pay (pdf, 148KB)
- Using your own vehicle for work (pdf, 192KB)
Arbitration and Conciliation

Disputes and mediation

Harmonious workplace relationships are essential to optimum business efficiency. Even minor problems can develop into grievances or disputes if they’re not dealt with quickly and effectively. This is true of issues involving individuals or groups (including trade unions or other representatives).

Although having suitable policies and procedures to resolve workplace problems is essential, in many cases a positive result can be achieved through early and informal intervention.

Acas has over 30 years of experience in helping organisations of all sizes to avoid and resolve problems with relationships at work.

http://www.acas.org.uk/
Professional Bodies

Professional Bodies – and codes of conduct
- we covered codes of conduct and good practice

But they also usually offer the services of their legal departments
BCS Legal

http://www.bcs.org/category/9234
“Enhanced Free Legal Helpline (Chartered, Professional and all Fellow grades), Free Online Legal service (not Affiliates) and Employment Disputes Service (Fellows only)

The legal helpline… provides personal and business legal advice on subjects including Family, Employment, Consumer and Property Law.

Online Legal service, from Law Express, provides a virtual personal and business legal support system whenever you need it.

BCS Fellows involved in computing and related areas have an additional service - If you become involved in a dispute arising from your contract of employment (not contractors), DAS will find and pay for a lawyer to represent you at an Employment Tribunal or Civil Court.
Professional Indemnity Insurance

- protects against financially crippling/reputation-damaging claims by dissatisfied clients.
  - **Negligence**: or breach of duty of care
  - **Intellectual property**: unintentionally infringing on others’ copyrights, trademarks, broadcasting rights, any act of passing off
  - **Loss of documents/data**: damaged, lost or stolen data and documents belonging to your clients
  - **Dishonesty**: liability arising from the theft of your clients’ money
CIPD – already shown

Harassment and bullying at work

Revised October 2010

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http://www.cipd.co.uk
Another important topic area

HEALTH AND SAFETY AT WORK
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http://www.hse.gov.uk/
Health and Safety

General Environment
- The Health and Safety at Work Act 1974

Computer Specific Environment
- The Health and Safety (DSE) Regulations 1992
The IT workplace/Green IT
European directive

- Waste electrical and electronic equipment recycling
The legislation

http://www.hse.gov.uk/waste/waste-electrical.htm
Customising the workplace

Sadly I was unable to obtain any images of male computer workers!
Managing your environment

Ergonomically Correct Laptop-using Posture

**Laptop Ergonomics for Desk and Travel**

**Make laptop computing safer and more comfortable with these tips for reducing hassles, hazards and heat buildup.**

**AT WORK OR HOME**

- Attach a separate keyboard and mouse and place both on a keyboard tray.
- Place laptop close enough to see it without holding your head forward. Elevate it with an adjustable laptop stand or stack of books so top of screen is at straight-ahead eye level.
- So forearms are parallel to floor, move keyboard tray to elbow height if you look at keys when typing, or one inch below if you don’t.
- Feet flat on floor or on a footrest for leg and back support.
- The goal is to relax neck, shoulders, arms and hands when typing and mousing.
- Sit back in chair with head directly over relaxed shoulders. Be sure to support lower back.
- A lap desk across the lap is a less expensive and portable alternative to a keyboard tray.

**WHEN TRAVELING & NOT USING DESK**

- A lightweight lap desk across the knees improves posture, and folds to fit in a laptop backpack for easy traveling.
- A wide lap span (20” or more) allows knees to relax, minimizing strain on shoulders, neck, back and arms.
- Reduce heat build-up and prevent lap burn with platform that lets heat escape from under computer.

**WHEN TRAVELING AND USING A DESK**

- When a separate keyboard is impractical, a portable stand inclines laptop so arms and elbows hang relaxed at sides to reduce back and shoulder strain.

SOURCED BY SALLY A. LONGYEAR, CIE, MPH (WWW.WORKING-WELL.ORG) AND LAPWORKS (WWW.LAPWORKS.NET)
REMINDERS: MODULE OVERVIEW

Build up your knowledge step by step
Work smarter not harder

- Intellectually
  - Understand your motivations

- Imaginatively
  - Develop and use your creativity and imagination
  - Make your tasks enjoyable

- Intuitively
  - Learn to know what works for you

Approaches

- Pareto principle
  - 20% of the effort produces 80% of the result
  - … but think about it logically, rationally

- One touch
  - Capture all the necessary information in a single touch

Follow up: Dan Pink – RSA Animate, see refs and links
The presentation topics relate to the syllabus..

You will become a specialist

- Use your presentation to understand content, context and perspectives as well as develop skills
- Many of the other presentations will have content which relates to the exam topics, pay attention 😊
Overview: working method

Formal/timetabled

- Lecture
  - The big picture
  - Pacing
- Blackboard
  - Links and references

Informal/un-timetables

- Out of class
  - Search and prepare
  - Watch videos
  - Read overviews
  - Work through tasks
  - Think and discuss
  - Prepare for examination

Objective:
knowledge, skills and understanding
Reminder: rationale of the structure

Guidance and prompting
**Plus**... directing you to a realistic/sustainable approach

This is not the same as coding, maths or other ‘hard’ subject areas
But it is **very relevant** to your degree...
... and the approach is relevant to future study and work

- Find out, think about, re-present
- Work in groups
- Find your strengths
- Overcome your weaknesses
- Enjoy yourselves

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COMPI205 http://www.edshare.soton.ac.uk/13648/
Thank you ;-) 

Su White 

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- +44 (0)23 8059 4471 
- http://www.ecs.soton.ac.uk/~saw
Notes on the appendices

- There are a number of appendices
  1. Copyright and IP
     - Notes and links on legislation
  2. Thinking about questions
     - Example questions and advice on how to revise for the exam
  3. Awareness issues
     - Things you might find useful when applying for work
Tasks: Other key areas

Copyright Design and Patents Act
Review the slides, make notes
  • Related slides – rights and ownership online
    http://www.edshare.soton.ac.uk/9939/
  • And now incorporated into the slides below
Acknowledgements

- Sarosh Kahn and Laura German provided some of the basic material for this set, along with some structure.
- Those slides have been modified and various additions and alterations made.
The Intellectual Property Office can help you get the right type of protection for your creation or invention.

Intellectual Property (IP) results from the expression of an idea. So IP might be a brand, an invention, a design, a song or another intellectual creation. IP can be owned, bought and sold. But how can that help you? See Why use IP?

The Intellectual Property Office is part of the Department for Business, Innovation & Skills.

MusicBiz: Be your own music hero

Aged 14 to 18? Enter our MusicBiz competition to see if

What's new

Get It Right

IP events

Create, Innovate & Protect - IP explained, Berkshire (27 November 2012)

Latest news

Careers at other IP organisations
Copyright, Designs and Patents Act 1988

- The Copyright, Designs and Patents Act 1988 is the current UK copyright law. This act gives the creators of literary, dramatic, musical and artistic works the right to control how their material may be used.
- The Act details what types of work can be protected and the rights that a person has.
- This Act is an extension to the previous copyright laws covered by the Copyright Act 1956, to encompass a larger scope of work.
- Since 1988 the Act has had several amendments made to it.
What is copyright?

• Copyright, unlike patents or trademarking is an automatic legal process which comes into effect as soon as a product or piece of work is created.

• To qualify, said product or piece of work must be original and 'exhibit a degree of labour, skill or judgement.'

• It is interesting to note that copyright comes into effect UPON PUBLICATION of the work, so if someone steals your idea and gets it published before you, you would be in breach of copyrighted work. (Copyright does not protect intangible things such as ideas, and there is no way to prove something ownership of something intangible).
What is copyright?

- Copyright is a law that gives the author of certain types of work exclusive rights for a period of time.

- It automatically covers your work, no need for registration.

- Copyright belongs to its author, but it can be sold or licensed to anyone.
  - Once sold, the owner looses all rights.
  - Licensing gives certain rights to the licensees, even though the copyright is still the property of the owner.
  - Licensees can also grant licenses to other people. Licences can be granted forever or for some fixed period.
The Copyright, Designs and Patents Act 1988 section 1(1) states that copyright subsists in accordance with Part one of the Act in eight categories of works:

- Original Literary Works
- Original Dramatic Works
- Original Musical Works
- Original Artistic Works
- Computer Programs/Databases
- Original Films
- Original Sound Recordings
- The Typographical Arrangement of Published Editions
Exclusive Rights of the Copyright Holder

The Copyright, Designs and Patents Act 1988, Section 16.

On the Web we are all used to hearing about widespread copyright infringement, particularly of music and films ... But piracy is not new!
Copyright Law

- Under official government legislation:
  - "Where a literary, dramatic, musical or artistic work [or a film,] is made by an employee in the course of his employment, his employer is the first owner of any copyright in the work subject to any agreement to the contrary."

- THIS INCLUDES SOFTWARE. This is very important for people with a future career in the IT industry, as if you create an original program under the instructions of your employer, you have NO claim in regard to the copyright of the work. This can, however, be re-negotiated before you start your employment.

Dr Su White saw@ecs.soton.ac.uk
COMP1205 http://www.edshare.soton.ac.uk/13648/
Software copyright

- UK copyright law was amended in 1992 to include computer programs under the category of literacy work.

- Although there is no formal definition of what constitutes as a computer program, the following are covered under UK law:
  - Source code
  - Machine code
  - Firmware
  - Design materials
  - Functional specification
Software copyright

- A license to use a program is implied in the normal contract of sale, if no express provision is otherwise made.

- Stature promises certain acts with regards to computer software as a basic right, which cannot be overwritten by any agreement, and includes:
  - Back-up of licensed software
  - Decompiling software (reversing the process of compiling)
  - Observing and testing software to determines idea, principles and functionality
  - Editing software for the purpose of bug fixing
Copyright Infringement

Copyright can be infringed in two ways:

- **Primary Infringement**
  - Anyone who performs an exclusive right of the owner, without permission.

- **Secondary Infringement**
  - Possessing, spreading or making copies
  - Willingly permitting people to make copies
Copyright Infringement

CDPA 1988, s.16(2): “Copyright in a work is infringed by a person who without the licence of the copyright owner does, or authorises another to do, any of the acts restricted by the copyright.”

Online Proclamations:

“I don’t own the rights to this – all credit goes to the author 😄!!!!”

- That’s nice, but it’s still infringement!

Permitted Acts

Dr SuWhite saw@ecs.soton.ac.uk
COMPI205 http://
www.edshare.soton.ac.uk/13648/
The UK Copyright Service website

The registration centre

Protection your work

Copyright registration with the UK Copyright Service is the fast, effective and low cost way to protect your work from infringement and misuse - by ensuring you always have the best evidence of ownership to protect your work and your rights.

Trusted by thousands of creative organisations and individuals across the world, the service supports international copyright protection by securing independent evidence that will help prove originality and ownership in future claims or disputes.

Register your work online now.

The registration centre contains forms needed to register your work or manage existing registrations and accounts, plus information about the service and advice on registering your work.

Explore the registration centre

The information centre

Learn about copyright

One of the principal goals of the UK Copyright Service is to educate, inform and raise awareness of intellectual property issues.

Our information and education centre has help pages and factsheets covering a wide range of intellectual property topics, including:

- Copyright law and international conventions
- Advice on how to protect your work
- How to use copyright notices
- How to deal with copyright infringement and plagiarism
- Specific advice for writers, musicians, artists, web designers, etc.

Explore the Information centre

Do you need to register?

Unsure if your work can be registered?

Our quick and easy assessment will determine if copyright applies and whether registration is suitable for your particular work.

Take the self assessment

Why choose UKCS?

As the true market leader, we are trusted by creative individuals and organisations across the world who recognise that our unrivalled standards ensure the strongest evidence and best possible service.

Find out more

http://www.copyrightservice.co.uk
“The Honest Musician's Fear of Accidental Plagiarism”
Available on BBC iPlayer
http://www.bbc.co.uk/programmes/b00xw21s

“As Noel Gallagher put it rather bluntly when confronted about his musical influences: "There's twelve notes in a scale and 36 chords and that's the end of it. All the configurations have been done before.”

Singer and songwriter Guy Garvey [from Elbow], with the help of fellow songwriters Sir Tim Rice, Paul Heaton and John Bramwell, explores the legal pitfalls that can befall the honest musician and how to avoid them.”

(- BBC http://www.bbc.co.uk/programmes/b00xw21s.)
Still available – thank you BBC!

Many musicians have found themselves accused of stealing from another artist. It's every songwriter’s biggest fear - that really great phrase or lyric you thought was all your own creation turns up in another song. There are few musicians who would admit to stealing even if caught red handed, but what happens if the theft was unintentional? And what if you heard lines from one of your songs in someone else’s work? Would you immediately reach for the lawyers phone number or would… > SHOW MORE

http://www.bbc.co.uk/programmes/b00xw21s
SOLUTIONS?
Creative Commons

“Share, Remix, Reuse – Legally”
(http://www.creativecommons.org.uk/)

• Creative Commons licensing is not an alternative to copyright law, but is compliant with the law!
About The Licenses

What our licenses do

The Creative Commons copyright licenses and tools forge a balance inside the traditional "all rights reserved" setting that copyright law creates. Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work. The combination of our tools and our users is a vast and growing digital commons, a pool of content that can be copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law.

License design and rationale

All Creative Commons licenses have many important features in common. Every license helps creators — we call them licensors if they use our tools — retain copyright while allowing others to copy, distribute, and make some uses of their work — at least non-commercially. Every Creative Commons license also ensures licensors get the credit for their work they deserve. Every Creative Commons license works around the world and lasts as long as applicable copyright lasts (because they are built on copyright). These common features serve as the baseline, on top of which licensors can choose to grant additional permissions when deciding how they want their work to be used.

A Creative Commons licensor answers a few simple questions on the path to choosing a license — first, do I want to allow commercial use or not, and then

Our licenses do not affect freedoms that the law grants to users of creative works otherwise protected by copyright, such as exceptions and limitations to copyright law like fair dealing. Creative Commons licenses require licensees to get permission to do any of the things with a work that the law reserves exclusively to a licensor and that the license does not expressly allow. Licensees must credit the licensor, keep copyright notices intact on all copies of the work, and link to the license from copies of the work. Licensees cannot use technological measures to restrict access to the work by others.

Try out our simple License Chooser.
Creative Commons

What is it?
- A non-profit organisation devoted to “expanding the range of creative works available for others to build upon legally and share”.

What does it do?
- The organisation has released a number of copyright-licences known as “Creative Commons licences” for free public use.

Who uses these licences?
- Wikipedia is the most well known user.
- Flickr, DeviantArt, xkcd and even Nine Inch Nails are also all users of Creative Commons licences.
The Licences

There are 4 original licenses:

- **Attribution (by)** – “You let others copy, distribute, display, and perform your copyrighted work - and derivative works based upon it — but only if they give credit the way you request.”

- **NonCommerical (nc)** – “You let others copy, distribute, display, and perform your work - and derivative works based upon it - but for noncommercial purposes only.”

- **ShareAlike (sa)** – “You allow others to distribute derivative works only under a license identical to the license that governs your work.”

- **No Derivatives (nd)** – “You let others copy, distribute, display, and perform only verbatim copies of your work, not derivative works based upon it.”
Combination Licenses

- These licences can be combined to create different licenses:
- Since NoDerivatives and ShareAlike licenses are mutually exclusive, that means there are 11 valid licenses.
- CC found that 98% of users wanted Attribution, so they restricted it to six main licenses:
What can they apply to?

- A creative commons license can apply to anything that is protected by copyright law.
- Therefore a CC license can be applied to books, websites, blogs, photographs, films, videos, songs and any other audio and visual recordings, for example.
- The licenses *can* theoretically be applied to Software or source code, but this is not recommended by CC since the licenses were not designed to apply to them.
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Embedding creative commons licences into digital resources - SCA briefing paper

Creative Commons licences (also referred to as CC licences) can facilitate the copying, reuse, distribution, and in some cases, the modification of the original owner’s creative work without needing to get permission each time from the rights holder.

Overview of creative commons licences

There are a number of different types of these licences. Across the UK’s public sector, CC licences are increasingly used to provide access to cultural heritage and teaching, learning and research outputs. Creative Commons licensed resources are also helpful for public sector bodies who wish to use third party resources which place the least restrictive licensing terms on the user.

This briefing paper accompanies further information on Creative Commons licences or (PDF), produced by the Strategic Content Alliance, which demonstrates how the terms of Creative Commons licences can be embedded into a variety of resources, such as PowerPoint, images, Word docs, elearning resources, podcasts and other audio visual resources.

Benefits of embedding CC licences
Mixter

Welcome to ccMixter

ccMixter is a community music site featuring remixes licensed under Creative Commons where you can listen to, sample, mash-up, or interact with music in whatever way you want.

Remixers: If you’re into sampling, remixing and mash-ups grab the sample packs and a cappellas for download and you can upload your version back into ccMixter, for others to enjoy and re-sample. All legal.

ccMixter iPhone App

Check out the new ccMixter iPhone app! A special thanks to maulu for developing.

Have an iPhone? Pad? Share your feedback with us all in the forum post.

Gift of Song

“Make no mistake, ccMixter is the complete package. No other remix site commands the same level of respect amongst musicians, producers and content creators.” — Davey Imaginary Sound Spaces

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Remixers: If you’re into sampling, remixing and mash-ups grab the sample packs and a cappellas for download and you can upload your version back into ccMixter, for others to enjoy and re-sample. All legal.

Gift of Song

“Music produces a kind of pleasure which human nature cannot do without.” — Confucius

Upload pells and samples celebrating the season — winter, solstice, Christmas, Hanukkah, New Year, peace, etc. Remix the Gift of Song pells & samples throughout the season. Read more here.

Image by artistmam. Attribution-Noncommercial-2.0 License.

Looking for Music?

Looking for music for a video, school project, game you’re developing, podcast or just for listening in your cubicle or mobile music device?

Find exactly the music you’re looking for — podsafe, liberally licensed — using dig.ccMixter Music Discovery tool.

Find out why one out of six uploads to ccMixter are used in a YouTube(tm) video, flickr moving image, podcast, compilation album and thousands of other places all over the web.

Start diggin’ at dig.ccMixter.
http://www.behold.cc

find images tagged with

that are free to use [and modify] [commercially]

e.g. eagle, rain, beetle, san francisco fog, smile, sunflower, mercedes, polar bear, skyscraper

New free tool! Safeguard your use of free images with Image Stamper

Searching 1,040,000 high quality images from Flickr

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PATENTS
What is a patent?

- A patent is a license granted to an inventor, which gives the inventor the legal right to stop anyone else from making, using or selling the invention without his or her permission.[1]
Patents

Give the inventor the right to stop others from

- exploiting their invention
- without prior permission
- for a fixed period of time typically
  - 20 years in the UK
  - 17 years in the USA.
A brief history of patents

- The Patent Office, the administrator of patents and trademarks in the UK, was established in 1852 by the Patent Law Amendment Act.

- Originally it was established to handle only patents however later in 1875 it was expanded to include industrial designs.

- The Patent Act of 1977 updated these standards of the patent process.
What can be patented?

- For an invention or idea to be patented it must
  - Be capable of industrial application (invention that “can be made or used in any kind of industry, including agriculture”)
  - Must involve an inventive step (one which “is not obvious to a person skilled in the art”)
  - Be an invention that is unique
What cannot be patented?

- In comparison, there are a number of forms of invention that cannot be patented:
  - Mathematical or scientific theories, methods or discoveries
  - A way of doing business
  - Method of medical diagnosis or treatment
  - Computer programs or a presentation of information or an artistic work
  - Any inventions that are “against public policy or morality”

- The validity of a patent lasts for 5 years, after this time it must be renewed annually allowing a patent to stay active for a maximum of 20 years[1]

So... Invention

- Can only be patented if
  - it is new and demonstrates an inventive step
  - has a practical application
  - Isn’t in an excluded area.

Patent office will search

- Existing patents and documentation

If anything is found

- The application will be rejected.
Patents do not

- Patents do not automatically cover inventions in the way copyright covers works.

Patents are issued by the state

Each patent only covers the country it was issued in

In every country that the inventor wants protection

It must be applied for
Patent Infringement

- similar penalties to copyright infringement
- Compensation needs to be paid to the owner.
- The fine will usually take into consideration
  - The amount the infringer would have paid to patent the design himself.
  - If it can be proved that the person knew of an existing patent they will have to pay treble the amount.
PERSPECTIVES
Licences

- “Click-wrap” licences;
- unequal bargaining power;
- Does anyone actually read them?
- Can terms be changed unilaterally?
‘Hans Rosling’s New Insights on Poverty’


Available online – TED Talks.

Criminality

Some examples:

- Identity theft;
- Fraud;
- Organised Crime (i.e. paedophile rings);
- Extremist Groups;
- Malware …

Serious Organised Crime Agency

http://www.soca.gov.uk/

‘Smart phone malware highlighted by Get Safe Online Week ‘

Further Info

- The UK Copyright Service website: http://www.copyrightservice.co.uk/


Appendix thinking about questions

- Use these example questions to help plan your revision
- Build a set of notes to address important topic areas
- When you revise think about what possible mcq’s might be asked on any given topic
Appendix

THINKING ABOUT QUESTIONS
The Freedom of Information Act entitles an individual to request from a public authority:

1. Any information held on the individual
2. Any information held in electronic format on the individual
3. Any information held in either paper or electronic format on the individual
4. Any information at all
Privacy

A privacy issue is most likely raised when:

1. Someone reports comments we have made at a public meeting
2. Someone reports comments that they overhear us make to a friend in a public bar
3. Your employer reads the contents of e-mails sent by you using the company system
4. Someone reports the contents of a lecture we have given
5. Someone reports comments we make in a private letter to a third party
Software Copyright

• The copyright of software in the UK is currently covered by the

______________________.

1. Copyright Designs and Patents Act alone
2. Copyright Designs and Patents Act and subsequent legislation
3. The computer misuse act
4. Digital Millennium Copyright Act
5. The European Union Copyright Directive
Purchase use and disposal

Which of the following does not require institutions to implement policies relating to the purchase, use and disposal of ICT equipment?

1. The waste electrical and electronic equipment directive
2. The reduction of hazardous substances directive
3. The energy using products directive
4. The disposal of hazardous substance directive
5. The landfill reduction and management directive
Copyright

Questions might be constructed around any of the following topics

Can copyright be inherited? Yes. The person who inherits the work will become the new owner.

What happens when a copyright expires? The work will fall into the public domain, making it available to anyone wishing to use, copy or reproduce the work. This is how so many companies can publish works by William Shakespeare, clás.

What types of work are protected? Literary, dramatic, design, musical or artistic work. So long as the work exhibits a degree of skill, labour or judgement.

How long does copyright last? His will depend on the work and nationality, but typically the work will be protected for either, 70 years from the death of the author, or if published 70 years from the date of first publication. clásical composers etc.

Does the nationality of the author matter? Under the terms of the Berne Convention, authors are automatically protected internationally, they may also enjoy additional rights as granted under national laws.

Does format or quality of the work matter? The format of the work, i.e. Negatives or photographs, computer files or paper documents, does not matter, neither does the quality of the work.
Thinking Task

Think about questions

- Questions can be simple
  - Testing knowledge

- More complex
  - Testing understanding

- Even more complex
  - Providing an opportunity to combine
    - Knowledge, understanding and thinking skills
    - In your groups design one example of each type of question which draws on the information provided
Appendix

AWARENESS ISSUES
Employment terms and conditions incorporate:

- Pay
- National Minimum Wage
- Employment Contracts and Conditions
- Time off and Holidays

- Flexible Working
- Working Hours
- Sickness Absence
- Business transfers and takeovers
- Starting a new job
Sources of information...

http://bit.ly/g6jjrE
Self Employment

If you have a good business idea, working for yourself can be very rewarding, but it can take a lot of hard work and dedication. If you want to become self-employed, find out about the free help and support available, and whether you qualify for the New Enterprise Allowance.

Getting started with your business idea
There are lots of good reasons for wanting to work for yourself, like:
- having a great idea or passion that could be turned into profits
- wanting to work from home to fit in better with family commitments
- wanting to take more control of your life and be your own boss
If you get it right, being self-employed can be exciting, rewarding and challenging.

Information and support for new businesses
If you want to become self-employed, there is plenty of free information, advice and practical support available for you. You can get help with topics like:
- how to plan a business
- how to raise finance
- how to make sure you have enough to live on while you get your business off the ground
Support is available for both new and existing businesses, and can help you meet all the legal and financial requirements of being self-employed.
Income Tax

Understanding your tax code and Coding Notice

Received a Coding Notice for 2011-12? Find out what it means, including how to check your tax if you have more than one job or pension

Money, tax and benefits

Introduction to Income Tax
Overview - what Income Tax is, who pays it, how and how much, taxable and non-taxable income at a glance

Income Tax rates and thresholds
Quick link to current and previous years' Income Tax rates and thresholds on the HM Revenue & Customs website

Tax allowances and reliefs
Personal Allowance, Married Couple's Allowance, tax allowances and reliefs if you're employed or self-employed, includes details of how to claim

Tax codes
Understanding tax codes and your PAYE Coding Notice, emergency tax, underpayments, what to do if your tax code is wrong and more

Tax relief when giving to charity
How to make Income Tax efficient donations to charity

Getting your Income Tax right
How to check and correct the amount of tax you're paying - starting/leaving work, if you have savings, changes to income, and more

Tax refunds and reclaiming overpaid tax
How to claim a repayment through PAYE, Self Assessment or by completing Tax Repayment form R40

Working and paying tax
Tax for the employed, tax for the self-employed and tax on casual, part-time or temporary work

Bookmark with: