



Policy:	<b>Copyright and Intellectual Property</b>
Code:	<b>10LP03</b>
Reviewed/ Revised:	<b>23/07/2022</b>
Policy Owner:	<b>Senior Librarian</b>
Target audience:	<b>Students, Faculty, Staff</b>

#### **PURPOSE:**

The aim of this policy is to draw attention to areas of the copyright law and international agreements that have most impact on academic practices and establish clear guidelines for compliance by all members of The Emirates Academy of Hospitality Management (EAHM) community.

#### **SCOPE:**

This policy is aimed at all members of EAHM academic community (faculty, staff, and students). Faculty and staff members (and in particular library staff members) are tasked with the dual responsibility of personal compliance and making reasonable attempts to enforce the compliance of relevant others within the academic setting.

#### **DEFINITIONS:**

**Intellectual property** is anything produced through human creativity and innovation. **Copyright** law protects the type of intellectual property known as literary, artistic and scholarly property.

#### **POLICY STATEMENT:**

All EAHM Faculty, staff and students must comply with the UAE Copyright law and related international conventions in the pursuit of academic and related endeavours. This policy is based on UAE copyright law. Where the UAE law is unclear or unspecific, international law is used as the EAHM standard. The United Arab Emirates (UAE) is a signatory to the major international treaties and agreements on copyright, and has its own law (UAE Federal Law no. 7 of 2002 regarding Copyright and related rights). The interpretation of copyright and its legal exceptions is very complex, and new electronic means of disseminating information have increased the challenge.

The policy also directs that reasonable attempts be made to prevent infringement of copyright outside the academic environment using EAHM resources such as those found in the library collection or using EAHM-owned equipment to produce or use unlawful copies of protected resources.

As soon as an original literary, artistic or scholarly work is "fixed in any tangible means of expression" it is protected by copyright law: as soon as something is typed or even handwritten, or sound- or video-recorded, or drawn or digitized, it is copyright-protected. It does not have to be published or registered officially to be protected by copyright

No one else may copy, change, distribute, perform or display a work unless they receive permission from the author.

#### **Violating copyright law is a form of theft.**

However, strictly following copyright law as described above would severely limit how students and lecturers could use information materials in their teaching and learning pursuits. Thus international copyright conventions specify that limited and controlled exceptions can

be made for certain purposes, among them educational purposes. In international copyright law this is called "fair use" or "fair dealing". In the UAE copyright law it is referred to simply as "exceptions".

### **EAHM: Copyright**

All materials used in the delivery of on-campus and distance learning courses remain the property of the copyright holder.

Policies relating to Copyright and Intellectual Property of the institute are as follows:

- a. In case of Institute sponsored research, authors shall be given full credit for their work, and copy right shall remain with the institute.
- b. Independent/non-sponsored publishable work of faculty, staff, and students, the copyright shall remain with the author.
- c. In cases where the produced materials are result of specific assignments by the Institute, the Institute will retain the right to determine the copyright issues.
- d. The Institute owns the copyrights to all multimedia, all electronic and computer based instructional materials produced and delivered by faculty and staff while employed at IMTD and retains the right to reproduce, update, distribute, transmit and alter the course materials.
- e. While employed at IMTD, no faculty and staff shall publish any material attaching any other affiliation except his/her official designation.

Faculty members shall not include any content which constitutes libel, invasion of privacy, infringement of copyright or literary rights or otherwise violate the legal rights of any persons under the UAE law.

### **RESPONSIBILITY:**

Faculty and staff are responsible for modelling behaviour that complies with the policy. They are responsible for reporting any breaches of the policy they may discover. The Senior Librarians are responsible for ensuring that the policy is up-to-date and reviewed according to the agreed schedule.

### **IMPLEMENTATION OF THE POLICY:**

Anyone may file a copyright infringement complaint using the Code of Conduct Violation Report form on the intranet or reporting to the librarians. The form should be submitted to the Operations Manager as soon as possible after the infraction was noticed, along with proof and/or witness names and statements.

The Director of Operations will review the violation reports. When a violation pertains to copyright, it will be referred to the *Committee on Copyright Infringement*, comprising the following members:

- Senior Librarians,
- IT Manager
- one faculty member

For each case the Committee will meet with the accused, determine the facts of the case and recommend sanctions if appropriate.

*Sanctions may include:*

- Mandatory education session on copyright law
- A warning letter in the student's file
- Temporary loss of privileges, e.g. not allowed access to EAHM IT network; not allowed to borrow from the library or use subscription databases
- "Community service", e.g. a specified number of hours helping in the library or working with the cleaners or gardeners

An instance of copyright infringement will be referred directly to the Disciplinary Committee when.

- The accused is a repeat offender.
- The offense shows blatant disregard for the copyright law, e.g. disseminating a current feature film by EAHM email.
- The offense has the potential to harm EAHM's reputation, e.g. when EAHM logo or promotional materials are used for a student's personal purposes (promoting a personal business) without permission.
- When the offense has come to the attention of the UAE justice system.

If a student is penalized by the UAE justice system, he or she will be fully responsible for any fines or damages that must be paid and cannot expect any support from the Emirates Academy of Hospitality Management.

*Sanctions for this category of copyright infringement may include:*

- A warning letter in the student's file
- Temporary loss of privileges, e.g. not allowed access to EAHM IT network; not allowed to borrow from the library or use subscription databases
- "Community service", e.g. a specified number of hours helping in the library or working with the cleaners or gardeners
- Disciplinary probation status for the trimester, meaning that any subsequent proven offenses will result in strong sanctions
- Suspension for a trimester

**ASSOCIATED DOCUMENTS:**

- Appendix 1: examples of copyrighted works
- Appendix 2: Allowable and non-allowable use of copyright
- Code of Conduct Violation Report form
- Student Academic Integrity Policy 06ST23
- Appropriate Use of Technology Resources Policy 07HS04
- Berne Convention for the Protection of Literary and Artistic Works, last amended 1979. (n.d.). Retrieved 22 February 2022 from [http://www.wipo.int/treaties/en/ip/berne/trtdocs\\_wo001.html#P85\\_10661](http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html#P85_10661)
- Diplomatic Conference on Certain Copyright and Neighbouring Rights Questions. (1996). WIPO copyright treaty adopted by the Diplomatic Conference on December 20, 1996. Retrieved 22 February 2022, from <http://www.wipo.int/documents/en/diplconf/distrib/msword/94dc.doc>
- Diplomatic Conference on Certain Copyright and Neighbouring Rights Questions. (1996). WIPO performances and phonograms treaty, adopted by the Diplomatic Conference on December 20, 1996. Retrieved 22 February 2022, from <http://www.wipo.int/documents/en/diplconf/distrib/msword/95dc.doc>

#### MENTIONS:

- Student Handbook
- Syllabi
- Faculty and Staff Handbook
- Student publications and Media Policy 06ST18

#### DATE OF NEXT REVIEW:

This policy should be reviewed annually, as new interpretations emerge daily of “fair use” of copyright protected materials for academic purposes.

This document should be reviewed by **February 2024**.

#### POLICY APPROVALS RECORD

Policy Name:	<b>Copyright and Intellectual Property</b>		
Policy Code:	<b>10LP03</b>	Formerly:	EA/ACA/004
Date of first approval:	<b>10/2007</b>		

#### Reviewed/ Updated

#### Details of Amendment

08/2009	
08/2011	
09/2012	
31/07/2014	
31/07/2015	
31/07/2016	
31/07/2018	
26/02/2020	
18/08/2020	
29/11/2020	
15/02/2022	
23/07/2022	<ul style="list-style-type: none"> <li>- Included section EAHM Copyright</li> <li>- Moved examples of copyrighted works and allowable and non allowable uses to appendices 1 &amp; 2</li> <li>- Removed EAHM uncertainty of UAE law</li> </ul>

## Appendix 1: EXAMPLES OF COPYRIGHT-PROTECTED ITEMS (not limited to)

- A written work
  - a book
  - a music score
  - a drawing showing the dance steps in a live dance number (choreography)
  - a handwritten poem
  - an opinion written in a blog
  - an email message
  - a handwritten draft of a speech
  - an unpublished dissertation
  - a map
  - a computer program
  - etc.
- A work of art
  - a drawing
  - a painting
  - a sculpture
  - a graphic design in electronic form
  - a fashion design drawing
  - an architectural drawing or plan
  - etc.
- An audiovisual item
  - a music CD
  - a film or television show on DVD
  - a still photograph
  - an audio recording of a speech
  - a video clip from a website
  - etc.
- Other works
  - lectures
  - written speeches, sermons and others of similar nature

The items below are **not** protected by copyright law:

- Works not written or recorded, or otherwise not tangible
  - a speech that was delivered orally with no written or recorded draft
  - a song that was played live but never written or recorded
  - etc.
- Ideas, procedures, methods of doing things
- Titles, names, short phrases or slogans (although note that these may be protected under trademark or other law)
- Works consisting entirely of information that is common knowledge
  - calendars
  - height and weight charts
  - conversion charts
  - facts (e.g. the population of Dubai)
- Government documents, the text of laws, etc.
- News in the media
- Items whose copyright has expired or whose author has waived copyright

Note that, although a category of item may not be covered by copyright law, the presentation of it may fall under copyright or other legal protection. For example, facts about Dubai are not covered in copyright law but a book presenting those facts in a unique and interesting way is protected.

The **author** of a work is usually the writer, artist, designer, choreographer and composer. It can also be the producer of a DVD, the broadcaster of a television series, etc.

In UAE copyright law, most works are protected for the duration of the author's life plus 50 years. (There are some exceptions for specific information formats, e.g. radio or television broadcasts, but these will not be dealt with here).

In copyright law, the individual or corporate author of a work is the only person (or company) authorized to do the following, and the only person authorized to assign the right to someone else to do the following:

- Copy (e.g. photocopy, cut and paste from a website, create a DVD from a video)
- Change (e.g. translate, make a book into a TV script)
- Sell or rent, or otherwise distribute
- Perform or display the work in public (e.g. broadcast it on the radio, post it on the web)

## APPENDIX 2: What is permissible and not allowed at EAHM

Students may, for their individual educational purposes:

- Photocopy no more than 10% of a whole book, journal issue or website, **OR one chapter** from a book, or **one article** from a journal or magazine, or **one article** from a website, whichever is less. The same rule applies whether the item is in print or electronic format.
- Quote or paraphrase from a book or journal article or any written source in print or electronic format, provided the quote is short and provided they use proper referencing to cite the source
- Copy or download images, music, logos, charts, graphs, etc from books, journals or the internet for academic projects and assignments, provided these assignments will not be made available to the public and will only be seen by the teacher and the class. The source must always be cited.

Students may not:

- Copy an entire book or journal issue, or video, DVD, CD or any other item from EAHM's Library collection.
- Download films or music from the internet onto an EAHM laptop, unless the download is legal, which usually means you pay for it.
- Show publicly on campus a film that was acquired through illegal download or a purchased illegal copy.
- Make copies of legal or illegal films and sell or distribute them on campus.
- Send an illegally downloaded or copied film or music by Academy email to one or more other people.
- Copy software licensed by EAHM onto their own laptops, or from their laptops to another computer.
- Copy or disseminate any documents or images created by The Emirates Academy of Hospitality Management, including its logo. Permission must be requested for any use of EAHM documents, images, etc., if they are to be disseminated outside the campus.
- Record discussions or classes without authorisation. Edit and or/ disseminate recordings that are made available as part of course resources.
- Save and/or edit copies of material provided via any platform from an EAHM representative, unless for personal academic learning.

Instructors may, for educational purposes:

- Photocopy, download, digitize, etc., short excerpts from information materials for use in face-to-face teaching the classroom (e.g. as part of a PowerPoint presentation). "Short excerpts" should be taken to mean no more than 10% of the total item, or one article or chapter, one chart, graph, picture, cartoon or drawing from a single source.
- Photocopy an article from a journal or a chapter from a book and post it on the intranet in a course folder, for students to read or copy.
- Copy and distribute reading materials in class, if the item is an article or chapter of less than 2,500 words, or 10% of the total work from which it came, whichever is less. Such multiple copies may be created and disseminated no more than 9 times during the course of one trimester. The source must always be clearly cited.
- Show a legally obtained film in class. If the film is labeled "for home use only" the instructor may only show it in class if its subject matter is instructional and not purely entertainment.
- Videotape a television program and show it in class, but the tape may only be retained for 45 days after the original broadcast.

Instructors may not:

- Use copies of the same article or chapter or excerpt for more than one class and more than one trimester.
- Photocopy a number of articles from journals and chapters from books in order to compile a course pack for each student in a class. This is only legal if copyright permission is received from every author.
- Make a copy of an entire audiovisual item from the library collection for educational or personal use.
- Use illegally downloaded films or music, or purchased illegal copies, in the classroom.

## **The Library**

The Library may, for educational and preservation purposes:

- Photocopy an article from a journal or a chapter from a book and post it on the intranet in a course folder, or make a print copy available in the Reserve Collection, for students to read or copy.
- Make one copy of a book, DVD, CD, etc., if it can no longer purchase a replacement and the original is damaged. The copy may only be used in the library; it cannot be loaned.

The library may not:

- Make a copy of a journal article or other short excerpt from an item and send it to another library for inter-library loan purposes.
- Make a copy of a journal article or other resource, either print or electronic, for a student or faculty member and then keep a copy in the library for future use.

If there is ever any doubt about the legality of copying and using something, then an attempt should be made to contact the author and request permission to use the item.