



# Guidelines on the use of copyrighted works for research and teaching

Prior to using copyrighted materials, ensure that you have the necessary legal or contractual authorization, or ascertain if it is still required. Within the framework of the Act on Copyright and Related Rights (*Urhebergesetz*, UrhG), there are provisions for several legal exemptions, including for academic settings in sections 60a et seqq. UrhG, which offers special privileges for research and teaching activities. Existing campus or free licenses can be used for other materials. A brief explanation provided in the guide that follows. If you are unsure about whether you are violating copyright laws, feel free to reach out to the Legal Department for assistance.

## 1. Under what conditions is the use of copyrighted materials allowed in academic settings as per the exception?

According to sections 60a et seqq. UrhG, the following materials may be used without the permission of authors or publishers:

In the **context of education and instruction** in higher education institutions, e.g.

- if use is restricted to lecturers and participants of a course (= restricted access for uploading materials in the course reserve or intranet), lecturers and examiners of the same educational institution as well as third parties, insofar as the materials are intended for lessons
- to prepare for lessons, in lessons and for follow-up/specialization (max. until the end of the semester) as well as for examination preparation and follow-up
- in case it enhances the clarity of the educational materials or adds to it

or for **scientific research**, i.e.

- for a defined group of individuals (=restricted access when published on the intranet) for their own scientific research
- throughout a collaborative research project
- for third parties, as long as it contributes to quality control measures like peer review

**for non-commercial purposes:**

- **up to 15 % of a work**
- **out-of-print works in full text**
- **illustrations in full** (e.g. graphics or photographs)
- **complete articles from academic journals**
- **small-scale works** (max. 25 pages of text, six pages of sheet music, five minutes of film/music)

for specific use, i.e.

- **duplicated** (e.g. copied, scanned, digitized or stored),
- **distributed** (e.g. distribution of paper copies or digital copies) and
- **made publicly available** (e.g. posting in the digital course reserve)

It is mandatory to **include the source and author's name**. The materials need to have been released for educational purposes at an earlier point in time. In the context of **scientific research**, maintaining content duplication at a **maximum of 75 %** of the original source is strongly recommended.

The following uses are **not permitted**:

- streaming
- reproducing more than six pages of music is allowed as long as it is permitted in the license agreement
- distributing and providing access to full articles from newspapers and non-academic magazines. Students are only allowed to make one analog copy of these.

Adherence to these regulations allows for usage of copyrighted materials without regard to licensing offers from publishers or preexisting license agreements. However, this exclusion does not extend to license contracts that were agreed upon prior to March 1 2018. Payment for usage is necessary and is regulated by groups like VG Wort and GEMA. There is no requirement to document each use.

## **2. What are some other potential uses?**

Besides the provisions outlined in sections 60a et seqq. UrhG, there are additional legal requirements to take into account regarding licensing.

**The use of the following is permitted:**

### **I. Works that have been granted a license or permission for use. This includes:**

1. Written works for which a **campus license** or **Nationallizenz** (national license) is available:
  - Look up the specific author/title/journal in the UB catalog Heidi, which can be found on the UB homepage <http://www.ub.uni-heidelberg.de/> or accessed directly at <http://heidi.ub.uni-heidelberg.de/>. Members of Heidelberg University can recognize the online resources available to them in the search results by looking for the "Go online" label.

- Select the title you want from the search results and save the "permanent link (bookmarkable)" located below the title to use in your course offering.
  - Please use this designated link for members of Heidelberg University to guarantee reliable access for students at home and in case any changes to the URL by the publisher.
  - Do not add entire texts from the university's licensed online offerings directly to your course offering, as this is not permitted by some publishers under licensing law.
  - If you have any questions about licenses and research, please contact the library's technical support staff: <http://www.ub.uni-heidelberg.de/allg/Mitarbeiter/fachreferate.html>
2. **Your own content**, i.e. materials that you have created yourself (e.g. lecture notes, exercises, presentations), unless you have transferred the exclusive rights of use to a third party (publisher).
  3. Written works for which **individual permission** has been obtained **from the rights owner** (author, publisher).

## II. Works covered by fair use regulations. This includes:

1. Works created by authors who have been deceased for more than 70 years.
2. **Public domain works**, such as legal texts or official collections.
3. Materials that are published by the rights holder under a free license, such as Open Access publications, Open Educational Resources, and Creative Commons license texts, with the condition that **users adhere to the license terms**.

## III. Works that are made available in other forms, e.g.

1. via **link**: Bibliographies can be shared by providing links to licensed content (see "campus license") and freely available online resources, and they can also be sent via email.
2. as a **citation according to section 51 UrhG**: A citation must consist of a text excerpt that identifies the author and the source, and it should include an academic analysis of said excerpt. The use of a photograph or other representation of the cited work is permitted, even if the discussion is confined to the cited work without addressing the illustration.