**Copyright questions and answers - Computer code**

1. If you created the code as part of your employment at GCU, and it has not been commercially released, then GCU owns the copyright. If you want to share the code widely, then you can make it available as an Open Educational Resource (OER) and assign a Creative Commons (CC) or GNU’s not Unix (GNU) licence which allows you to specify exactly what can and can’t be done with your code. More information is on our webpage at <http://www.gcu.ac.uk/library/servicesforstaff/copyright/creatingcontent/> The edShare team edshare@gcu.ac.uk will be happy to advise you on licencing and sharing your code. GCU has an official interim policy on Open Educational Resources which clarifies the university’s position on the creation and sharing of OERs <http://www.gcu.ac.uk/media/gcalwebv2/library/content/pdffiles/GCU-Interim-Open-Educational-Resources-Policy-Approved.pdf>

If you created the code in your own time using your own equipment, and it is unpublished, then you hold the copyright. This means that you can use or share it freely.
You should consider what your overall aim is with the code. If you want to release it at a later date, companies may not view it favourably if it has appeared on the open web.

If you created the code while in the employ of another university or employer, then you should check with them to clarify who holds the copyright and what uses they allow you to make of it.
If you would like further help, contact the copyright team on copyright@gcu.ac.uk
2. Just because you created the code, it does not mean that you are the copyright holder. You may have assigned copyright to a third party, such as a games or software company or website owner, as part of the publication process. If this is the case, you will have signed an agreement with the publisher usually called a **Copyright Transfer Agreement (CTA)** which outlines who owns the copyright and what you are allowed to do with the code. Sometimes you may have retained the copyright by signing an **Exclusive Licence to Publish**; again, you should check carefully what you are allowed to do. In either case, if the agreement you signed does not cover your required use, then you must ask permission from the publisher.
If you did not sign an agreement as part of the publication process, you probably still own the copyright and you are free to use it as you wish. If you are in any doubt and would like further help, contact the copyright team on copyright@gcu.ac.uk
3. If you want to upload some code that you have written onto GCULearn where access is restricted by login, then you are covered by the educational exceptions to copyright. This allows the use of an item for teaching purposes, provided that the source of the material is credited, the use of the material is fair, and that the use is truly to illustrate the point being made. More information on how to credit a media resource is available on tab two (Guidance on using OERs) of our web page at <http://www.gcu.ac.uk/library/servicesforstaff/copyright/reusingcontent/>
If you would like further help, contact the copyright team on copyright@gcu.ac.uk
4. Several websites make code freely available under licences such as GNU’s not Unix (GNU). If there is no clear licensing information displayed, check the terms and conditions section of the website. If you can’t find this information, then contact us for help copyright@gcu.ac.uk
You should also consider whether the site is a legitimate source of code, again, read the terms and conditions on the site. If you can’t find any, contact us at copyright@gcu.ac.uk
Another point to consider is how you actually got the code. Did you “rip” it from a web page? If you did, then you should consider the type of page it is. Is it proprietary or open source? Is it marked with any licensing information? If you can’t find the answers to these questions, then contact the copyright team on copyright@gcu.ac.uk
5. Check what kind of uses you are allowed to make of the program or download. You will usually find information on the back cover of the CD box. If it is a downloaded file, then check the terms and conditions of use on the website. If you want to use it as part of your teaching, then this may be covered by an educational exception to copyright law. This allows the use of an item for teaching purposes, provided that the source of the material is credited, the use of the material is fair, and that the use is truly to illustrate the point being made. More information on how to credit a media resource is available on tab two (Guidance on using OERs) of our web page at <http://www.gcu.ac.uk/library/servicesforstaff/copyright/reusingcontent/>
If you would like further help, contact the copyright team on copyright@gcu.ac.uk
6. The university’s Copyright Licensing Agency (CLA) licence (<http://he.cla.co.uk/your-he-licence/your-he-licence/about-the-cla-higher-education-licence-2/> ) allows the photocopying of published material for distribution to students.
If the source is an electronic resource from GCU library, then you can link out from GCULearn - instructions at <http://www.gcu.ac.uk/library/servicesforstaff/embeddinglinksingculearn/> Best practice when sharing an item with your students is to link out to the actual item from GCULearn.
If you would like further help, contact the copyright team on copyright@gcu.ac.uk
7. If you plan to make the code available on an open access basis, and it is not available under an open access licence, then you should try to get permission from the entity which made it available in the first place. If you can’t trace their identity, consider whether you can find an alternative source. If this is not possible, contact the copyright team on copyright@gcu.ac.uk
8. This is not covered by any licences or educational exceptions to copyright. Consider an alternative source.