

January 2010

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Welcome

Welcome to the JISC Legal newsletter for covering what's been happening in December 2009. Happy new year from all of us here at JISC Legal, we hope that you had a merry Christmas and enjoyed your holiday. Now it's back to business.

As usual JISC Legal shall be appearing at various events throughout the course of the year starting with Professional Development Seminars for BCE Practitioners, in Oxford on 20 January 2010. More details at <http://bcecpd.jiscinvolve.org/>.

JISC Legal is pleased to announce that the service will be back to full strength shortly, with a new lawyer starting work with us on Tuesday, 12 January. She has plenty copyright law experience, and should be up-to-speed pretty quickly. Further introductions will come in due course. Also, we're in the process of recruiting a Communications Assistant to help us with website work, publishing our guidance, and other marketing and communications related activities.

As previously mentioned, please remember to watch out for our five short YouTube videos relating to Research and BCE, which are very near publication.

We would like to take this opportunity to remind all of our users that there are a number of FAQs freely available on our website, each one relating to our core subject areas. However, if you cannot find the answer to what you are looking for then please remember our enquiry service is a tailored service assisting you with all your enquiry needs, more details on the website at: info@jisclegal.ac.uk. Further, please remember that your feedback is always welcome at: feedback@jisclegal.ac.uk.

Details of what's on offer from JISC Advance can be found on the website here - <http://www.jiscadvance.ac.uk/>.

For further details and to keep-in-touch with developments in IT law, please check the relevant section of the newsletter. As with previous newsletters, there are three sections:

1. Legal News Digest for FE and HE
2. New JISC Legal Publications
3. Upcoming JISC Legal Events

For up to the minute news, our full range of publications, our events diary and our three-day turnaround legal enquiry service, visit our website at www.jisclegal.ac.uk.

News

[Google Guilty of Copyright Infringement](#)

A French court has become the first to find Google guilty of infringing copyright law by digitising books and putting extracts online, following a legal challenge by French publisher La Martiniere. French law does not allow digitisation of books without the permission of the copyright owner. This is the same as the law in the UK. Google had operated an act-now, negotiate-later attitude which was held to be copyright infringement. Further details on theBookseller.com website at <http://www.thebookseller.com/news/107363-french-court-finds-google-guilty-over-copyright.html>.

(23/12/09)

[Take Down Might Not Be The End of the Story...](#)

Penningtons Solicitors have reported on a recent settlement between Getty Images and a removals firm which had used without licence a Getty Images photo. Despite taking the image down straight away, the removals firm faced a claim for back royalties and costs from Getty Images, who turned to the High Court when the company didn't pay up. Settlement (reported at £2000 plus costs) was reached prior to the action being heard in this case. Colleges and universities should ensure that they are confident in compliant use of images on their web pages, and should ensure that staff creating web pages are aware of their responsibilities. More information on the story is available at <http://www.mondaq.com/article.asp?articleid=90504> (registration required).

(22/12/09)

[Revised Code of Practice under Section 60 of the FOI \(Scotland\) Act 2002](#)

The consultation on a revised code of practice can be found on the Scottish Government website at: <http://www.scotland.gov.uk/Publications/2009/12/07143953/0> and has a closing date of 2 March 2010. The Section 60 Code of Practice on the Discharge of Functions by Public Authorities provides guidance to Scottish public authorities on practices they should follow in meeting their FOI obligations. The current s.60 Code of Practice is available at <http://www.scotland.gov.uk/About/FOI/18022/11334>.

(22/12/09)

[Redaction Time Cannot Count](#)

The Information Tribunal has ruled that redaction time cannot count towards Freedom of Information (FOI) cost capping. Indeed time spent blanking out parts of documents can not be counted when calculating whether an FOI request is too time consuming. More details on this news story which is of interest to institutions dealing with FOI requests is available from the Out-law website at: <http://www.out-law.com/page-10615>.

(21/12/09)

[EU Approves Copyright Treaty](#)

The European Union and its member states have finally approved two agreements on copyright law, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. The treaties aim to bring copyright protection up to date with current technologies and to co-ordinate copyright protection and anti-privacy across the EU. This story is a reminder to copyright staff and others at institutions of their obligations in relation to recent changes affecting EU copyright law. More details on this news story can be accessed from the Out-law website at:

<http://www.out-law.com/page-10598>.

(15/12/09)

[Revenge of the Son of Gowers - Copyright Consultation](#)

The UK Intellectual Property Office has released for consultation detailed legislative proposals designed to implement the adopted parts of the Gowers Review. Respondents have until 31 March 2010 to feed back to their views. Details, and the consultation document, are available at <http://www.ipo.gov.uk/pro-policy/consult/consult-live/consult-gowers2.htm>.

(11/12/09)

[Privacy Watchdog Launches Online Privacy Consultation](#)

The Information Commissioner's Office has launched a consultation on new guidance governing online privacy. The guidance sets out recommendations on how to handle personal data properly and applies to all organisations involved with collating and using personal data. This news story which is of interest to FE and HE institutions in their capacity as data controllers is a reminder of the recent developments concerning the rules affecting data protection. For more details please refer to the press release at [:http://www.ico.gov.uk/upload/documents/pressreleases/2009/personal_info_online_091209.pdf](http://www.ico.gov.uk/upload/documents/pressreleases/2009/personal_info_online_091209.pdf). Alternatively you can access the consultation at: <http://ico-consult.limehouse.co.uk/portal/cop/pio?pointId=1061680>. (11/12/09)

[Reading You Like an Open Facebook](#)

Recent changes to Facebook mean that the users are being encouraged towards more open privacy settings, with a danger that they will adopt these without being aware as to how widely their information will be disseminated. FE and HE learning providers must consider the data protection implications where they require or encourage students to use social networking tools such as Facebook as part of their learning or college/university life. For more information on Web 2.0 and legal issues, visit JISC Legal's resources at <http://www.jisclegal.ac.uk/Themes/Web20.aspx>. For more details on the Facebook changes, visit the BBC News website at <http://news.bbc.co.uk/1/hi/technology/8405334.stm>. (10/12/09)

[JISC Legal Assistance One Click Away on JISCMail Lists](#)

JISC Legal has worked in cooperation with [JISCMail](#) to include a help link to JISC Legal on each JISCMail list homepage. This will allow anyone working on a JISCMail list quick access to JISC Legal's services and resources, to ensure that legal issues aren't a barrier to the use of new ICT in colleges and universities. It's also an example of how the two services are working even more effectively together under the [JISC Advance](#) banner. For more information, visit the JISCMail help-page explaining the feature: <http://www.jiscmail.ac.uk/help/using/jisclegal.htm>. (01/12/09)

Publications

[BCE – How to Play Fair – A User Guide - 04/12/2009](#)

This document will assist those dealing with State Aid issues in the context of BCE activities.

[Providing Funds for Business and Community Engagement - 04/12/2009](#)

This guidance will assist the UK funding bodies when dealing with State Aid issues in the context of BCE.

[Competition and State Aid – What is the law? – BCE - 04/12/2009](#)

This guidance document is intended to provide relevant personnel within further and higher education institutions with an introduction to State Aid law and clarify some of the issues which such institutions may face when collaborating with, or providing services to, the private sector.

Events

Professional Development Seminars for BCE Practitioners, Oxford, 20 January 2010 (information at <http://bcecpd.jiscinvolve.org/>)

RSC Scotland (South and West) Copyright Seminar, Glasgow, 28 January 2010 – more information will appear at <http://www.rsc-sw-scotland.ac.uk/>.

Contact Us

For general enquiries, contact us on 0141 548 4939 or send us an [email](#).

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