

Know Your Rights: Audio-visual Lecture Capture

Lionel Bently
(University of Cambridge)

Complex Landscape

Subject Matter	Rights	Presumed Ownership of Economic Rights
Preparatory Material eg slides	Copyright	Employer/University
The lecture as a “speech”	Copyright	Employer/University
The lecture as a “performance” (though some doubts as to whether all lectures are performances)	Performers’ Rights	Performer/Employee
The recording as a “film”	Copyright	Wmployer/University

Lecturers Rights as Performers

Right	Legal Character	Arrangement with Employer
To consent to making of a recording	Non-property right	<u>Consent must be given</u> . It may be express or implied (by actions), but should be <u>informed</u>
To make copy of recording	Property rights	These rights can be <u>assigned</u> by way of signed writing and, for future performances, in a contract. They can also be <u>licensed</u>
To communicate copy of recording to public (eg to student cohort)	Property rights	
Right to be named/not have performance distorted	Moral rights	Consent required; waiver possible. But only available where embodied in <u>sound recording</u> rather than film

The Lecturers' Interests, Negotiating Goals and Methods

Interest	Goals	Technique
Avoiding “competing with oneself” (and that recordings are not used to undermine industrial action)	Prevent re-use of recordings by University	*Licence* use of performance embodied in recording for the relevant cohort of students and the academic year only. If necessary assignments can also be limited by time and ‘market’.
Avoid “competing with oneself”	Preventing Unlicensed Copying and Dissemination by third parties	Ensure University (i) warns students (ii) applies technological measures; (iii) makes available by streaming rather than download of copies
Interest in reputation/quality of recording and content	Prevent dissemination of recordings a lecturer is unhappy with; prevent modification without consent	Make licence subject to lecturer right to withdraw/edit (for good reason) and that further individual consent required for substantial modifications