

Crown copyright - An overview for government departments

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Introduction

1.1 The purpose of this guidance is to provide government departments with a general overview on how Crown copyright is managed. It will cover the following:

- What is Crown copyright?
- Copyright ownership
- Re-use of Crown copyright information
- Copyright and publishing

What is Crown copyright?

2.1 Copyright is part of the family of intellectual property rights (IPR) that also includes trademarks, designs and patents. It protects literary, dramatic and artistic works. It also protects the typographical arrangement of published works.

2.2 Works made by officers or servants of the Crown in the course of their duties qualify for Crown copyright protection under section 163 of the Copyright, Designs and Patents Act 1988.

Copyright ownership

3.1 Copyright is usually owned by the person or organisation that created the work. In the case of copyright works produced by civil servants, the copyright is owned by the Crown. Government departments do not own copyright in their own right.

3.2 Copyright can also come into Crown ownership by means of assignment or transfer of the copyright from the legal owner of the copyright to the Crown. This often happens where a government department commissions a person or organisation to produce a report on its behalf and arranges for the copyright to be assigned to the Crown. For further information on this please see guidance note Copyright in Works Commissioned by the Crown.

3.3 The responsibility for the management and licensing of copyrights owned by the Crown rests with the Controller of Her Majesty's Stationery Office (HMSO) in her capacity as Queen's Printer and Queen's Printer for Scotland. In this document any reference to the Controller should be taken to mean the Controller of HMSO and the Queen's Printer for Scotland. The Controller is an official at The National Archives. Queries regarding Crown copyright should be sent to psi@nationalarchives.gsi.gov.uk.

Re-use of Crown copyright information

4.1 Anyone wishing to re-use copyright information needs to get permission from the copyright owner. Permission is often given in the form of a copyright licence.

4.2 The Controller licenses the re-use of Crown copyright information through the Open Government Licence. Further information about the Open Government Licence is available at: nationalarchives.gov.uk/doc/open-government-licence.

4.3 The licensing of Crown copyright information is in accordance with the Regulations on the Re-use of Public Sector Information (PSI). For further information see the PSI section of the website.

Delegations of Authority

4.4 Some government departments have delegated authority from the Controller to license the re-use of the Crown copyright material which they originate. The Controller has also granted limited delegations to parts of government departments which have responsibility for specialised forms of licensing activity. A list of organisations with a delegation of authority can be found at - nationalarchives.gov.uk/information-management/our-services/delegations-of-authority.htm.

4.5 The licensing activities of all departments that have delegated authority are monitored by the Office of Public Sector Information, part of the National Archives, through the Information Fair Trader Scheme (IFTS). The Information Fair Trader Scheme sets and assesses standards for public sector bodies. It requires them to encourage the re-use of information and reach a standard of fairness and transparency.

Copyright Infringements

5.1 If copyright material is re-used without permission of the copyright owner, it constitutes a copyright infringement. Under UK law, copyright infringement is a criminal offence and legal proceedings can be taken.

5.2 With regard to Crown copyright, the Controller, as owner of the copyright, would need to be a party to any legal proceedings relating to any infringement of Crown copyright, with the department or agency agreeing to meet the cost of the proceedings.

Any department may take initial steps in investigating an alleged infringement. However the Controller's Information Policy Team should be notified at the earliest opportunity so that the various options can be considered.

Publishing

6.1 All departments have a responsibility for communicating policy and information. They can do this in a variety of ways under a blanket delegation of authority from the Controller:

- by publishing the material themselves
- by contracting others to publish official, departmentally endorsed versions of the material
- by publishing material on official departmental websites
- by publishing items such as Command Papers and departmental House of Commons Papers under central contracts managed by HMSO

6.2 When a department appoints a private sector publisher to publish official material on their behalf, they must not grant exclusive publishing rights (other than in the official edition) to the publisher as this effectively prevents others from re-using the material. This runs counter to government information policy and wider European initiatives, where the emphasis is on encouraging re-use of official information.

6.3 Departments should not grant any publisher the right to license the re-use of Crown copyright information except within the context of end-user licensing of electronic products and services.

Departmental Logos

7.1 All departments have the right, under a blanket delegation of authority, from the Controller, to authorise the reproduction of their own logos provided that it does not involve the reproduction of the Royal Arms.

The Lord Chamberlain's Office, which has overall responsibility for the Royal Arms, wants to avoid situations where the Royal Arms are used in an inappropriate way. Consequently, departments should consult the Lord Chamberlain's Office if they wish to authorise the re-use of the Royal Arms.

This does not apply to a department's own use of the Royal Arms, including official publishing which is undertaken on the department's behalf.

Copyright and Publishing Notices

8.1 We have issued guidance on this subject at: nationalarchives.gov.uk/documents/information-management/copyright-and-publishing-guidance.pdf.

Using other people's copyright

9.1 Before you copy or use any material protected by copyright, for example in a publication or on a website, you must obtain permission from the appropriate copyright owner. This applies to published and unpublished material.

Parliamentary copyright

9.2 Material produced by the Westminster and Scottish Parliaments is protected by Parliamentary copyright. Parliamentary copyright material produced by the Westminster Parliament can be re-used under the [Open Parliament Licence](#). This licence supersedes the Click-Use Parliamentary Licence. With the launch of the Open Parliament Licence, Parliament is now solely responsible for licensing the re-use of its information.

9.3 Departments wishing to re-use Scottish Parliamentary copyright material should contact the Information Policy Team psi@nationalarchives.gsi.gov.uk.

Re-use of Crown copyright material originated by other departments

9.4 In contractual matters, the Crown is regarded as a single legal entity. This means that a department does not require a formal licence to re-use copyright material originated by another part of government. The policy on such re-use is set out below.

The precise arrangements are dependent on the following factors:

- the material being re-used
- the status of the department that originated the material

9.5 Crown copyright material can be re-used by departments in accordance with the terms of the Open Government Licence.

9.6 The following general principles will apply:

- departments should comply with the standard end-user licence terms issued for electronic products, publications and services
- departments may be required to pay to re-use the material. These charges will be in line with those paid by non-Crown users

9.7 A similar approach will be followed for the re-use of material originated by government trading funds except that users should apply to the trading funds which originated the material.

9.8 Where a department wishes to obtain data from the originating department in a particular format, the originating department is entitled to charge a fee to reflect any costs incurred.

9.9 Charges that departments are required to pay to Ordnance Survey (OS) and Ordnance Survey of Northern Ireland (OSNI) for their official re-use of maps and mapping data originated by OS and OSNI are not copyright reproduction charges. They are departmental contributions to the cost of developing and maintaining the national mapping system. This policy has been approved by HM Treasury.