TRANSACTIONAL LICENSING VS BLANKET LICENCE

- A transactional licence is a one-off licence which authorizes specific reproduction of a specific item for a specific purpose, e.g. the making of 355 copies of an article of 15 pages from the South African Journal of Economics for an Economics 1 module. It is preceded by a detailed application, and authorization for the proposed reproduction is granted against payment of a calculated reproduction right royalty.
- A blanket licence, on the other hand, is an umbrella licence issued to education institutions against payment of a fixed fee per Full-time Equivalent Student (FTEs).

UCT's BLANKET LICENCE

- UCT has concluded a blanket licence agreement with DALRO. Although the licence authorizes reproduction in advance with retrospective reporting, for functional purposes, clearance before copying is required. The CHEC system will continue to be used for this purpose and CHEC’s “application” procedure must be followed. In accordance with an arrangement with DALRO, CHEC will submit the applicable UCT “applications” as reports to DALRO.
- The licence fee for the blanket licence is based on UCT’s FTE figure as reported to the Department of Education. Copying for people who do not contribute to the institution’s FTE, is not covered. Extra-curricular courses e.g. short courses are not FTE contributory and clearance for reproduction for courses of this nature must obviously be obtained transactionally in the way that has been done before.

VULA DISSEMINATION

DALRO are also required to account to rights’ holders on the method of dissemination, i.e. paper versus electronic (including VULA), of their copyright-protected material. It is therefore essential to ensure that, in respect of every licensed item reported to DALRO under UCT’s blanket licence, it is clearly indicated whether it had been disseminated by way of paper copies (hand-outs, course packs, etc.) or by electronic means (institutional intranet, library’s electronic reserve, CD-ROM, etc.).

1. WHAT IS AUTHORISED IN TERMS OF UCT’s BLANKET LICENCE?

1.1 The blanket licence authorizes five forms of copying or dissemination:

- 1.1.1 Course packs or readers, i.e. compilation works containing extracts from a variety of published sources, distributed to students;
- 1.1.2 Single handouts, i.e. journal or magazine articles, or extracts from books, in excess of the reproduction quota determined by the regulations (section 13 of the Copyright Act);
- 1.1.3 Transient (for the duration of the course or module) electronic copies for printing out substantially identical paper copies, either by lecturers, or by the students themselves. Typical examples of this is the posting of works on UCT’s intranet, or the posting of works on the library’s electronic reserve;
- 1.1.4 Placing of copies (single items and/or compilation works) in the library’s short loan section (i.e. on reserve) for on-copying by students;
- 1.1.5 Alternate format copies for visually impaired persons.

1.2 The extent of copying allowed under the blanket licence is as follows:

- 2.1.1 From a Book, a maximum of one chapter (if the book is divided into chapters) or approximately 10% if there is no chapter division;
- 2.1.2 From a Journal or Magazine, the complete article (one or more) required;
- 2.1.3 From a collection of Law Reports or Statutes, the complete report or statute (one or more);
- 2.1.4 From an anthology or volume of Short Stories or Poetry, the complete short story or the complete poem;

1.3 There is no limitation on the number of copies that can be made or on the number of times copies can be made, provided that the extent of the reproduction (as described in 2 above) is not exceeded.

2. HOW SHOULD LICENCED REPRODUCTION BE REPORTED?

2.1 The CHEC application procedure must be followed in respect of:
2.1.1 Each item which is distributed to students as part of a course pack, or single handout. For reporting purposes, the number reproduced is obviously the number of course packs or single handouts made.

2.1.2 Each item posted on UCT’s intranet or placed on electronic reserve in the library. For reporting purposes, the number reproduced is the number of students enrolled for the specific course or module, in other words, the potential reproduction of the authorized transient electronic copy.

2.1.3 Each item placed on reserve in the library’s short loan section in copied form for possible (or recommended) on-copying by students. For reporting purposes the number reproduced is the number of students enrolled for the specific course or module, in other words, the potential reproduction of the authorized reserve shelf copy(ies).

2.2 In addition to the information relative to the reproduction (number of pages, and number of copies of those pages), the “application” to CHEC must contain the necessary bibliographical details:

  2.2.1 **Title of the Publication**, i.e. Book, Journal, Magazine, etc.;
  2.2.2 **Title of the Article**, if reproduction is from a Journal or Magazine;
  2.2.3 **ISBN of Book**, or **ISSN of Journal/Magazine**;
  2.2.4 **Author(s)/Editor(s) of the Book or Author(s) of the Article**.

3. WHAT HAPPENS IF A GREATER PORTION OF A BOOK IS REQUIRED FOR REPRODUCTION?

  3.1 Should more than one chapter (or 10%) of a book be required, application must be made to CHEC for a transactional licence in the usual manner.

  3.2 There may be cases where DALRO will allow the extended reproduction from a book under the blanket licence. If not, CHEC would endeavour to negotiate a transactional licence. Under no circumstances may reproduction of a greater portion of a book go ahead before permission has been obtained.

4. WHAT IS EXCLUDED FROM REPRODUCTION UNDER THE BLANKET LICENCE?

  4.1 Works in which copyright no longer vests; for which permission is needed
  4.2 “Fair dealing” as contemplated in section 12(1)(A) of the Copyright Act, or acts contemplated in the Section 13 Regulations;
  4.3 Material excluded from copying in terms of the blanket licence agreement (Schedules E & F);
  4.4 Works published exclusively in electronic format (on CD ROM or on the Internet);
  4.5 Unpublished works; and
  4.6 Published works containing a notice expressly prohibiting reproduction under a licence from a Reproduction Rights Organisation (RRO)

5. SHORT LOAN MATERIALS: IMPLICATIONS OF THE BLANKET LICENCE

  5.1 The blanket licence has implications for short loan sections.
  5.2 Each photocopy of a chapter from a book, journal articles etc. must be reported to CHEC (Cape Higher Education Consortium) before it is placed on the short loan shelves in the main library and all the branch libraries.

  5.3 Process for reporting
  The lecturer or requestor is required to register on the CHEC website [https://chrysalis.its.uct.ac.za/cgi/cgi_plo_user.exe](https://chrysalis.its.uct.ac.za/cgi/cgi_plo_user.exe) or alternatively use the following URL: [https://chrysalis.its.uct.ac.za](https://chrysalis.its.uct.ac.za) and select option 3: PLO (Publishing Liaison Office)

  5.3.1 Once registered, proceed with the reporting of the items.
  5.3.2 Photocopies currently in the Short Loan section must also be reported.
  5.3.3 In terms of the quantity allowed: refer to 2 under “What Is Authorized In Terms Of UCT’s Blanket Licence” above. The number reported is the number of students enrolled for the specific course or module.
  5.3.4 The acceptance report (the last step in the on-line clearance process) should be printed and submitted to the short loan section together with the photocopies.
  5.3.5 The above-mentioned does not apply to materials created by the lecturer or department, such as tutorials, class notes etc.

CONTACT INFORMATION

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