

Ladies and gentlemen,

Teaching in new conditions and in a form that is very often new to us, poses many challenges, not only of a methodical or infrastructural nature, but also of a legal nature.

In response to many questions asked by academic teachers concerning the regulations governing the use of teaching materials prepared by them and used at classes taught remotely and the possibility of recording and reproducing the classes conducted on-line, I am providing you with some explanations consulted and agreed with Mr. Maciej Wruk, AMU Legal Advisor.

The most important aspects of the problems are outlined below:

All issues related to the use and distribution of works are regulated primarily by the **Act of 4 February 1994 on Copyright and Related Rights** (consolidated text in the Journal of Laws of 2019, item 1231, as amended, hereinafter referred to as: "Copyright Act"). The provisions of this Act protect works, i.e. every manifestation of creative activity of an individual character, recorded in any form, regardless of the value, purpose and manner of expression. The Act directly says that **works expressed in words and audiovisual works in particular are the subject of copyright**. Therefore, it should be concluded that lectures and the teaching materials provided to students constitute the subject of legal protection within the meaning of the copyright law if they fall within the above mentioned definition of a work.

The legal structure of permitted use introduced in the above-mentioned Act is an important element regulating the rights of use of works. Pursuant to Article 23 of the Act:

- "1. A work in general circulation may be used without its author's permission free of charge provided that the use is personal only. (...)
2. Personal use includes the use of single copies of the works by a group of persons in a personal relationship, in particular related by kinship, affinity or social relationship".

Moreover, regardless of the above mentioned issues related to copyright protection, it is worth adding that, as a rule, **academic teachers will also be entitled to protect their image** (in the form of photography, film image) as a personal good. Dissemination of the image in accordance with Article 81 of the Copyright Act, as a rule, requires the consent of the person depicted in it.

In connection with the comments made above, it should be stated that:

- 1.** The participants of the classes may use the materials provided to them to the extent that the entity holding the copyrights, for example an academic teacher, has allowed them to do so. As a rule, they cannot distribute these materials. Any use that goes beyond the purpose for which the materials have been made available may only be made on the basis of the provisions on permitted use, in particular Article 23 of the Copyright Act (e.g. the possibility of copying, printing for personal use).

- 2.** Any recordings of classes conducted remotely may only be made for personal use, and participants may not make such recordings available outside the group indicated in Article 23 §2 of the Copyright Act without additional consent. It is recommended that anyone who wishes to make such a recording should first obtain appropriate permission from the teacher and participants of the classes.

- 3.** Any use of the work in a way that goes beyond the permitted personal use (e.g. illegal distribution, publicity, reproduction of the work, taking advantage of its economic benefits), may constitute a violation of the economic or personal copyrights of the entities to which they belong and may involve rigorous legal consequences.

Ladies and gentlemen,

if you have any doubts and/or specific questions concerning the above legal issues, please contact deputy deans for teaching and student affairs at your faculties or heads of doctoral schools at the Schools (Pol. *sg. szkoła dziedzinowa*) and heads of doctoral studies who will consult these issues with Adam Mickiewicz University's legal advisors on an ongoing basis.

Best regards

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