

Web2Rights

Top Tips for Using Licences Supplied by Third Parties

There will be times when you want to use content and/or technology supplied by a third party when that third party gives you the licence containing the terms and conditions of use.

- Clarify what you want to do with the materials, for how long, who you want to access the content/technology and how and for what purposes your users will be able to use it. Make sure that any licences that you are offered reflect this.
- Remember that when you come to give permission to third parties to use your project, you will not be able to grant them more rights than you have been granted in a licence by a third party.
- Ensure that you understand your obligations to JISC – i.e., your outputs need to be made accessible wherever possible, for free, perpetual, unlimited usage in HE/FE (for content) or under Open Source principles (for technology) – this usage needs to be reflected in the licence.
- Make sure that the person/body issuing the licence is authorised to grant permission in the first place!
- Read the small print: the devil is in the detail.
- Don't sign a licence which doesn't recognise the statutory exceptions to copyright, such as fair dealing for non-commercial research or private study.
- Make sure that the third party warrants that it owns the content/technology and that use of said content/technology will not infringe the rights of any third party, and that it indemnifies you if it turns out those warranties are insufficient.
- Make sure that the licence issued does not:
 - Hold your institution liable for each and every infringement by an authorised user
 - Infer charges for use or possible penalties, etc. Any charges should be explicit.
 - Include any other clauses which might present risks for your institution, your users, or JISC.
- If you are not happy with the terms and conditions:
 - Go back and negotiate
 - Or, don't use the content/technology
 - Or, take an informed risk assessment and employ suitable mitigation strategies.

Try to sign a licence which is governed by the law and courts of the country/region where your institution is located.