

Navigating Intellectual Property in Education: Ethical, Legal, and Practical Strategies for Educators

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Abstract

Background: Professionals in Higher Education encounter significant challenges in navigating copyright, licensing, and fair dealing within academic settings. This review aims to provide a comprehensive overview of intellectual property (IP) best practices for UK academic professionals, emphasising the importance of legal compliance and professional development in creating and using educational materials. **Method:** A thematic synthesis was conducted by analysing UK IP regulations and institutional policies. Key themes, including fair dealing, licensing compliance, and institutional ownership, were identified. Practical recommendations were formulated based on recurring challenges, and a decision tree framework was developed to guide educators in evaluating content use under IP laws. **Results:** The guide combines key legal principles and practical advice for educators on managing IP effectively. It offers actionable steps for aligning teaching practices and material development with copyright laws while promoting innovation in educational content creation. This guide identifies critical areas where IP knowledge impacts the development of course materials including compliance with licensing agreements, fair dealing provisions, and the ethical integration of digital and artificial intelligence-generated resources. **Conclusion:** By addressing these challenges, this review empowers educators to adopt legally compliant, and sustainable teaching strategies as well as model ethical standards that foster a culture of integrity and respect for intellectual contributions.

Keywords

Intellectual Property, Lecturer Best Practices, Fair Dealing, Educators, Higher

1. Introduction

Higher Education professionals face significant challenges in managing intellectual property (IP) when developing educational materials, assessments, and presentations. These challenges are compounded by the evolving nature of digital education, where the boundaries of copyright and licensing are continually tested. In academic institutions, ensuring compliance with IP laws is not only the responsibility of lecturers but also of instructional designers, librarians, administrators and other academic staff, who play a crucial role in facilitating access to legally compliant resources. Navigating complex regulations, such as those outlined in the UK's Copyright, Designs, and Patents Act 1988 (CDPA), is critical for ensuring legal compliance. Issues around copyright, licensing, and fair dealing arise frequently, particularly when lecturers rely on third-party content to develop their teaching materials. Balancing the need for diverse and engaging resources with adherence to these laws is a delicate but necessary task for educators.

Understanding IP is a critical component of teacher training and professional development as it equips educators and other academic professionals with the tools to lead by example. Educators who model compliance with IP laws serve as role models, guiding colleagues and students to uphold ethical standards, fostering integrity, and cultivating a culture of respect for intellectual contributions (Gichuru, 2023; Office for Harmonization in the Internal Market (Trade Marks and Designs), 2015). This leadership extends to curriculum design, where educators versed in IP regulations can embed principles of ethical decision-making and critical thinking, preparing students for real-world challenges that demand respect for IP. By integrating IP knowledge into pedagogy, educators not only enhance their teaching practices but also foster innovation and maintain professional credibility (Vemuri, 2023), empowering lecturers to ethically create, share, and use educational materials while complying with copyright laws and maintaining high teaching standards.

This guide aims to address these challenges by offering academic professionals a comprehensive tool to navigate IP complexities effectively. It synthesises best practices in IP compliance, including understanding copyright limitations, leveraging institutional licenses, and utilising open-access resources. In light of emerging technologies, such as Artificial Intelligence (AI), the guide also addresses ethical implications and provides actionable recommendations for incorporating AI-generated content responsibly. By fostering a deeper understanding of IP rights, the guide supports lecturers in navigating legal frameworks, promoting ethical use of resources, and integrating legally permissible materials into curricula.

1.1. Understanding Intellectual Property

IP refers to creations of the mind, such as inventions, literary and artistic works,

designs, symbols, names, and images used in commerce (World Intellectual Property Organisation, 2020). IP is protected by laws to grant creators recognition or financial benefit from their innovations or creative works, ensuring they retain control over their work and are compensated for their efforts (World Intellectual Property Organisation, 2020).

IP can be legally protected through four mechanisms: patents, designs, trademarks and copyright (Digital Data and Technology Profession, 2023). Patents protect how something works and its functionality. A design covers appearance, including physical shape, configuration, decoration, colour or pattern. A trademark protects names and branding, and copyright is a record of something, whether written, audio, film or photographic. While Copyright protection is automatic (GOV.UK, 2023b), patents, designs and trademarks require registration, protection lasts five years for patents and designs, and ten years for trademarks, after which the registration needs to be re-applied for (GOV.UK, 2023a, 2023c, 2023d).

IP rights are infringed when protected creations are exploited, copied or otherwise used without the permission or consent of the person who owns those rights (Intellectual Property Office, 2024). This includes unauthorised use, selling, or importing patented products, making or selling registered designs, using similar trademarks, or copying copyrighted works. IP infringement such as using patented products or counterfeiting can constitute civil infringement. However, in the case of trademarks, designs and copyrights, infringing may also constitute a criminal offence if it's conducted in the course of business (Intellectual Property Office, 2024).

1.2. Fair Dealing

“Fair dealing” is a legal principle used to determine whether the use of copyrighted materials is lawful or if the use constitutes copyright infringement. There is no statutory definition of fair dealing, but there are specific situations where the use of copyrighted material is permitted without seeking permission from the owner (Intellectual Property Office, 2021a). Factors such as the purpose, amount, and impact of the usage are to be considered (Intellectual Property Office, 2021a).

A key exception under UK copyright law is the concept of “fair dealing” for illustration for instruction, which allows lecturers to use certain copyrighted works without seeking permission, provided that the usage is for non-commercial educational purposes and meets specific conditions (Intellectual Property Office, 2021a). Academic professionals can use extracts from books, articles, images, or short clips of audio or video in their materials. Fair dealing requires the use to be proportionate and justified, meaning only a reasonable portion of the work can be included (Intellectual Property Office, 2021a; University of Wolverhampton, n.d.). Entire works generally do not fall under this exception. Additionally, the use of the material must not negatively impact the market for the original work. If the inclusion of copyrighted content could harm the sales or licensing of the original

material, it may not be deemed fair dealing (University of Wolverhampton, n.d.).

Limited extracts of work are also permitted to be copied when the use is for non-commercial research or private study, criticism, review or quotation, parody, caricature, and pastiche or for examination questions and assessments as long as the use is fair to the copyright owner (Intellectual Property Office, 2024; University of Leeds, n.d.a; University of Wolverhampton, n.d.). Publicly accessible libraries, archives, and educational institutions, including those operated by universities, fall under this exception to copyright. These institutions are permitted to offer access to copyrighted works on their premises at dedicated electronic terminals for non-commercial research and private study (Intellectual Property Office, 2014).

Whether teaching is delivered digitally or in person, the copyright exception of “fair dealing” applies to all educational activities (Information Management and Policy Services & University of Reading, 2020). Lectures that are recorded for educational purposes can include copyrighted content, provided that it qualifies under fair dealing or is covered by an appropriate license. When uploading presentations to Virtual Learning Environments (VLEs) like Moodle, academic professionals must ensure that any copyrighted materials included in the presentation are either covered under fair dealing, institutional licenses or have specific permissions for use. If the content will be accessible beyond the university community, such as in publicly accessible areas of the VLE, stricter copyright controls may apply. This could include obtaining additional permissions or licenses to avoid potential copyright infringements (Jisc, 2022).

1.3. Institutional Ownership

In general, materials created by academic professionals during their employment, such as lecture notes, presentations, and course materials, are owned by the institution under UK Intellectual Property Law (Jisc, 2022). This applies not only to lecturers but also to instructional designers, librarians, and research staff, who develop a variety of educational and institutional resources such as interactive learning activities, training manuals and digital archives. This is based on the principle that work produced during the course of employment belongs to the employer. However, there are exceptions, such as when a lecturer records a lecture for personal use outside of their employment duties; in such cases, the lecturer may retain copyright. Ownership terms can also vary depending on institutional policies or contractual agreements (Jisc, 2022). On the other hand, published research materials may be subject to publishing agreements that transfer copyright ownership to the publishing journal. Lecturers should review these agreements to understand restrictions on the reuse or distribution of their work (University of Wolverhampton, n.d.).

1.4. Licenses

In the context of education, licenses refer to agreements or permissions that grant

access to copyrighted materials for specific uses, such as teaching and research. Universities often hold licenses for specific databases, journals, and media that lecturers can use for teaching purposes. These licenses typically allow for the use of copyrighted materials in lectures and presentations, provided the material is accessed through the university's subscription (The University of Manchester, 2024). Open access or Creative Commons (CC) licenses, such as CC BY, are particularly valuable as they explicitly permit usage, provided proper attribution is given (University of Wolverhampton, n.d.). These licenses reduce restrictions and encourage sharing and reuse in educational settings (University of Westminster, n.d.).

When using digital content, such as images from the internet, educators must ensure that these materials are either licensed for reuse or fall under fair dealing for educational purposes (The University of Manchester, 2024). Not all online materials are free to use, and assumptions about the legality of copying content can lead to infringement (The University of Manchester, 2024). Linking to third-party videos is permissible as long as unauthorised or infringing content is avoided. Sharing unlicensed videos risks copyright infringement, removal without notice, or inappropriate monetisation (Information Management and Policy Services & University of Reading, 2020).

1.5. Artificial Intelligence

AI is an increasingly relevant topic in education, AI tools have the potential to provide different ways of learning and to help educators with tasks. However, the adoption of AI in education is still in an early and experimental phase, resulting in ongoing uncertainty about its benefits and limitations (Felix & Webb, 2024).

Using AI tools can pose significant risks in regard to copyright and ownership status. Currently, CDPA 1988 protects computer-generated works, stating, "In the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken." (Parliament of the United Kingdom, 2024). This provision suggests that individuals or institutions that organise and direct the use of AI tools may hold copyright over AI-generated materials. However, at present, the application of UK copyright law to the training of AI models is disputed. The fast pace of development of AI technology over recent years has led to a debate in the UK and across the world about how the existing copyright framework should be applied to the activities that underpin the training of large AI models (Secretary of State for Science, Innovation and Technology, 2024).

AI tools often re-present information developed by others, and image generators may include artwork created without the creator's consent or licence. If users submit content generated by AI as their own, they risk plagiarism or copyright infringement (Russell Group, 2023).

Furthermore, privacy and IP risks arise when sensitive information is entered into these tools, regardless of whether the AI is designed to learn from user inputs

(Russell Group, 2023). The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018) regulate the collection and use of personal data. Where AI doesn't involve the use of personal data, it falls outside the remit of data protection law (Information Commissioner's Office, 2022). However, GDPR and the DPA 2018 do apply to the use of AI to provide a prediction or recommendation about someone (Information Commissioner's Office, 2022).

AI tools can also raise ethical concerns outside of ownership and data protection, for instance, AI tools can embed and reinforce biases, potentially resulting in discrimination, inequality, and exclusion (United Nations Educational, Scientific and Cultural Organization, 2022). These biases can be classified into several categories, including data-related bias, which stems from fundamental flaws within datasets; historical bias, where data reflects past inequalities; representation bias, which occurs when certain groups or characteristics are underrepresented or misrepresented; algorithmic bias, where there are repeated errors in a computer system; and interaction bias, where user engagement influences the system's learning (Chinta et al., 2024). There is a need for transparency and understanding of the workings of algorithms, the data with which they have been trained and their potential impact (United Nations Educational, Scientific and Cultural Organization, 2022). Without proper oversight, AI-driven recommendations and assessments could unintentionally disadvantage certain student groups.

Universities across the UK have adapted to the technology, developing their own regulations for its usage in their institution. The Russell Group universities collaborated to establish principles on the use of generative AI tools in education, outlining ethical considerations as well as the importance of AI literacy (Russell Group, 2023). Educators have a responsibility to ensure that the use of AI is done ethically and within the regulations (University of Leeds, n.d.b). While it is worth considering ways that generative AI might improve in-course productivity and/or resources, such as creating copyright-free novel images or aid in generating ideas, key themes, and planning assessments, proper acknowledgement of AI usage is necessary to maintain academic integrity and ethical practice (King's College London, n.d.; The University of Manchester, 2023).

2. Discussion

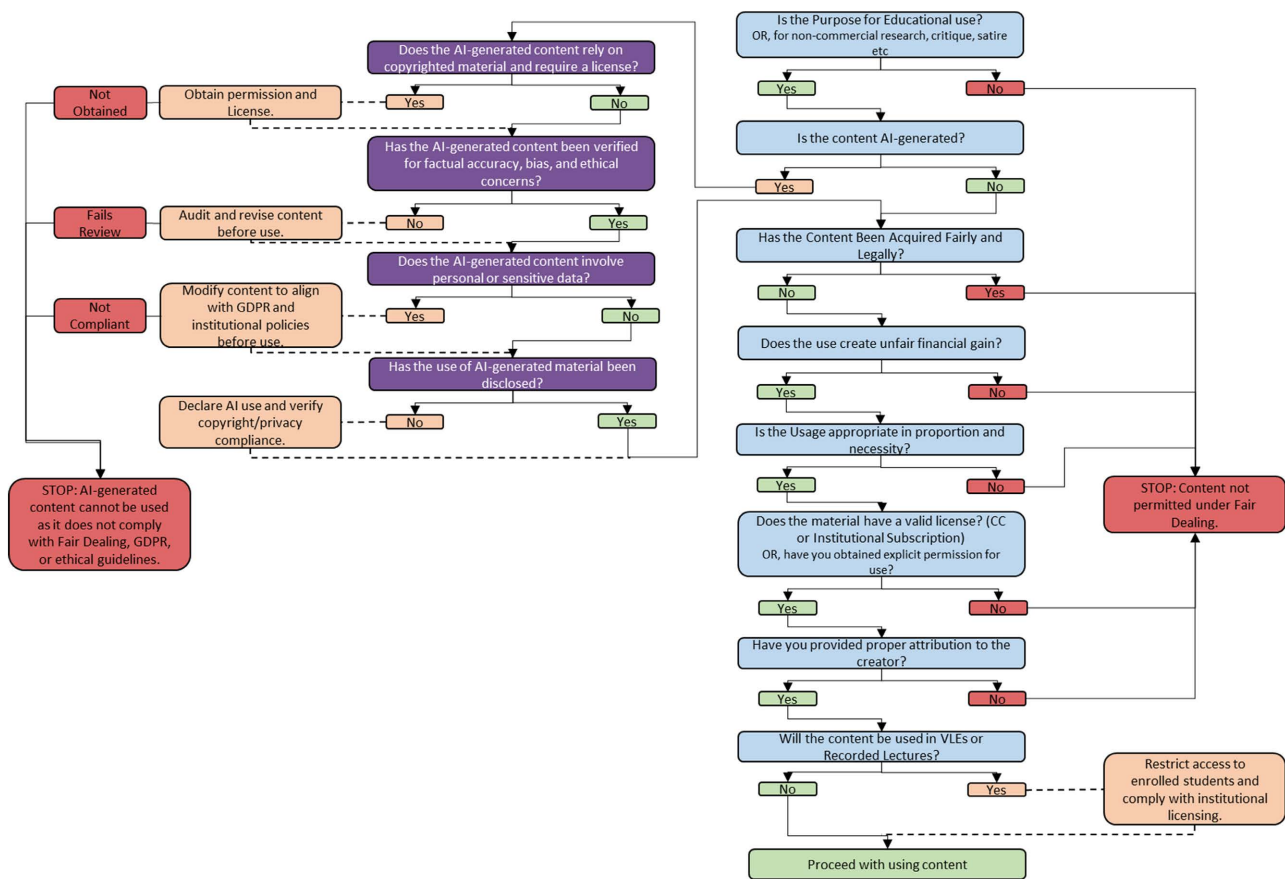
2.1. Recommended Approach

While academic professionals in the UK benefit from certain exceptions under copyright law for educational purposes, it is important to remain aware of the limitations of these exceptions. Educators should consider the following when creating educational material (University of Leeds, n.d.a):

- Financial benefit: Is the use depriving the owner of the IP of revenue?
- Acquisition: Has the material been acquired fairly and legally?
- Quantity: does the material only use what is needed from the copyrighted work?
- Acknowledgement: Has the author or creator been acknowledged?

To support educators in managing IP compliance, this guide presents actionable strategies centred on the decision tree framework (Figure 1). The framework outlines key steps for assessing copyright eligibility, ensuring compliance with institutional licenses, and addressing considerations like VLE usage and AI-generated materials. By offering clear pathways to determine whether materials qualify under fair dealing provisions, require licensing, or need adjustments for compliance, the decision tree empowers educators to align their teaching practices with legal and ethical standards. These approaches, grounded in established legal principles and synthesised best practices, provide practical solutions to promote ethical and effective teaching practices. While this decision tree provides a structured approach to copyright compliance, it should not be seen as a definitive legal tool. Educators should cross-reference institutional copyright policies and seek professional guidance for cases that fall outside standard fair dealing provisions.

Academic professionals must attribute sources, prioritise the use of open-access or appropriately licensed materials, and understand the boundaries of fair dealing



Source: Authors own work.

Figure 1. Decision tree for the recommended approach to creating or using materials aligned with Fair Dealing, VLE Compliance, and AI Usage. This schematic decision tree outlines the steps that educators must follow to determine whether content can be used under fair dealing principles (Green), requires adjustments (Orange), or cannot be used (Red). The left side of the diagram addresses AI-generated content (Purple), ensuring GDPR and institutional policy compliance, while the right side evaluates content for fair dealing (Blue) and proper attribution requirements.

in regard to teaching, non-commercial research, private study, criticism, review or parody. Staying informed about copyright laws and institutional policies is essential to mitigate infringement risks, which could result in financial penalties or reputational harm. By taking these precautions, lecturers can create a compliant and respectful educational environment while still making use of valuable resources. Developing original materials not only ensures compliance but also offers greater creative control, fosters innovation and reduces reliance on third-party content (University of Wolverhampton, n.d.; Vemuri, 2023).

Consent is required for the use of third-party materials, especially when involving guest speakers or external contributors. Institutions should secure written consent to record or reuse their contributions, particularly if the content is shared beyond the classroom through VLEs and online platforms (Jisc, 2022). Educators must also be aware of institutional and library licenses, which grant access to copyrighted resources but may restrict their distribution beyond the university context. When incorporating digital content, relying on institutional repositories or platforms covered by licenses ensures compliance while supporting effective teaching practices (Jisc, 2022).

When using copyrighted materials, it is critical to limit usage to fair portions, provide proper attribution, and ensure compliance with institutional licensing agreements. Recordings containing copyrighted material should remain accessible only to enrolled students through VLEs to minimise copyright risks; restricting access to these recordings on VLEs such as Moodle ensures that the content is only used within the educational context for which it was intended, thereby reducing the risk of copyright infringement (Jisc, 2022; The University of Manchester, 2024).

When using research materials created by institutional employees, ownership must be considered. If the work is institution-owned, copyright permission is generally unnecessary. For published works, publishing agreements should be reviewed to determine usage rights (University of Wolverhampton, n.d.). Additionally, materials generated with AI tools must be clearly disclosed to maintain academic integrity and avoid plagiarism or copyright infringement (King's College London, n.d.).

Proper attribution of all copyrighted materials remains both a professional and ethical responsibility, even when usage is allowed under fair dealing or open-access license (Jisc, 2022; University of Wolverhampton, n.d.). By adopting these practices, academic professionals can create ethical, innovative, and legally compliant educational resources, serving as an example of the importance of ethical standards, integrity, and respect for intellectual contributions (Gichuru, 2023).

AI Considerations

The integration of AI in education requires careful attention to data privacy, ethical considerations, and potential biases. Use of AI technologies must be transparent, secure, and compliant with personal data protection regulations to ensure trust and safeguard sensitive learner information.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) emphasises that personal information involved in AI technology should be safeguarded by legal frameworks as well as ethical norms. As the UK is a UNESCO member state, academic professionals should adhere to its recommendations, ensuring that personal information is not collected, used, or disclosed without the data subjects' permission (United Nations Educational, Scientific and Cultural Organization, 2022). AI systems deployed in educational settings should comply with established data protection regulations such as the GDPR to maintain confidentiality and prevent unauthorised access to personal data (Department for Education, 2025; Information Commissioner's Office, 2022). Institutions and educators must ensure that AI tools that they use do not extract or exploit sensitive learner information for commercial purposes or misuse the data beyond its intended educational function (United Nations Educational, Scientific and Cultural Organization, 2022).

Different biases can emerge from the data used to train AI models, impacting their fairness and accuracy in educational settings (United Nations Educational, Scientific and Cultural Organization, 2022). At a broader level, institutional policies and research are essential in mitigating AI bias. At St. George's University, UK, an AI-driven admissions system exhibited bias against women and certain ethnic groups. After identifying these disparities, the institution modified the system to promote a fairer admissions process (Barnes & Hutson, 2024). This case underscores the need for continuous scrutiny and refinement to ensure AI systems uphold equity and fairness in education. However, ensuring equity in AI-driven education extends beyond institutional action; educators should actively address AI bias in their use of these tools in order to create fair and equitable educational systems. Academic professionals should practice continuous vigilance, and proactive measures to ensure that AI technologies contribute positively to the education of all students (Barnes & Hutson, 2024).

2.2. Using the Guide

This guide is designed to support academic professionals in integrating copyright compliance into their daily practices, ensuring lawful and ethical use of materials in course development. For example, an educator preparing a presentation can use the guide to determine whether an online graph qualifies under fair dealing or requires permission. If unlicensed, they can opt for an open-access alternative or create their own to remain compliant. Similarly, when developing assessments, lecturers can confirm that a diagram from a scientific paper meets fair dealing criteria under criticism and review by limiting its use to what is necessary and providing proper attribution. Librarians assisting academic professionals, researchers, and students can verify the provision of limited proportions of copied materials such as books, photographs, and literary works for non-commercial research and private study. By addressing such scenarios, the guide facilitates the creation of ethical, innovative, and legally compliant educational resources.

Addressing Ambiguity

Despite the structured approach provided by this guide, ambiguity in copyright interpretation remains a significant challenge. Copyright laws can be subject to interpretation. To mitigate such uncertainties, educators are encouraged to refer to institutional copyright policies and seek advice from compliance officers when dealing with complex copyright matters. Whenever possible, educators should utilise open-access and CC resources to avoid infringement risks. Moreover, a cautious approach should be used when utilising AI-generated content, ensuring transparency, and adherence to ethical standards and data regulations. By adopting a conservative and well-informed approach, academic professionals can reduce legal risks while fostering a responsible and compliant educational environment.

2.3. Limitations

2.3.1. Awareness

Academic professionals such as lecturers, librarians and instructional designers may encounter challenges in applying this guide if they lack institutional training on IP or have limited awareness of their institution's copyright regulations.

2.3.2. Real-World Evidence

While this guide synthesises existing legal frameworks and best practices, it has not yet been empirically tested in real-world teaching environments. Future research should assess the practical utility of this guide by conducting empirical studies, such as surveys and qualitative interviews with educators across different institutions. Evaluating the decision tree's effectiveness in real-world teaching scenarios would provide insight into its applicability and potential refinements. Additionally, institutional case studies could offer practical validation of these recommendations in diverse educational settings.

2.3.3. Global Considerations

While this guide is specifically tailored to UK copyright and IP law, many of its core principles are broadly relevant across different jurisdictions. However, educators must consider their local laws and institutional policies to ensure compliance.

Beyond the UK, different countries apply their own approaches to copyright exceptions. The United States' "Fair Use" doctrine allows copyrighted works to be used without permission for purposes such as criticism, teaching, scholarship, and research (United States Copyright Office & Library of Congress, 2022). However, fair use differs from fair dealing in its broader and more flexible scope, relying on a case-by-case approach based on open-ended factors. In contrast, fair dealing applies to specific circumstances and settings, where certain acts of copying are explicitly exempted from infringement (Balganesh & Nimmer, 2017).

Although there is no single European Union (EU)-wide copyright law, copyright within the EU is governed by national laws, with ongoing efforts toward harmonization. The EU Copyright Duration Directive establishes a standard protection period of 70 years after the death of the last surviving author (European Parliament & Council of the European Union, 2001). Unlike the US, which follows

the “fair use” principle, the EU does not have an equivalent general exception. However, it does permit specific exceptions in the public interest, including those for educational and teaching purposes (European Parliament & Council of the European Union, 2001; Hutukka, 2023).

Similarly, China’s copyright law allows teachers and scientific researchers to use copyrighted works in classroom teaching or scientific research, however, the legislation outlines that such use cannot be published or distributed (State Intellectual Property Office of the P.R.C., 2010). While copyright protection in China is automatic—similar to the UK—it is highly recommended that copyright holders file for copyright recordal to provide legal evidence of ownership, ensuring stronger enforcement rights (Intellectual Property Office, 2021b).

Given these regional differences, educators outside the UK can adapt this guide by consulting their national copyright laws and institutional policies, ensuring they adhere to local frameworks while applying best practices in the ethical and legal use of educational content.

3. Conclusion

Adhering to copyright and intellectual property laws is a fundamental responsibility for academic professionals, ensuring compliance, academic integrity, and respect for creators’ rights. By prioritising proper attribution, using licensed or open-access materials, and understanding fair dealing, lecturers can create innovative, ethical, and legally sound resources and learning environments. Awareness of institutional policies, ownership rights, and the ethical use of AI further strengthens this commitment, fostering a culture of integrity. Through these practices, educators not only protect themselves and their institutions but also model exemplary standards for students, contributing to a respectful and creative academic environment.

This guide synthesises existing literature and policy frameworks to provide practical guidance for navigating copyright and IP complexities in education. However, it currently lacks empirical validation in real-world teaching scenarios. Future research should assess its effectiveness in practice. As educational practices and IP laws evolve alongside advancements in AI, this guidance must be regularly updated to address emerging challenges. Future revisions should reflect changes in copyright law and AI usage, ensuring it remains a relevant and reliable resource for educators.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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