

Copyright Policy

Version 1.0

Compliance with all CCG policies, procedures, protocols, guidelines, guidance, standards and strategies is a condition of employment. Breach of policy may result in disciplinary action.

Version control

Version	Section amended	Date	Requested by	Actioned by

Serial number:	IG/009/V1.00
Operative date:	March 2014
Author:	Nikki Roberts, Governance & Committee Officer and West Sussex PCT
Review date:	March 2015
Policy statement:	To ensure that the laws contained in The Copyright, Designs and Patents Act 1988 will be observed by all staff at all times, and that staff are aware of their individual rights and responsibilities under the Act and the NHS Copyright Licence.
Equality analysis completed?	Yes
Consultation process:	Reviewed by: Chief Officers Acknowledged by: Corporate Governance Committee
Approved by:	Governing Body
Date approved:	
CCG ICT process:	Electronic document library location:
Website	Location in

1. Copyright

- 1.1 Copyright is effectively a patent, but protecting published material rather than inventions.
- 1.2 Owning a book or journal does not mean that an organisation also owns the rights to copy or re-publish the material. Some limited allowances are available for re-use of published works:
 - Short extracts can be incorporated into other work, with suitable acknowledgement.
 - Single copies of one article or up to 5% of a book can be made as long as it is for non-commercial research or private study. The NHS National Knowledge Service has said that NHS activity falls within this category.
 - More extensive use of published material is possible with the permission of the rights holder (generally the book's author and journal's publisher) and will usually involve payment as a main purpose of copyright is to enable rights holders to benefit from their work. Unauthorised re-use leaves the individual or organisation open to legal action with a maximum penalty of 10 years imprisonment. If this sounds frightening, it should be remembered that copyright also applies to films and recorded music which are subject to major organised piracy.
 - Copyright owners can waive their rights. Government publications issued under Crown copyright can be freely copied without permission, for example. Other amendments are made via contract terms, for example with online full-text journals or via licensing schemes.

2. Obtaining permissions

- 2.1 Rights are held by the copyright holder. For journal articles, this is generally the publisher and for books it is the author and/or illustrator.
- 2.2. The Copyright Licensing Agency (CLA) can act as an agent for the rights holder, but this does not stop the CCG from obtaining permission directly.
- 2.3. There are 4 ways to obtain copying permissions beyond the levels permitted by the legislation:
 - either directly with each copyrights holder;
 - via a licensing body such as the CLA;
 - via a pay-as-you-go facility on the internet; and

- via the British Library's copyright-paid service, invoiced monthly.

2.4. Directly with copyrights holders:

- Some publishers make a small charge, others do not;
- Significantly cheaper than an annual CLA licence – will cost hundreds rather than thousands of pounds; and
- May require forward planning to allow for delays in the granting of permission

2.5. Via the CLA:

- Very expensive;
- Allows some activities not otherwise permitted, but at a cost;
- Not all types of publication are included, e.g. newspapers & maps;
- The CLA does not cover all UK publishers and some titles are specifically excluded from the licence; this needs to be checked regularly.
- Only covers copying from documents owned by the CCG, not from online sources or material borrowed from elsewhere.
- Does not cover copying from photocopies.
- Some significant USA publishers are not covered by the CLA, e.g. New England Journal of Medicine, Journal of Bone & Joint Surgery.

2.6. Pay-as-you go online:

- Useful for material that isn't held in the library;
- Instant access to the material;
- Useful for instant permissions; and
- Requires payment by credit card, where a charge is made.

2.7. Order from British Library copyright-cleared service:

- Can order against an account and pay monthly invoice;
- Saves the time required to find article on the internet;
- Can provide various delivery and format options; and
- Fastest delivery is 2 hours, standard is 24 hours.

Permissions already available

- Distance-learning students registered with a British University are covered by the University's CLA licence.
- Some publishers consider that the library's institutional journal subscription allows a low level of multiple copying.
- Some publishers require permission to be sought but will grant it free of charge.

3. **Equality analysis**

- 3.1 An Equality Impact Analysis is not required as the answer to questions 2a to 2e at Appendix 1 is No.

Like PCTs formerly, the CCGs do not subscribe to a CLA licence. Instead, staff should either use 'pay as you go' (using the CCG credit card when available) or use the British Library copyright-cleared service

Appendix 1 – Equality Analysis Tool

Analysing the Impact on Equality

1.	Title of policy/programme/framework being analysed: Copyright policy
2.	<p>a) Will the policy have an impact on local people/staff? (if the answer is Yes, go to question b), if the answer is No then an Equality Analysis is not required). No.</p> <p>b) Are particular communities or groups likely to have a different needs, experiences and/or attitudes in relation to the policy? n/a</p> <p>c) Are there any aspects of the policy that could contribute to equality or inequality? n/a</p> <p>d) Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations? n/a</p> <p>e) If this is an amendment of an existing policy, was the original policy impact assessed? n/a (if the answer to questions (b) to (e) is Yes, then conduct an Impact Assessment).</p>
3.	<p>Please state the aims and objectives of this work and the intended equality outcomes. How is this proposal linked to the organisation’s business plan and strategic equality objectives? n/a</p>
4.	<p>Who is likely to be affected? E.g. staff, patients, service users, carers. n/a</p>