

## Copyright: A Brief Overview

**The Copyright Designs and Patents Act 1988** restricts the way in which a variety of materials can be copied and used. The NHS in Scotland has a **national copyright licence**, which covers the entire organisation and expires on 31/03/2007. Under this licence the **following copyright restrictions apply:**

### **Brief Overview:**

1. **Copyright protection remains in place**, for printed literary, musical, dramatic and artistic works, for **50 years from the end of the calendar year in which the author dies**. If the author is unknown then copyright remains in place **for 50 years from the date when the work was first made available**.
2. Infringing copyright is a **criminal offence** and could lead to the organisation, NHS GG&C, being fined.
3. By signing your contract of employment you **accepted** that all material produced, whilst at work, would be **owned by NHS GG&C**. Effectively, **NHS GG&C** own all materials produced at work and therefore **hold the copyright for it**.
4. Whilst NHS GG&C own the work/material and have the right to use it etc. as they wish, authors are still protected under the **Moral Right** of copyright legislation. Essentially this means that all authors have the right for their work **not to be treated in a derogatory fashion**.

### **Library Basics:**

1. It is **not necessary** to have a completed copyright declaration form for requests received or sent to other **NHS Scotland organisations/libraries**, for example SHINE.
2. Only **Two** articles per journal issue may be copied.
3. **It is permitted** to copy more than two articles if the articles are on broadly the same topic, for example a special supplement issue.
4. Only **One** chapter of a book may be copied and **one** case/law report.
5. Under the terms of this licence **individuals and journal clubs** can make **as many copies**, of a single article and of not more than two per journal issue unless topic specific, as they wish. (See 2,3 and 4 above)
6. However, a maximum of **25** copies can be made for Designated Committees.
7. Under the terms of the licence, **unlimited copies can be made** for the visually impaired. The use of electronic manipulation is also permitted, for example changing font size under the **Copyright (Visually Impaired Persons) Act 2002**.
8. The scanning of materials into either PDF or OCR formats **is also permitted** under the terms of the NHS Scotland licence. Again unlimited copies can be produced but points 2,3, 4 and 5 still apply. **At present only UK publications can be scanned**.
9. Digital copies can be sent to anyone with access to NHS email/Intranet, which are password protected. However, **digital copies can only be stored on a PC hard**

**drive and cannot be placed on a server. Additionally, digital copies must not be indexed.**

10. It is permitted to print out digital copies and to make copies from them but it is **not permitted** to edit or alter digital copies. **IMPORTANT EXCEPTION:** digital articles received from the **British Library must not be copied or altered in any way.** Once an article has been received and forwarded/supplied to the user, **it must be deleted from the library PC.**
11. Digital Content, i.e. scanned articles or book chapters, **cannot** be placed on the Internet. It is not permitted to link to them from any third party or external sites.
12. Whilst PERL is not required, under the conditions of the CLA licence, to charge any fees, it is permissible to charge a small fee to cover any associated costs.

#### **Websites:**

1. The content of websites has the **same protection** afforded to it as other materials under the 1988 Act. This includes both **content** and **layout/design**.
2. Ideally, unless otherwise stated, **permission should be sought** before building links to any other website. When a link is created it should always be to the **homepage**.
3. A **copyright declaration** should be **included on a website** to clearly outline who own what. This can be in statement form, e.g. on a page, or in the form of a terms and conditions dialog box – preferably with a yes/no or agree/disagree type option.
4. The copyright date should be updated annually.

#### **Databases:**

1. Databases are also **protected** by copyright legislation if they are original in terms of content and layout. If the content is not original databases are protected under **Database Right Legislation**, which offers protection of content.