

Stay away from risk

How to copy right

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  - Scientific information & documentation
  - Consulting
  - Training
- LIBRARY CONSULT
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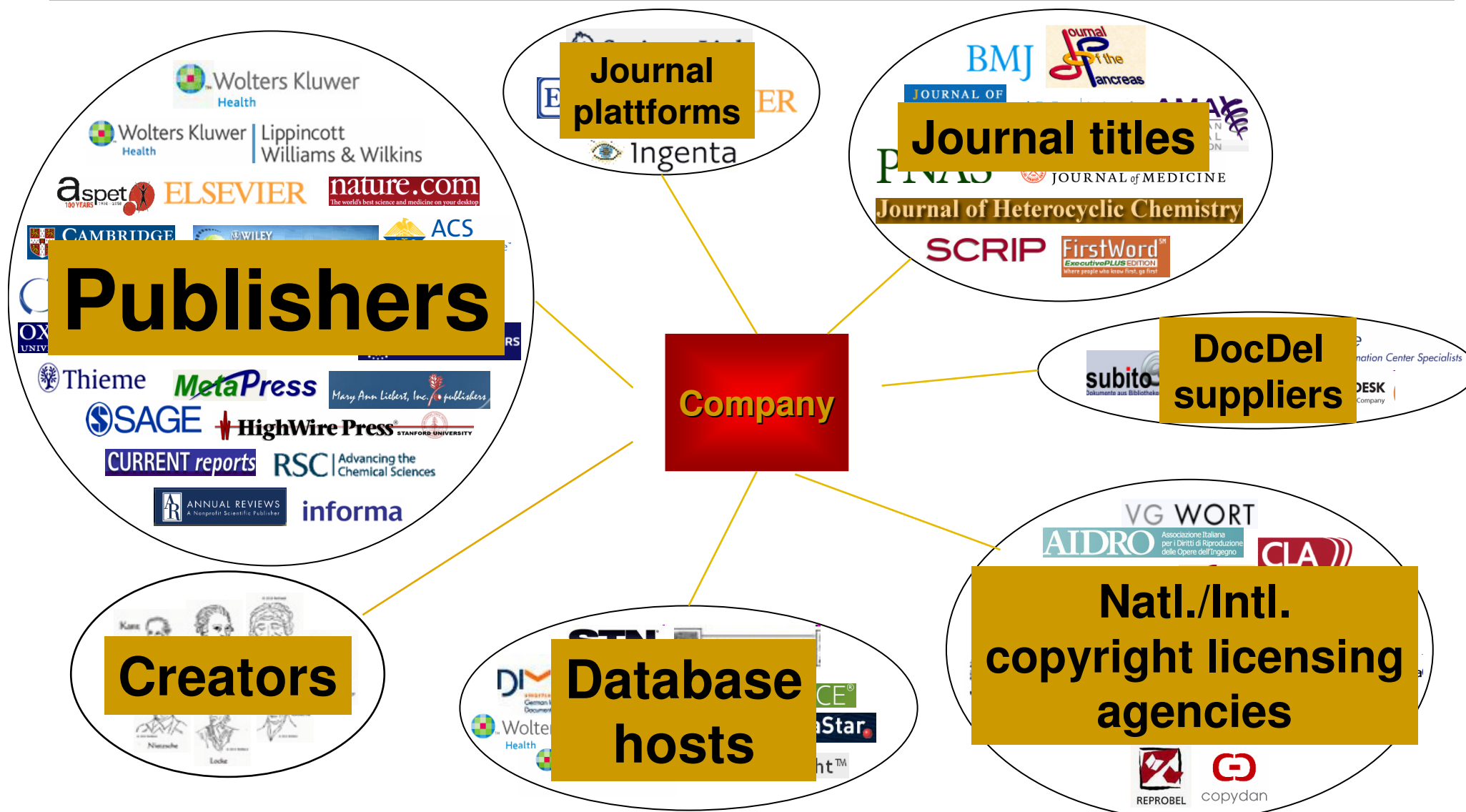
- Agenda for today
  - Compliance in a digital environment
  - Users' perspective
  - Information professional perspective
  - The pole position
  - Corporate copyright policy
  - How to copy right

- Compliance in a digital environment
  - Electronic information sharing a must in today's business world
  - Discrepancy in understanding between content in the public domain vs. content publicly available
  - Printed/published material not perceived in the same way as eg. software

- Users' perspective
  - I need information for a specific problem.
  - I need the information fast.
  - I want to share it with my colleagues.
  - I want to be copyright compliant but I don't want to be hassled with a complicated process.

- Information professional perspective
  - The company is paying a lot of money to buy licenses, but they only cover for internal usage and no one understands this.
  - It is difficult to reach out to everyone to make them copyright compliant.
  - It is almost impossible to convince management of the necessity of copyright compliance.
  - During times of saving, licenses are the first to be cut.
  - ...

- The pole position
  - You are the experts.
  - You know the publishers and their policies.
  - You know the users and their needs.
  - You know the licenses signed between legal and the publishers.
  - You provide databases and subscriptions – you can judge which information sources are used and needed.





- Corporate copyright policy

- KISS AIDA

- Keep it **s**hort and **s**imple

- A**ttention – catch the users attention with a simple infringement example

- I**nterest – tell the user why he/she should continue reading

- D**esire – develop rules that are so easy to remember that everyone wants to be compliant

- A**ction – develop an interactive training so that users can practice their copyright knowledge

- How to copy right
  - Educate your users
    - Workflows, guidelines, trainings
  - Make copyright information accessible to everyone
    - Intranet, SharePoint ...
  - Take it to the market
    - Kick-off on a Copyright Awareness Day, follow up by newsletters, start a corporate copyright blog ...

Thank you for your attention and over to you –

QUESTIONS?

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## Notes to presentation “How to copy right”

### Slide 2

Before I begin today, let me briefly introduce to you the two companies that are cooperating since 2011 to deliver customized copyright trainings especially for business customers:

TRISOLVE Scientific is owned by Christine Eckenweber-Black and focuses on

Scientific information & documentation, consulting in information management and training

LIBRARY CONSULT is owned by myself and focuses on

Project management for corporate libraries and information services as well as consulting in information management and training

From our longstanding experience in business environments we both know how hard it is to raise awareness for copyright compliance. We have therefore developed a three-module training to help corporate organisations understand the need for compliance. There is a basic module to explain what copyright is, which rights are granted, what happens during a publishing process. The refresher course picks up on the basics of copyright, covering issues such as sharing internally and externally or in regulatory submission. The experts course is designed for information professionals and everyone having to do with copyright by nature of their work (eg. patent lawyers or documentalists) and aims to help build a knowledge base for everyday questions from the users.

### Slide 3

Now I know that you are all copyright experts within your organisations so I planned to do this session a bit as a workshop. The agenda today roughly covers these points:

Compliance in a digital environment – what are the challenges faced today

A short view on the users’ perspective followed by the information professional perspective and their pole position for developing a

Corporate copyright policy

And last but not least possible solutions on How to copy right

### Slide 4

Before I begin with the challenges I want to share something with you which I know is well known to you – but since I am always impressed by these numbers I am sure you are, too.

#### **According to an Outsell study carried out in 2010**

86% of professional employees share content – usually in a digital way on a weekly base

Of these, 42% share content electronically on a daily base

**But** and this is the shocking finding – **less than ½ of the survey respondents knew their copyright policy**

#### **Why is this so?**

- Electronic information sharing is a must in today’s business world – sharing content on paper is time-consuming, not very ecological and especially in regulatory submission processes no longer wanted (eCTD)
- Discrepancy in understanding between content in the public domain vs. content publicly available: content in the public domain is content that is freely available for usage – even commercial use; content publicly available on the internet is usually still covered by copyrights – just because someone hasn’t put the © - symbol on their page doesn’t mean it’s free to use

- Printed/published material not perceived in the same way as eg. software – no one would install unlicensed software on their business computers but articles or newsletters are shared electronically and stored in every possible way

These aspects take us straight to the **next slide**

## Side 5

The user's perspective

**What does a user want and need?** Users need information – they need it fast and preferably in full text usually on an ad hoc basis.

**How do they get it?** They search Google, databases both internally and externally and sometimes (or rather very often) they ask colleagues.

**What happens next?** They find a result, they click on the link – and if it's something available in full text they download and store the document on their computer. For personal use that is fine – the difficulty starts when they want to share their results with their colleagues. It becomes even more difficult when they pay to download an article.

**Who could be the colleagues? I can see several groups:**

- Internally we have team members and colleagues from other departments
- However, increasingly companies are cooperating with other companies or academic institutions. These must be regarded differently:
- Other companies – commercial partners underlying commercial copyright regulations
- Academic institutions – non-commercial partners, sometimes funded by governments; these enjoy very different access modules (usually through their libraries' subscriptions or through creative commons licenses)

This is where the real challenge begins for users! Even if they are aware of the need to be copyright compliant, one can't really expect them to know how to share documents. Especially since, and you all know that, commercial users pay a lot of money when they buy an article.

## Slide 6

Let's take a look at the information professional perspective:

- The company is paying a lot of money to buy licenses, but they usually allow for internal usage only.
- It is difficult to reach out to all employees to tell them how important it is to be compliant.
- It is even more difficult to convince management that copyright compliance is necessary and can be expensive when infringement takes place.
- When everybody is forced to save, licenses are the first to be observed – and possibly cut – even when this results in larger numbers of pay-per-view downloads.

I think all of you know these challenges and the list can be continued almost endlessly.

BUT and this is the good message: I find that awareness is rising. Now is a good time for information professionals to prove their value to the company. I am not sure, how many of you are familiar with the infringement cases by quite a number of German politicians. These have been doing us, as copyright experts the greatest favour ever by being non-compliant.

## Slide 7

Why do I think that information professionals are in the pole position for copyright compliance?

Because you are the experts – in the companies I have worked for I usually found that the legal department had heard of copyright but never put much thought on it, unless they had to review a license agreement. And then they usually didn't understand that these couldn't be changed – it's either sign or not get the content, isn't it?

Take this expertise out to your legal departments and work with them on a corporate copyright policy. To make them understand the need for that I usually present them with the **following slide**. It usually convinces them.

## Slide 8

Publishers:

Watch out: Wolters Kluwer Health is not Wolters Kluwer Health/ Lippincott Williams & Wilkins.

Journal platforms:

Serving as hosts; license agreements allow usage of platform only for subscribed journals / journal packages

Journals:

Lancet is published by Elsevier, but needs an extra license agreement for using.

Document delivery suppliers:

Supply articles from journals published by Springer, Elsevier & Co.; but can only do so if there is a license between customer and publisher

Clearing agencies:

Especially multinational companies need to clarify if licenses with national clearing agencies are needed. E.g. UK: newspaper material can only be used internally if companies have signed the newspaper license with the CLA.

Database hosts:

Wolters Kluwer offers databases through their host OVID. Usage of OVID needs an extra database licensing agreement between customer and publisher.

Copyright holders:

German and French authors are can keep certain usages for themselves. I.e. Publishers cannot grant permission for certain usages, if the authors haven't granted these rights to the publisher. In that case, a company wanting to use an article must obtain written permission from the authors as well as the publishers.

*Example: a company holds a license with Elsevier and also The Lancet. An article is needed for a reprint. However, the author has only granted permission to re-sell a copy for subscribers or single users. In this case the company must get permission for reprints from author, publisher and journal.*

## Slide 9

### Why is it necessary to develop a copyright policy?

For one thing, a copyright policy does not protect your company if you are caught infringing copyright – but the punishment may be less hard, when you can prove that you have at least tried to educate the employees.

### What should or rather could it include?

When developing a copyright policy I always try to follow the AIDA concept – this originates in journalism and is actually used to come up with short announcements for news or films etc. But I find it helps me to focus on the topic. So - keep the policy as simple as possible. Remember, it's the user you are writing for, not legal experts.

- If possible, try to match the need for the policy to one of the company values. For example, if respect for others is one of the values you could write something like „We at XYZ recognize and respect intellectual property rights and are committed to fulfilling our moral and legal obligations with respect to our use of copyright-protected works.“
- Come up with no more than ten obligations and keep these as short as possible. A policy should fit on an A4 page to be read and remembered.
- If you have license agreements with any of those from the previous slides name these, definitely list them with what is allowed and what not – something like „We hold a license with ABC, that allows us to photocopy excerpts, share articles via the intranet ...“
- Most important, tell users how to get to their full text in a compliant way. Since all of you use the Infotrieve system try to develop guidelines for the platform usage.

## Slide 10

Now you've got a copyright policy there's a lot more that needs to be done:

I have already mentioned guidelines for using a document delivery platform. Additionally, you can develop guidelines and workflows for various uses:

- Sharing content electronically, for example in SharePoint
- Using copyright protected content in regulatory submission (this would be a workflow rather than a guideline)
- Using protected material from third parties for educational material or for congress presentations
- Sharing protected content with external parties
- Storing protected material in internal databases or eRooms

For any usage you can think of, develop a workflow or guideline and make these available only to those who need them. It would make no sense to give out a regulatory submission workflow to a researcher, for example.

- Develop **trainings for different users**: there could be a basic training for everyone and refresher trainings customised for researchers, regulatory affairs employees etc. These should also be short and of course fitting into your training environment. If your company uses eLearning, then you must develop eLearning modules. If employees prefer face-to-face trainings try to make them so short, that you can deliver them during, for example, team meetings.
- Next, develop a **copyright intranet page** where all the afore mentioned material can be easily accessed.

- Last, work with communications to market the „idea“ – there’s no use to put all the effort into development when no one knows about it.
- Most important: keep in touch with the users, for example through a corporate copyright blog. Ask users to participate with their questions, as these may be important for everyone. You can run a copyright awareness day every year, or you can run quizzes during the year – publishers are usually happy to provide small giveaways for prizes.