

FreePint® Research Report

Copyright Policies and Practices 2011

Results from our two-phase survey on copyright needs, behaviours and attitudes in the enterprise

"In the current year results, we see a significant increase in confidence amongst both managers and users around their ability to manage the risks associated with copyright. However, the gaps identified in last year's research between top-down policy and bottom-up behaviour continue to suggest unmanaged risk..."

March 2011

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"... we see a significant increase in confidence amongst both managers and users around their ability to manage the risks associated with copyright."

The original [FreePint Research Report: Copyright Policies and Practices](#) was published in March 2010. It was the result of a year-long process of investigating industry-wide developments in copyright. The report documented the results of a two-phase survey process, first collecting information from managers and second from end users.

This report was the first to identify and start to quantify the gaps that may exist between what organisations *think* they are doing to manage the risk associated with potential misuse of copyrighted materials and what end-users are *actually* doing with the content that crosses their desks every day.

The current FreePint Research Report: Copyright Policies and Practices 2011 similarly documents results from two surveys — of managers and users. The reiteration of the work for a second year enables us to track change over time in attitudes towards and approaches to copyright risk management.

In the current year results, we see a significant increase in confidence amongst both managers and users around their ability to manage the risks associated with copyright. However, the gaps identified in last year's research between top-down policy and bottom-up behaviour continue to suggest unmanaged risk.

Information managers are increasingly interested in technological solutions to help them manage the risks associated with copyright. Today's most common tools and methods still rely on human decision-making and compliance to be effective, but technology removes the human element from the equation. Despite this interest, technology-based solutions are still relatively uncommon, no doubt because of the higher cost to implement and the longer lead-times between concept, approval and finally implementation.

To their credit, users recognise their critical role in managing the risks associated with copyright, and they are hungry for more tools, information and training to help them step up to their responsibilities. Within responses to open-ended questions, the plea for clarification, simplicity and more knowledge comes through clearly. Clarification will not come easily, however: Current year responses to both phases of the project indicate that we as an industry are not much closer than we were last year to industry-wide norms and standards for copyright definitions, approved uses and provisions.

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For further information about FreePint Research, visit <http://web.freepint.com/go/research/>

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Phase 1 Results

Phase 1 of the FreePint Survey: Copyright Policies and Practices 2011 gathered responses from information managers. We collected a total of 103 responses to Phase 1 in the current year.

Our audience for recruiting participation in Phase 1 of this project focused on several important populations:

- **Subscribers to VIP:** VIP is a publication of FreePint serving information managers responsible for managing their organisation's content budget and information strategy; VIP subscribers work in professional services, government agencies, pharmaceuticals, and manufacturing.
- **Sponsor-generated customer and prospect lists:** Project sponsors were encouraged to send an invitation to participate to their customers and prospects.
- **Participants in the 2010 study:** Previous participants who had provided contact information were invited to participate.
- **FreePint Research participation list:** We maintain a growing list of information managers and practitioners who appreciate the opportunity to participate in our research projects.

We collected data anonymously via an online survey tool. To encourage participation, we provide a copy of this report to participants, provided they submit a valid email address after completing the survey. (Email addresses are kept separate from survey responses so that all data remains confidential.) In addition to questions specifically about copyright, we asked a series of questions about location, industry, global employees and size of content budget to gain a better sense of the nature of organisations represented through the data.

Figure 1 shows the geographic spread of current year respondents. Figure 2 shows what respondents reported for their 2010 content budget. Figure 3 shows the number of locations at which their organisations have knowledge workers who handle copyrighted information.

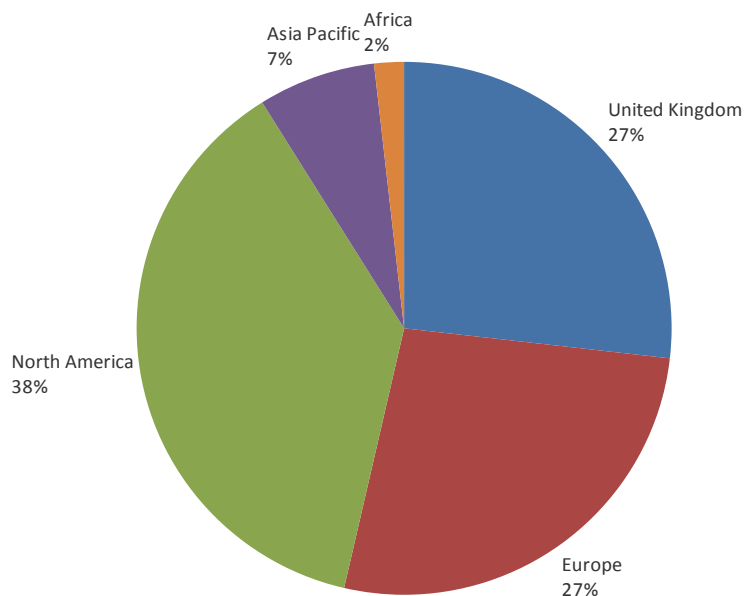


Fig. 1: Geographic spread of current year respondents

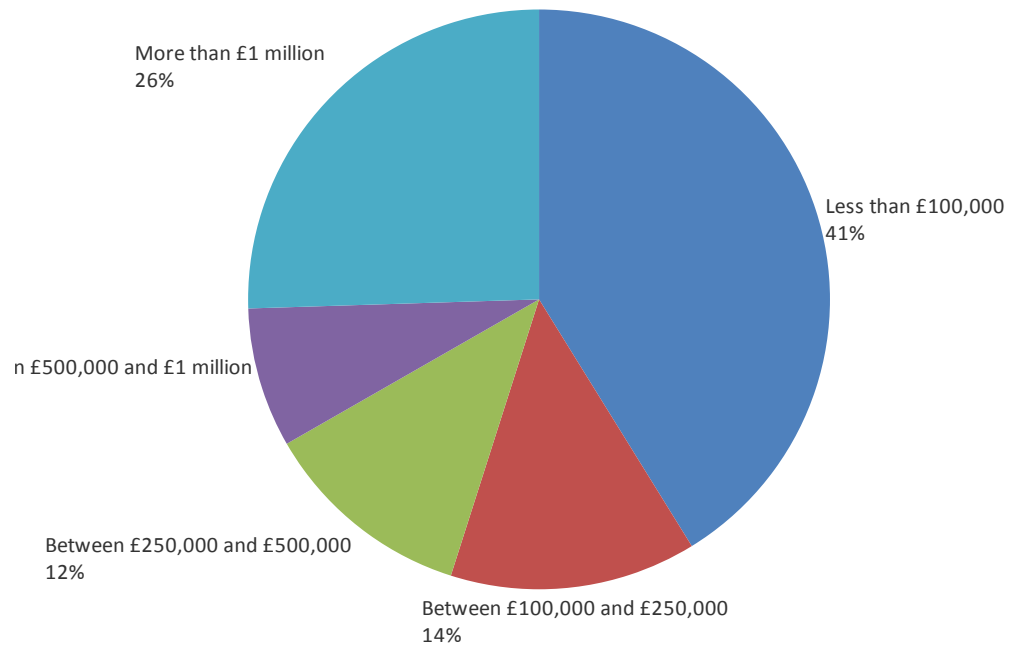


Fig. 2: Respondents 2010 content budget

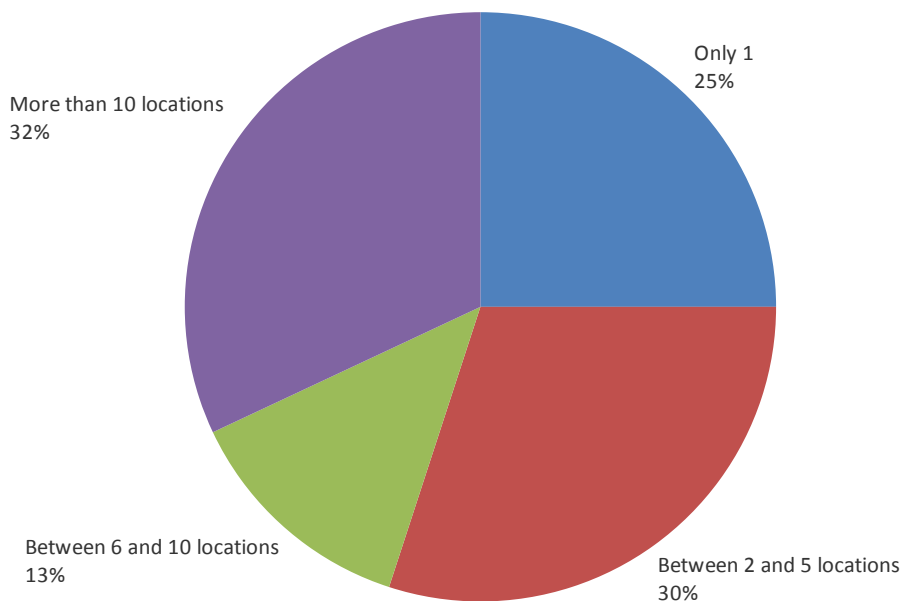


Fig. 3: Number of locations at which their organisations have knowledge workers who handle copyrighted information

As a qualifying question for the survey, we asked respondents to tell us if they manage policies relating to the use of copyrighted material for at least one location. 13% responded "No", and were then directed to take part in Phase 2 of the project, in which we gathered information from end users. Of the remaining respondents, 42% manage use of copyrighted material for a single location, and 46% manage use of copyrighted material for all locations, as illustrated in Figure 4.

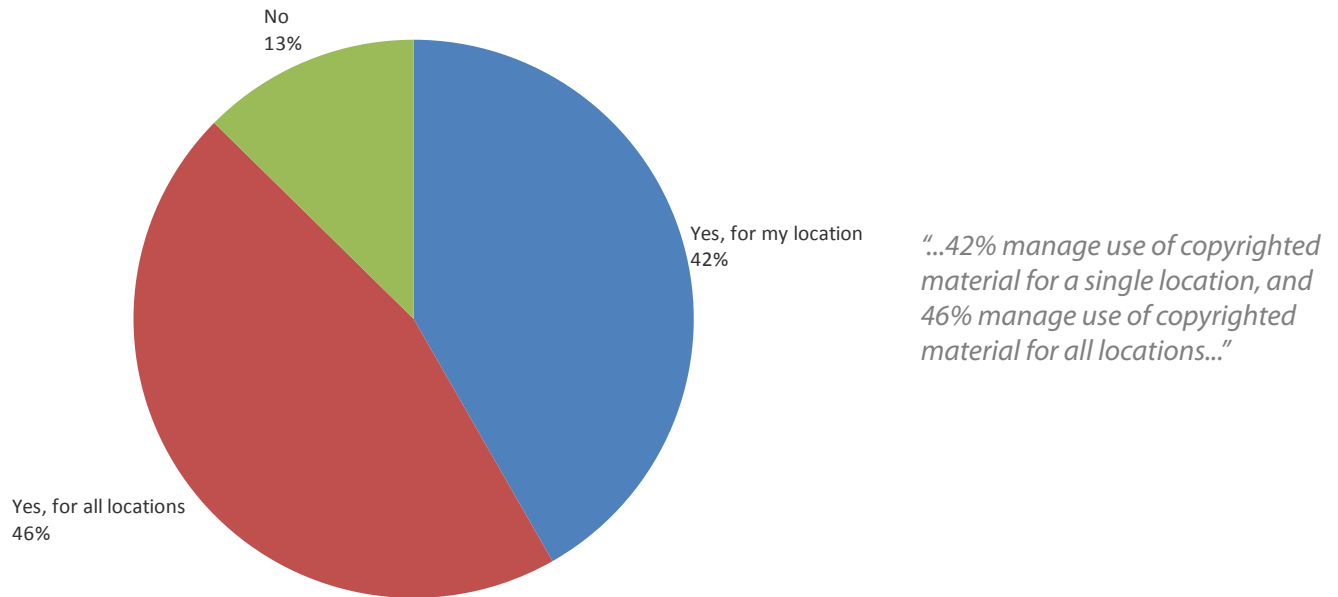


Fig. 4: Do respondents manage policies relating to the use of copyrighted material for at least one location

Importance of copyright

We asked respondents if copyright risk management is more important, less important or about the same level of importance as it was a year ago. Current year responses are shown in *Figure 5*.

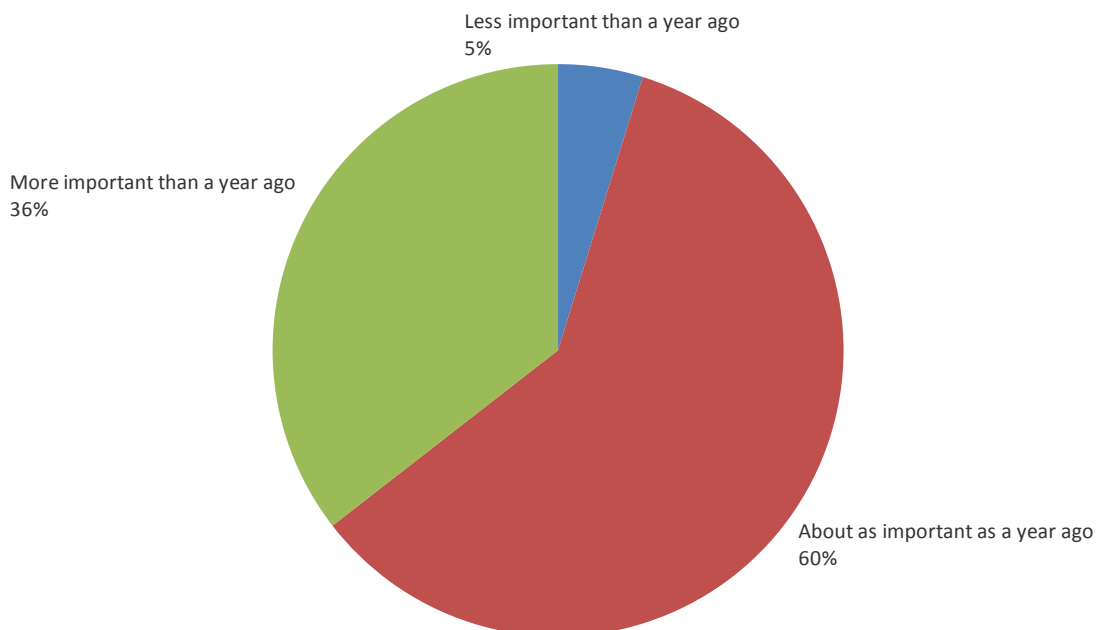


Fig. 5: Copyright risk management importance

A small percentage of current year respondents indicated that copyright risk management is less important than it was a year ago; although they represent a tiny portion of the respondent pool, this number does represent an increase from the zero respondents in this category in 2010. Sixty percent feel it is at the same level of importance, and 36% report that it is more important than it was a year ago.

Overall, 2010 was not as dramatic a year for copyright risk management as 2009 had been. Although organisations continue to wrestle with questions of what workers can and cannot do, particularly with material from outside the enterprise, many invested time and resources in the months that followed in shoring up their policies and refreshing training and awareness.

The percentage of respondents who report that copyright risk management is more important than it was 12 months ago remains high, however: More than one-third of respondents fall in this category. Copyright risk management is complex, particularly since new types and formats of information are entering the organisation all the time. Is the current policy adequate to cover discussion groups? What about mobile content? As information consumption patterns change, copyright must be continually revisited.

We asked respondents to share insight as to what has influenced the change in importance, if they feel there has been a change. They added a number of different write-in responses, which can be grouped into the general categories "internal" and "external" changes:

Internal changes:

- *Increased use of differing media, e.g. social networks*
- *Compliance in the pharmaceutical industry is very important; pharma companies are under spotlights so copyright compliance is just one area where we pay attention*
- *More focus from internal clients*
- *Our legal department has taken a leading role in identifying risk factors*
- *Raising consciousness among teachers*
- *Escalating importance of existing policy by getting the management committee involved in endorsing it via email to every employee*
- *Better awareness and an effort to bring better awareness to the community*
- *Fear of audits and bad press*
- *Management acceptance that permissions are a cost of business and staff education*
- *It's part of our compliance efforts*
- *Increased number of digital resources*
- *We are trying to implement a policy*
- *The extended use of sharing media files in social networks.*

External changes:

- *Increased need for collaboration on joint projects between research agencies; increased expectation of researcher support with digital documents*
- *International collaboration*
- *Greater concern about the regulatory environment*
- *Changes with the NLA and CLA adding in digital aspects to their licenses.*

In addition, two respondents added comments in this section that speak to the overall culture of their organisations and the impact of seemingly small initiatives on copyright awareness:

"Copyright is very important in terms of the risk to our organisation but it is not taken seriously. We in information management (image management) are working to change this."

"About one year ago I made a company-wide presentation on the importance of copyright to our company. That one presented has sparked copyright questions to me every week. In addition, I make a copyright presentation to all new employees. I work closely with our Legal department to address any copyright issues I'm unable to address myself."

Influencing factors

We asked respondents to rate on a scale of 1 to 4 (1 = not important; 4 = very important) several factors in terms of their influence on attention paid to copyright. *Figure 6* shows their average ratings for the current year, compared with the average ratings for the previous year.

"Overall, 2010 was not as dramatic a year for copyright risk management as 2009 had been."

"About one year ago I made a company-wide presentation on the importance of copyright to our company. That one presented has sparked copyright questions to me every week."

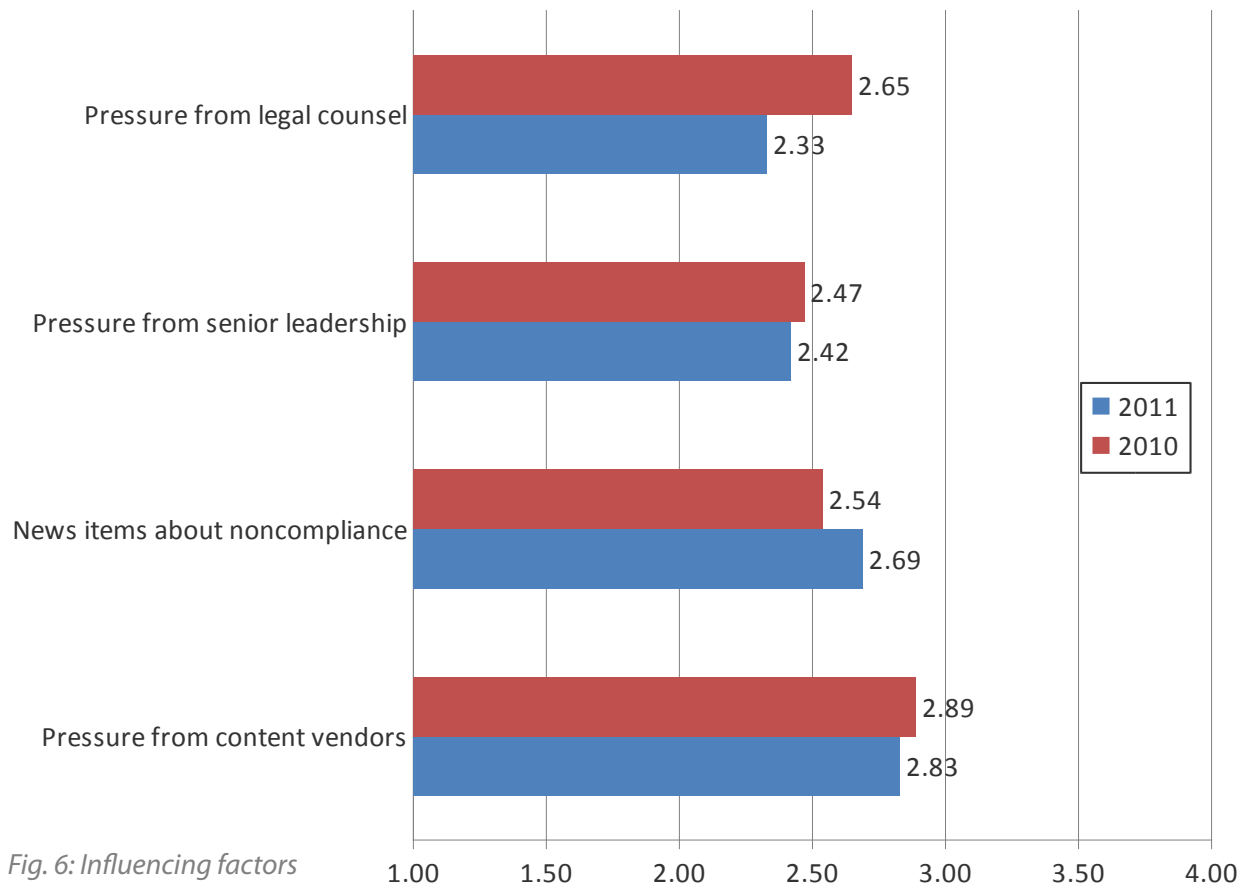


Fig. 6: Influencing factors

Pressure from content vendors again earned the highest average rating with 2.85 on the 4-point scale, only a fraction lower than the total respondents' average of 2.89. The visibility of copyright-related legal cases over the past year again had an impact on awareness of copyright issues in the enterprise.

The biggest change in average rating was for the importance of pressure from legal counsel. Current year data for this influence average 2.33, down from an average rating of 2.65 the previous year.

Average rating for pressure from senior leadership remained very close – 2.42 for the current year and 2.47 for the previous years' respondents. The relatively low ratings for this area of influence suggest that information managers must continue to educate their senior leadership — and perhaps remind their legal counsel — on the risks associated with copyright to be sure they have the resources they need to manage those risks properly.

Influence of news items about noncompliance rose slightly in average ratings — 2.69 for the current year compared with 2.54 for the previous year. Although high-profile news items about noncompliance were more common in 2009 than in 2010, it's likely that the full impact of those news stories on actual policy and practice developments hit information centres in 2010.

Figure 7 shows the full spread of responses for each item for the current year. The figure clearly indicates the significant impact of pressure from content vendors: Over a third of respondents rated this item a "4" on the 4-point scale. At the other side of the figure, pressure from legal counsel has the highest percentage of respondents who rate this influence a "1", but also 20% of respondents rated this item a "4".

"...information managers must continue to educate their senior leadership — and perhaps remind their legal counsel — on the risks associated with copyright to be sure they have the resources they need to manage those risks properly."

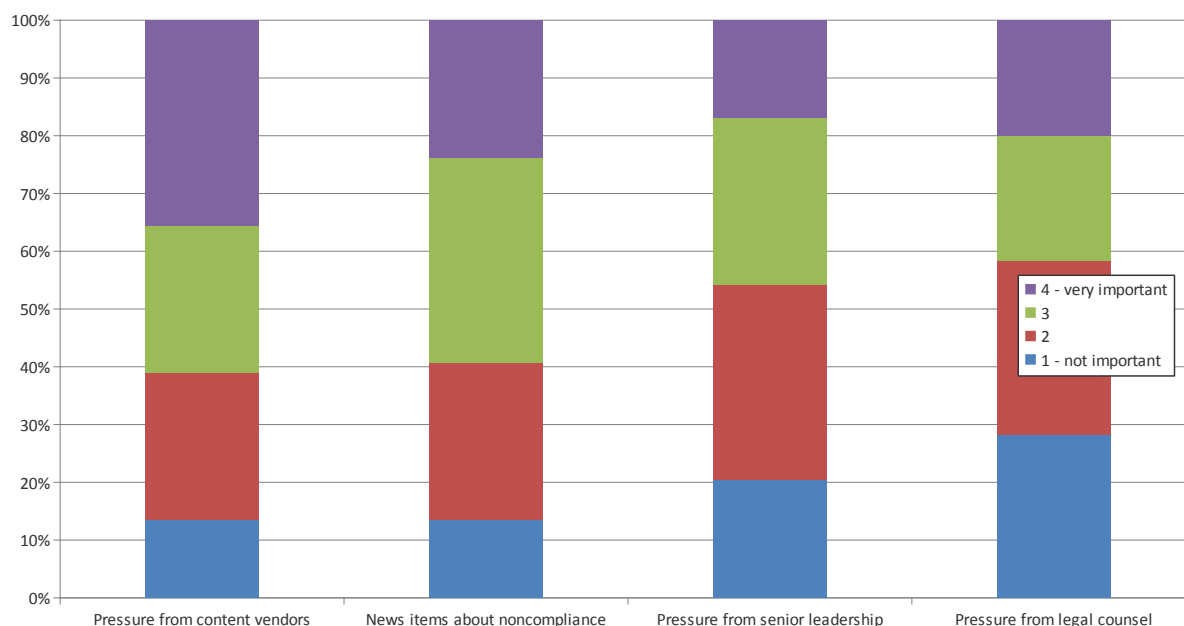


Fig. 7: Spread of responses

Respondents also had the opportunity to provide additional comment on their numeric ratings. Their comments include:

Awareness:

- *Our main struggle is to find guidance on minimising risk to the organisation*
- *Noncompliance is treated seriously in our company*
- *The pressure for us came with last year's announcement by the NLA to add on the digital extension to their license*
- *When there are massive downloads by single users the vendors get in touch with us.*

Non-awareness:

- *Senior leadership do not usually know or care about this unless the legal department identifies the problem*
- *I generally have to raise the issue in my organisation*
- *I drove the emphasis on copyright awareness once I realized there was no existing focus on copyright; there had been in past years, but it had lost emphasis over time.*

Other comments:

- *We want to pay attention to copyright because it is important and not because we are being pressured by any source*
- *My main concern is wanting to do the right thing*
- *We comply because it's the right thing to do*
- *Aim is for ethical practice regardless of pressure.*

Methods for managing copyright

We asked respondents about tools and methods they use to manage copyright. For each method, respondents could indicate if it is one they have never used, are considering for future use, use and consider effective or use and consider it ineffective. *Figure 8* shows their responses.

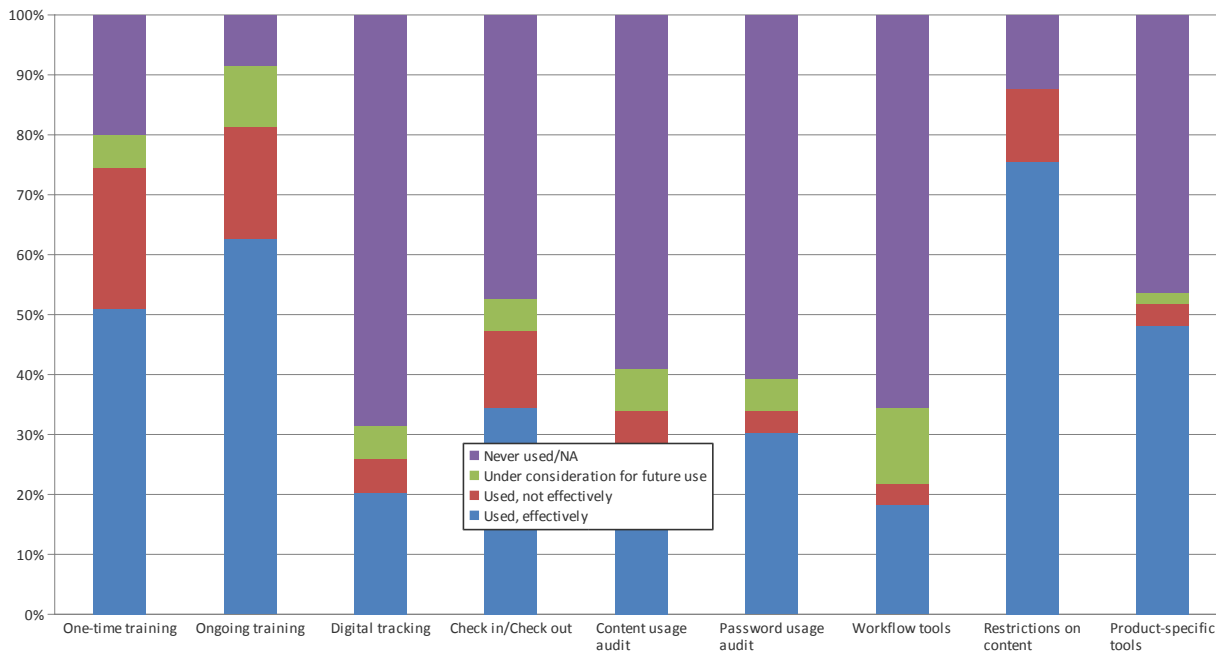


Fig. 8: Tools and methods

What tools and methods do you use to manage use of copyright-protected material in the workplace?

- One-time employee training
- Ongoing employee training
- Digital tracking
- Check in/Check out procedures
- Content usage audit
- Password usage audit
- Workflow tools (e.g., RightSphere or similar)
- Restrictions on which content can be used
- Product-specific tools provided by vendor

The most commonly used tools and approaches include one-time training, ongoing training, restrictions on what content can be used, and product-specific tools provided by vendors. Each of these approaches or tools is “used effectively” by roughly half or more of the respondents.

Of the tools in use, the ones that are most often deemed “not effective” include training (both one-time and ongoing), restrictions on content usage and check in/check out procedures for restricted content – all methods that rely heavily on users themselves to take on responsibility for participation and internalisation of risk management.

The largest percentage of respondents name workflow tools as “under consideration for future use” — approximately 15% of respondents indicate that these tools are under consideration. Although a relatively small percentage of respondents indicate that they use these tools now, those who do tend to deem them effective.

The picture this data paints is of organisations that continue to rely on human-focused tools to manage copyright risk, primarily restrictions on content access and training. But restrictions need to be enforced, and errors can always be introduced into the process; workers have to attend training, and then pay attention and retain what they learn.

Technology-focused approaches, such as workflow tools and digital tracking, are far less likely to be in use, though more likely to be effective when they *are* in use. Shifting towards technology-based solutions can reduce the human element of risk management, but requires financial investment, close partnership with vendors and, first and foremost, an acknowledgement about the seriousness of the risk at stake. Information managers may be ready to acknowledge the degree of risk, but those who manage budgets and strategy may not.

“The picture this data paints is of organisations that continue to rely on human-focused tools to manage copyright risk, primarily restrictions on content access and training.”

Respondents were able to add their comments on this survey item, such as:

- *I'm a solo librarian, so I do what I can.*
- *Copyright provisions are including in the Standard of Conduct, which all employees sign on an annual basis; this is supported by a corporate copyright policy that is widely available across the organisation; furthermore, we audit and ascertain business requirements for specific products and negotiate terms of use to facilitate these needs.*
- *We have a permissions process, involving receiving payment before we grant written permission to reuse our copyrighted material.*
- *It is extremely important to have on-going training.*

Attitudes about copyright

Information managers approach copyright from a wide variety of perspectives. We wanted to understand their attitudes towards copyright and their organisations' approaches to managing it.

To gauge their perceptions and attitudes, we asked respondents to rate their agreement with a series of statements about copyright. Respondents could rate their agreement from 1 (completely disagree) to 4 (completely agree).

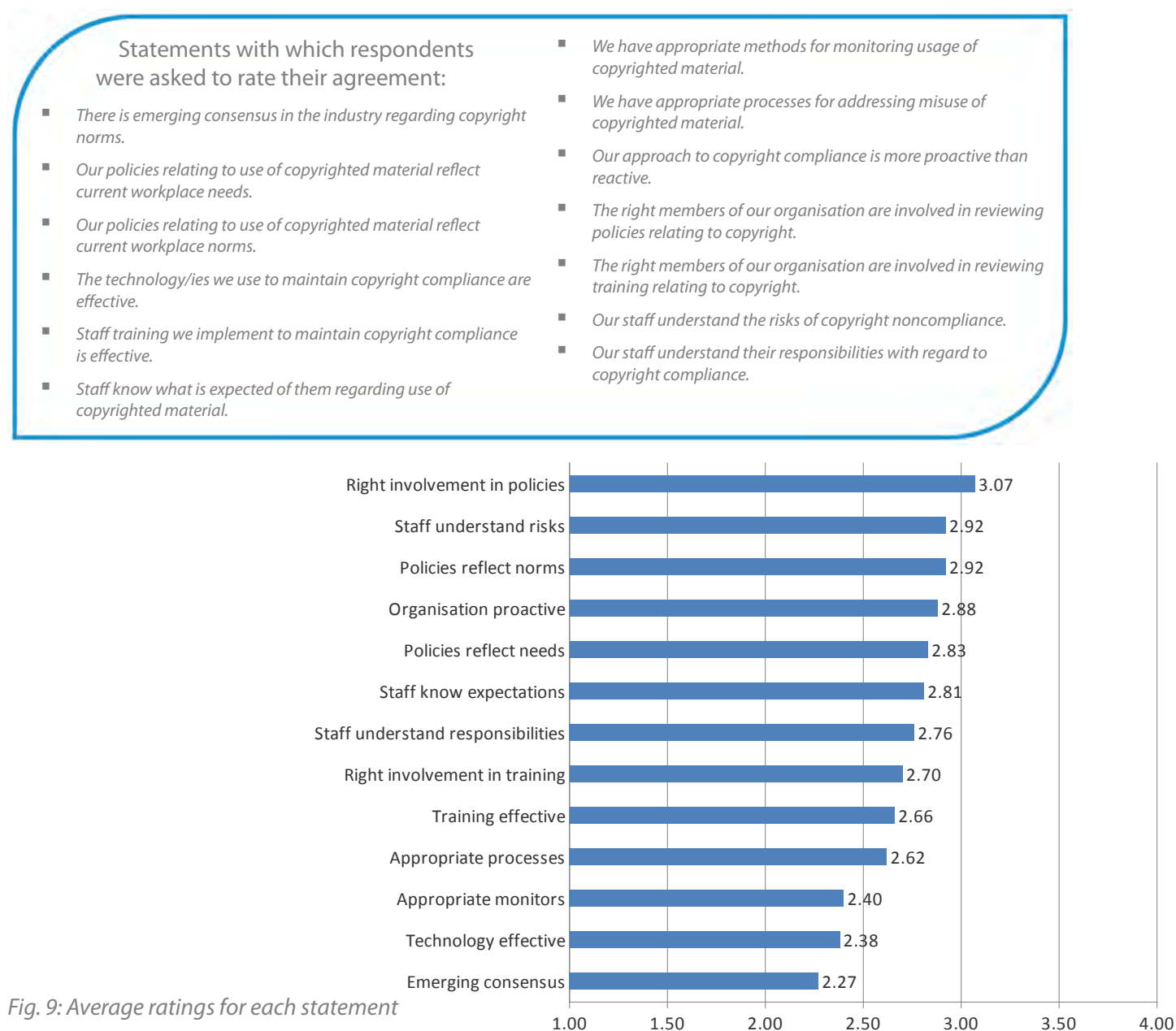


Fig. 9: Average ratings for each statement

Figure 9 shows the average rating for each statement. Most statements earned an average rating of at least the halfway mark of 2.5 on the 1-to-4 scale, indicating a relatively high degree of confidence on the part of information managers that they and their organisations are doing the right things to guard against the risks associated with copyright.

Respondents particularly agree that the right members of their organisations are involved with copyright policies. They feel that staff understand the risk associated with copyright, and they generally agree that their organizational policies around copyright reflect their workplace norms for needing and working with copyright-protected content and resources.

Below the halfway mark, we see where information managers are less confident: They see room for improvement in how they monitor usage and in the technologies available to support copyright compliance. They also disagree with the statement, "There is emerging consensus in the industry regarding copyright norms".

Figure 10 compares the current year responses to last year, showing some shifts in a number of areas relating to copyright. For nearly every statement, managers responding with the current year have become more confident in their responses. The biggest gains are in the following areas:

- *We have appropriate processes for addressing potential misuse*
- *Staff understand the risks associated with copyright*
- *Training is effective*
- *We have appropriate methods for monitoring potential misuse.*

"They see room for improvement in how they monitor usage and in the technologies available to support copyright compliance."

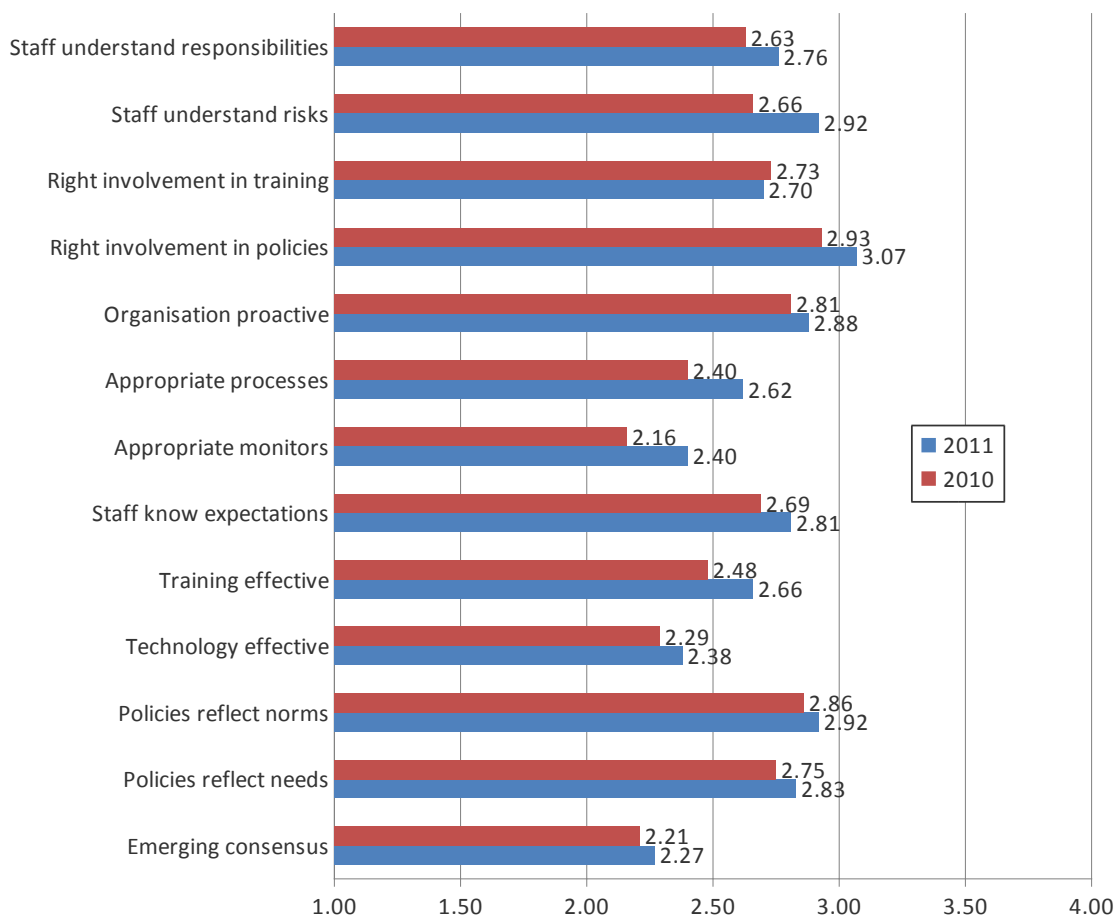


Fig. 10: Response comparison between years

Even those statements that fall at the bottom of the list based on average ratings exhibit some improvement in the current year's responses. In addition to the jump in average ratings for appropriate monitors, current year respondents express increased confidence in the effectiveness of technology to manage copyright and (less so) in emerging industry consensus on copyright.

From the end of 2009 and throughout 2010, copyright was at the top of the agenda for a lot of organisations. Review of policies, new training and a range of awareness campaigns were common projects information managers engaged in throughout the period. The increased confidence the current year averages demonstrate against last year suggests that information managers feel these projects have been worthwhile.

Figure 11 shows the full spread of responses for each item for the current year. The spread shows variations from bar to bar, with only the suggestion of a trend line moving from left to right on the figure. These variations reflect the continuing uncertainty of copyright risk management in the field. In mature areas of the industry, a spread graph will be more consistent and demonstrate smoother movement from bar to bar.

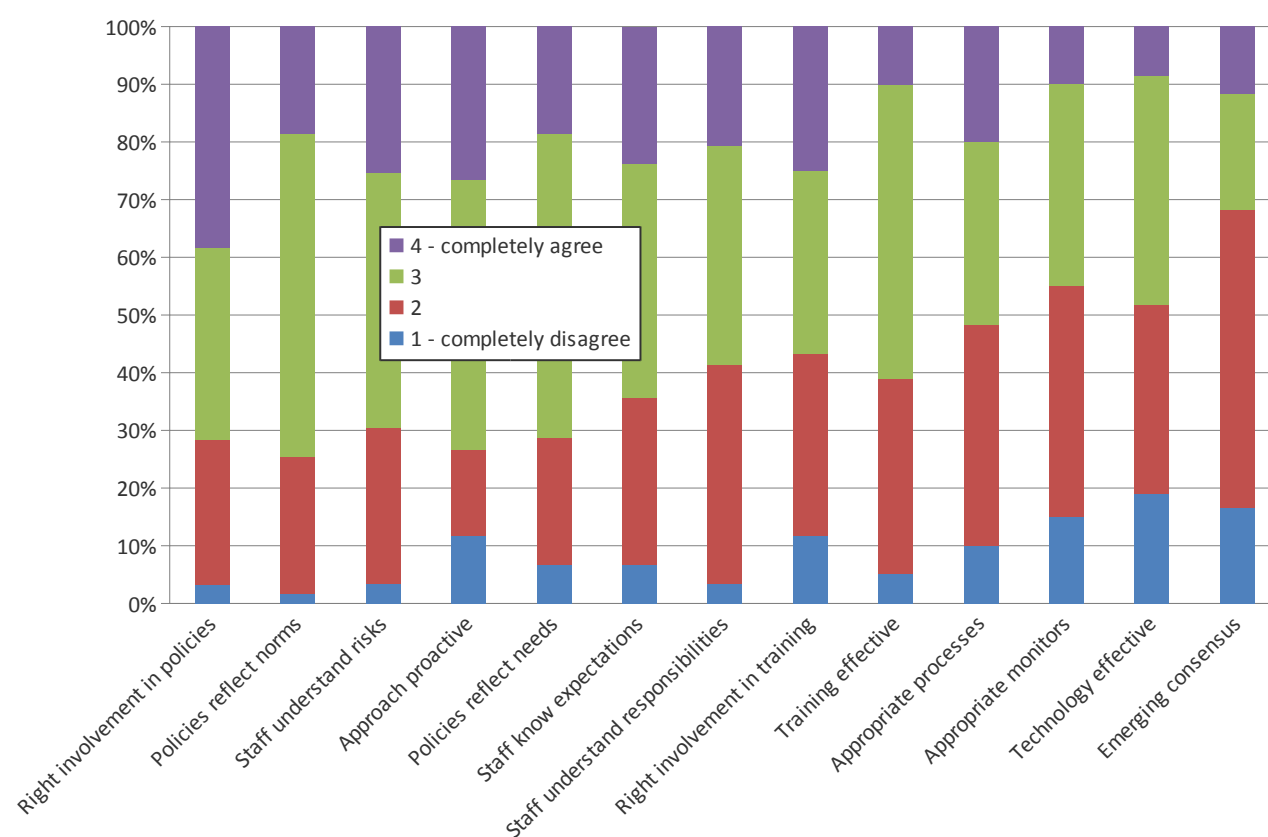


Fig. 11: Spread of responses

"These variations reflect the continuing uncertainty of copyright risk management in the field."

Respondents could also add comments to their ratings:

- *We have particular difficulties where copyright issues overlap with unclear subscription contracts.*
- *As an association journal, we are sensitive to securing copyright transfer from authors of accepted mss submitted.*
- *Our copyright training efforts are showing effectiveness but this is an ongoing effort.*
- *Always ongoing with new staff recruitment.*
- *Information staff are very aware; general staff are not.*

We next asked respondents to share their opinions on what matters to them for further development of best practices in copyright risk management. For each item, respondents were asked to rate them on the 1 to 4 scale, where 1 = not important and 4 = extremely important. Their responses are shown in Figure 12.

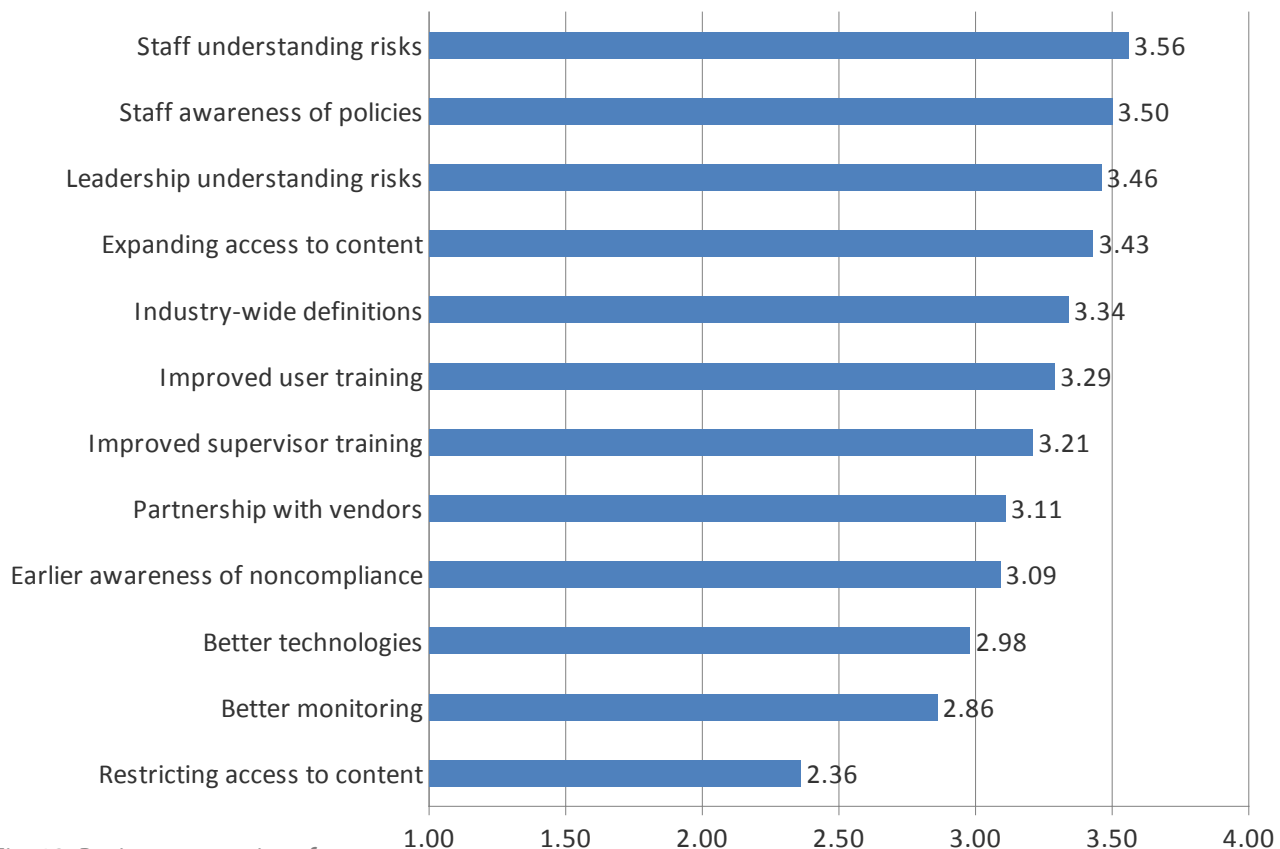


Fig. 12: Ratings to a series of statements

Nearly all of the items earned very high average ratings — from 2.86 up to 3.56 on the 4-point scale. The one exception was “Restricting access to content”, which respondents tended to agree was not important in moving forward with copyright risk management.

Looking back at *Figure 8*, we see that restricting access to content is the most commonly used approach to managing copyright risk. Yet information professionals, by their nature and training, want to maximise access to content to support business goals. Naming access restrictions as a low priority reflects the tension many information professionals feel about content distribution: They want to ensure content achieves its maximum value within the organisation through widespread usage, and at the same time their need to manage risk requires them to restrict access.

How important are each of the following to your organisation?

- Better industry-wide definition of copyright norms
- Improved end user training
- Improved supervisor training
- Better technologies to support copyright compliance
- Partnership with content vendors to maintain compliance
- Restricting access to content
- Expanding access to content
- Better monitoring of content usage
- Senior leadership understanding of risks
- Staff understanding of risks
- Heightening staff awareness of policies
- Earlier awareness of potential noncompliance

“...restricting access to content is the most commonly used approach to managing copyright risk.”

Figure 13 shows the current year responses compared with last year's. For the current year, most priorities have shifted. The items that have shifted upwards in priority include:

- Staff awareness of policies
- Improved user training
- Partnership with vendors
- Improved supervisor training
- Restricting access to content

The items that have shifted downwards in priority include:

- Earlier awareness of noncompliance
- Better technology to support copyright risk management
- Better monitoring of copyright uses

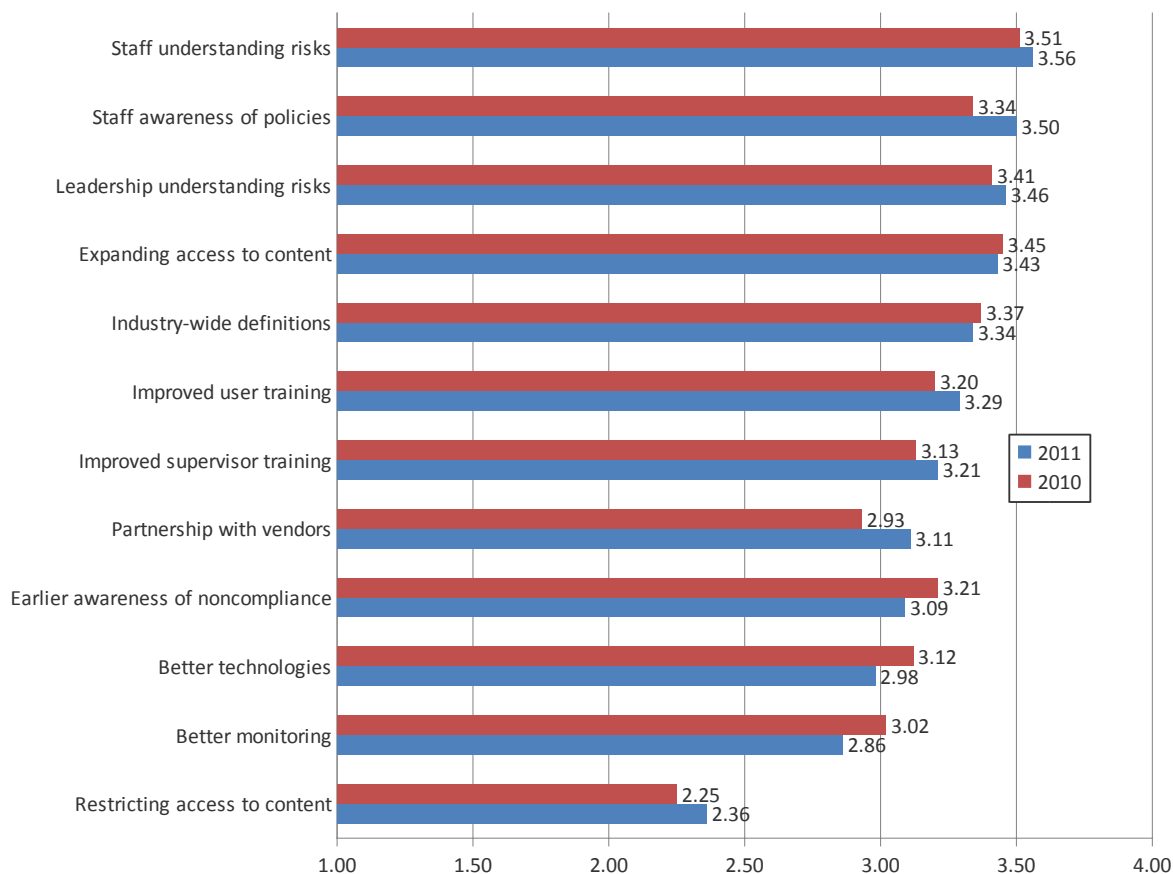


Fig. 13: Response comparison between years

These results suggest that the past year has achieved a certain amount of success in awareness of noncompliance and monitoring and perhaps hitting a new baseline in use of technology to support copyright risk management. Managers today, then, are more focused on the human side of copyright: staff and supervisor training and working more closely with vendors to figure out the next stage of development.

Figure 14 shows the spread of responses for each item for the current year. This is a far more consistent spread graph than we saw in Figure 11: The smoother transition and clearer trend lines indicate more consensus amongst managers as to their priorities.

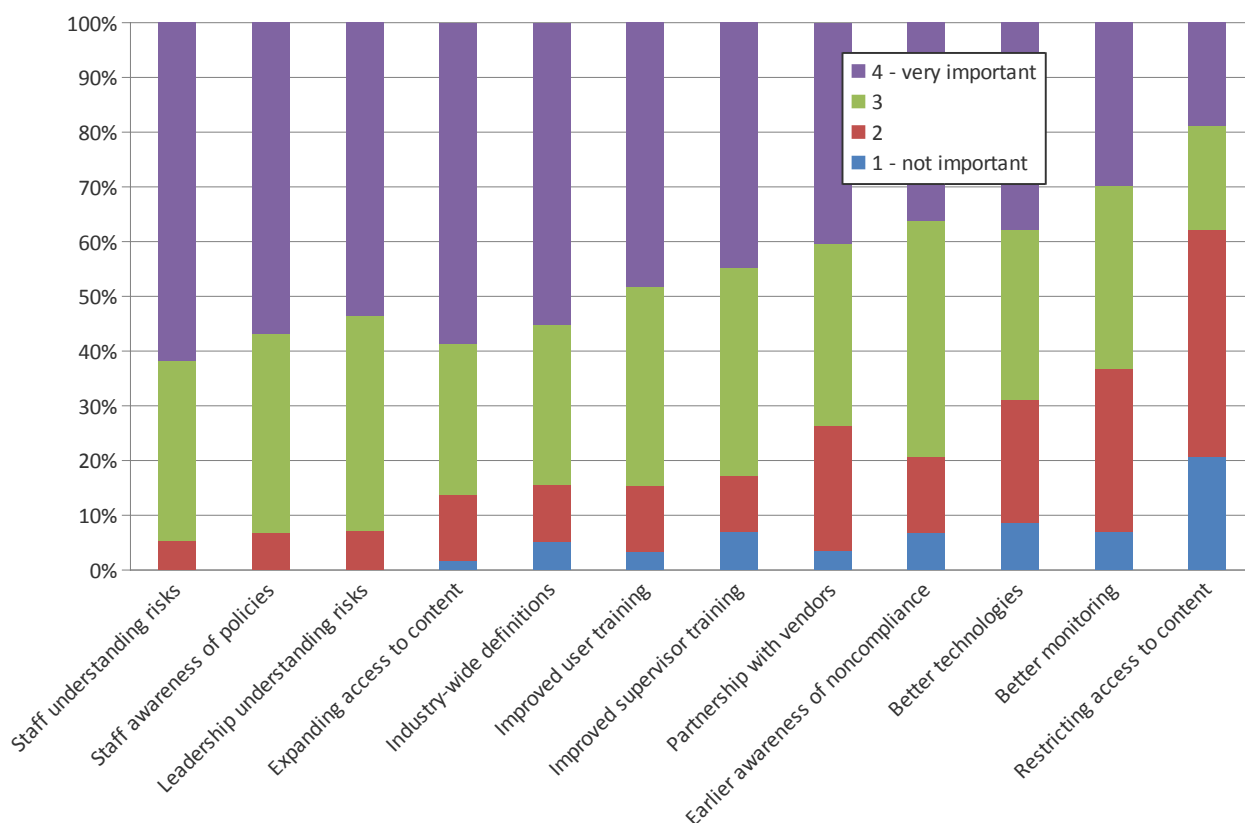


Fig. 14: Spread of responses

At the end of this section, we asked respondents to name one or more key issues with copyright risk management they are concerned about. Their responses are as follows:

Staff/Practice issues:

- Are policies being obeyed?
- At the moment they hinder legitimate use of research
- Need better balance between needs of copyright holder and needs of users
- Can I really trust colleagues to practice what they should?
- There is still a limited understanding of copyright amongst so called "knowledge workers"; whilst information availability has grown significantly over the last 10 years, users need to understand the risks of using this information inappropriately
- How best to reach out to staff and make them aware of copyright policies and compliance?
- What do staff think about copyright compliance?
- How do we keep staff from using copyrighted material in presentations and reports?

- How do we keep on top of any misuse, even though you put copyright notices on documents delivered, or how to monitor when someone puts something on SharePoint or uses video/audio without permissions?
- Get staff to realise that they just can't share content produced by another company with anyone
- Identifying copyright materials and obtaining permission for use.

Management issues:

- Our leadership is aware and sensitive to issues of plagiarism in our industry (publishing), and of the import of securing copyright agreements from our authors
- Senior staff understanding of risks
- Lack of higher management understanding and support.

Confusion issues:

- *In which situations is copyright permission required to reproduce published material, e.g. a figure from a journal paper that is being reproduced on a slide at a symposium but not distributed in any way*
- *How can we be sure we are in compliance at all times with all materials?*
- *How do we make staff understand that “someone else” owns the rights to content, even if it is available “for free” on the web?*
- *Dealing with requests for research where the requestor knows that a certain piece of information is available on the internet, but does not understand why we can’t use the information freely in our research reports — basically, saying “no, we can’t do that”*
- *How we can take our users with us when we are dealing with such a dog’s dinner of technical possibilities vs. legal straightjackets?*
- *How we can be sure of compliance given the current complexities?*
- *We have a lot of questions about the vagaries of copyright; we would like to know if there are any formalised methods for making risk assessments and particularly how to deal with orphan works, which make up a large amount of our collection*
- *How can our company improve the way we manage copyright in the face of expanding use of electronic documents and content worldwide?*
- *Need clearer and more explicit contracts and guidance from the supplier; often have to ask for clarification of definitions especially for “commercial use” and “re-use” and purchasing on behalf of other staff.*

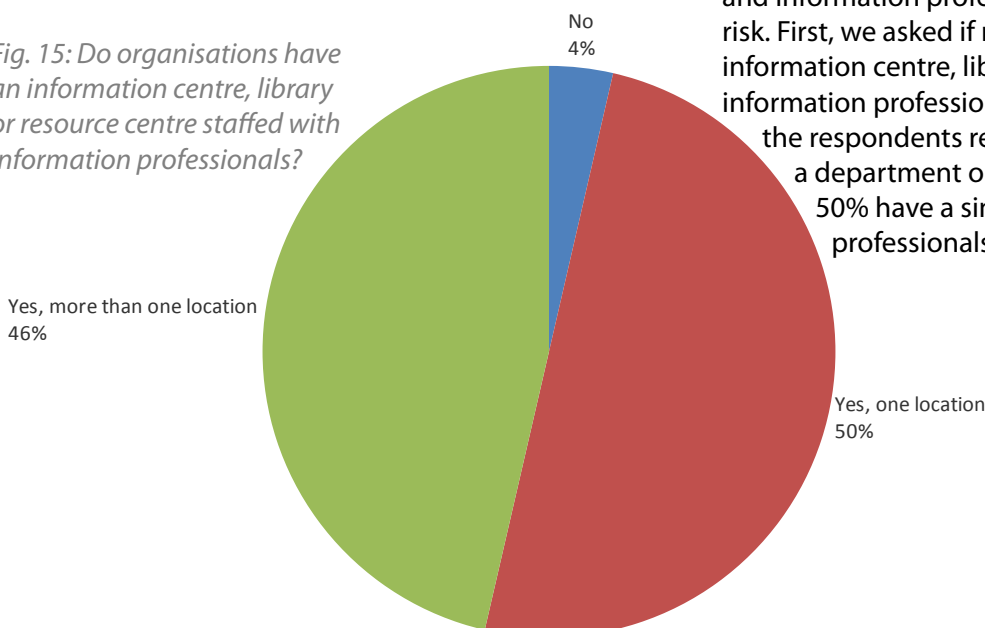
Other industry issues:

- *Authors need to understand that they cannot simply reuse copyrighted material without permission from the copyright holder; for us the issue is not staff compliance with copyright policies — it is author education of copyright issues*
- *Direct remuneration for usage and to rights owners*
- *What is the easiest and cheapest solution to put in place to avoid non-compliance?*
- *Open Source Software license conformance*
- *Some rapidly expanding economies such as China and India have such little regard and awareness for copyright compliance*
- *How to find a fair balance between compliance and costs*
- *How in the ever-growing internet community we will ever be able to monitor the inappropriate use of copyright material*
- *The NLA are issuing their “digital extension” and the CLA propose copyrights on PDFs and suggested blogs and such could be subject to copyright; also, implications for an organisation that decide to use the Creative Commons or other method to make resources copyright “free”*
- *Trying to get vendors to come to reasonable arrangements about the sharing of information; present arrangements are far too costly.*

Role of information professionals

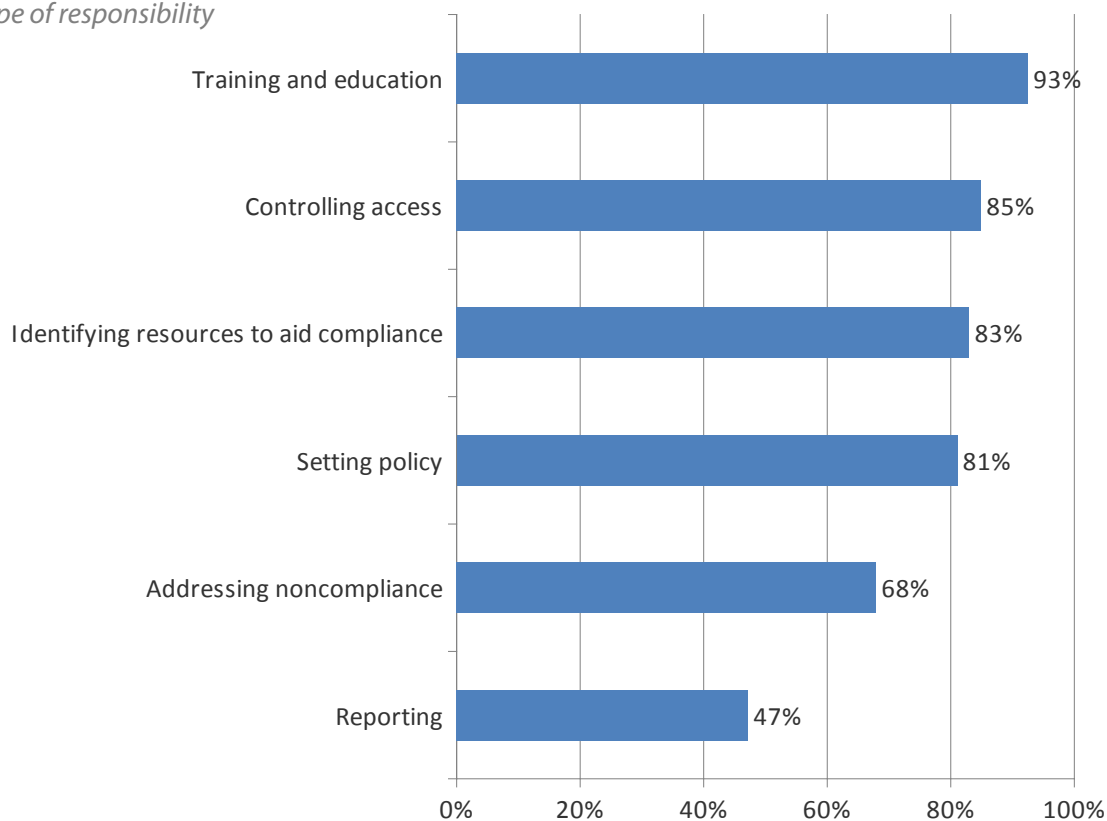
In the final section of data-gathering for Phase 1, we asked respondents about the role of information centres and information professionals in managing copyright risk. First, we asked if respondents’ organisations have an information centre, library or resource centre staffed with information professionals. As *Figure 15* shows, only 4% of the respondents reported that they do not have such a department or function within their organisation. 50% have a single location with information professionals, and 46% have multiple locations.

Fig. 15: Do organisations have an information centre, library or resource centre staffed with information professionals?



For those respondents who report they have information professionals on staff, we asked what scope of responsibilities they and the library have with regard to managing copyright. *Figure 16* shows their responses.

Fig. 16: Scope of responsibility



Nearly all respondents reporting the presence of information staff state information professionals are responsible for training and education around copyright. Fewer than half of those respondents state that information professionals are responsible for reporting around copyright.

Respondents were also able to indicate "other" responsibilities and added the following comments:

- *We have a copyright specialist in the library to monitor copyright*
- *Seeking copyright permission from publishers*
- *Issuing copyright permission for organisation's publications*
- *Finding out what other same industry companies are doing*
- *The library I manage works in partnership with the company's legal department to educate and ensure copyright regulations are followed*
- *Helping senior management with noncompliance policies*
- *We are constantly offering our expertise; unfortunately it is middle-management with no understanding of information management or copyright who make the decisions independently of us, and usually skew it to suit their own interests and not directed towards compliance.*



Are you copyright compliant?

CLA licences enable you and your employees to copy and share information efficiently across your organisation while minimising the risk of copyright infringement.

CLA licences have been developed specifically to meet the needs of information users in the digital age and a range of solutions are available to help you protect your organisation and respect the rights of copyright owners.

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Protecting Creativity



Phase 2 Results

Phase 2 of the Copyright Policies and Practices project gathered responses from end users. We received 195 completed surveys for this phase. *Figure 17* shows the geographic spread of respondents — a similar spread to our results for Phase 1.

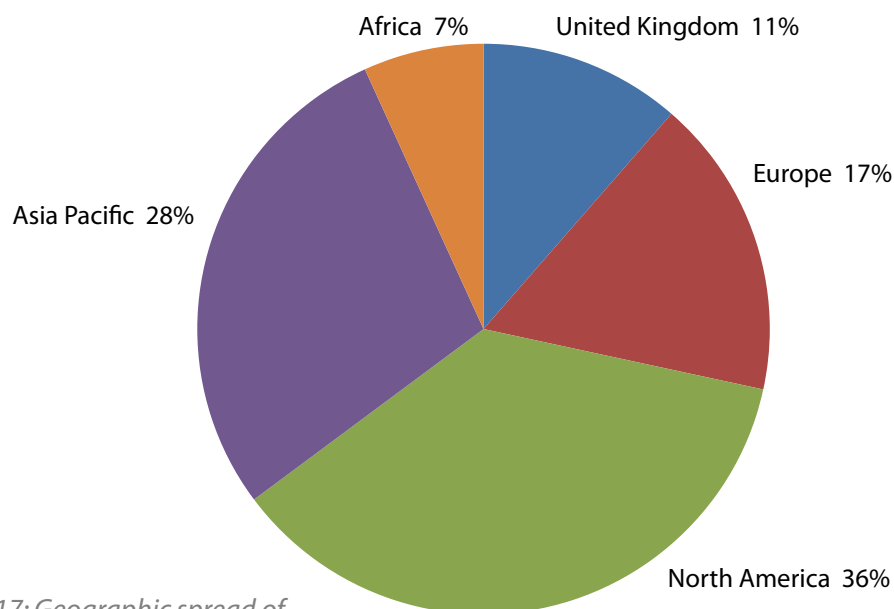


Fig. 17: Geographic spread of current year respondents

Recruiting for Phase 2 relied on a number of avenues to reach knowledge workers:

- **Announcements in the FreePint Newsletter:** Our bimonthly newsletter of information tips and resources reaches a global audience of practitioners who interact with information.
- **Phase 1 respondent contacts:** We invited those who participated in Phase 1 to share Phase 2 with their colleagues.
- **Participants in the 2010 study:** Previous participants who had provided contact information were invited to participate.
- **FreePint Research participation list:** Registrants on our participation interest list were reviewed for the applicability of their job titles to Phase 2 data-gathering.

We asked respondents if copyright is more important, about the same level of importance or less important at their organisations than it was a year ago [*Figure 18*]. Only 2% of current year respondents report that copyright is less important than it was a year ago, 35% report that it is more important than a year ago, and 62% say that it is less important than a year ago. These are very similar results to those provided by managers in Phase 1 and suggest at the very least that users and managers have similar perspectives on the importance of copyright risk management in their organisations. However, this is one of the few datapoints that indicate relative agreement between users and managers.

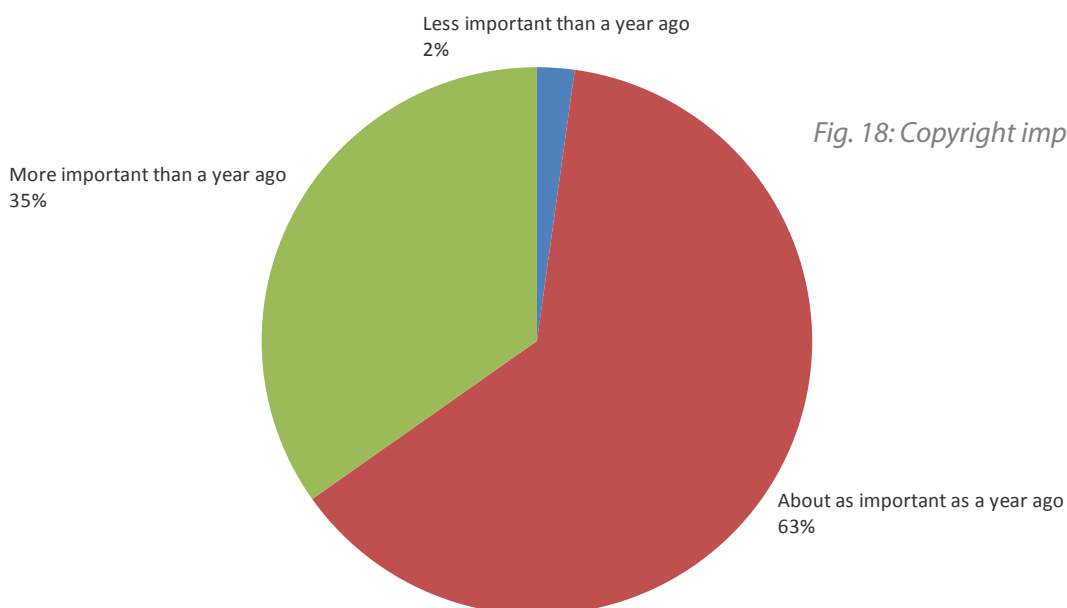


Fig. 18: Copyright importance

We asked respondents to tell us how changes in the importance of copyright manifest themselves at their organisations. Their responses are as follows:

- *More people talk about it*
- *Provision made for copyright information on publications management system*
- *It is on the agenda of management*
- *greater emphasis on training, risk management, guidance*
- *There has been no change. Copyright is still very important to my company*
- *Less copy bought and consequently the amount copied has dropped*
- *Increased calls on copyright guidelines for products and services*
- *I don't always get scientific articles I need for my daily work*
- *There are more processes in place to mitigate the risk surrounding copyright compliance*
- *Improved communications and trainings on the importance of compliance*
- *We are very strict regarding sharing information with only appropriate, authorised recipients*
- *Usage of disclaimers, requesting quotation approvals from vendors, changing contract terms*
- *We normally receive any update or training course regarding copyright risk management; also copyright risk management is very important for the normal business functions and all the employees should be aware for the same*
- *Issued highlighted more in the media about copyright infringement and more details and transparency about limitations on information use*
- *I get many more direct questions for copyright citations or data use that before. This is due to awareness programs we have run over the past 18 months*
- *We now have a CLA licence*
- *There are more training courses in last one year compare to previous years*
- *Being asked to be more careful when handling copyright protected documents; news about competitors being sued for infringement*
- *I see or hear many corporate lawsuits going on relates to copyright in news*
- *By the increasing numbers of vendors now asking signature acknowledging the terms and conditions of the products*
- *We have very experienced people working in our document delivery unit*
- *More staff using information in different ways while also being aware of need to meet copyright obligations*
- *More training for staff*
- *Clicks on Rightsphere; questions about copyrights and usage of charts, articles, etc.*

Interaction with potentially copyrighted content

We wanted to understand how users are interacting with potentially copyrighted content before asking them about their attitudes towards copyright. A survey question offered a range of common content interactions knowledge workers might engage in and then asked respondents if they perform them never, less than monthly, monthly, weekly or daily. Each of these responses was assigned a numeric value, where never = 0 and daily = 5.

Average ratings for each item are shown in *Figure 19*.

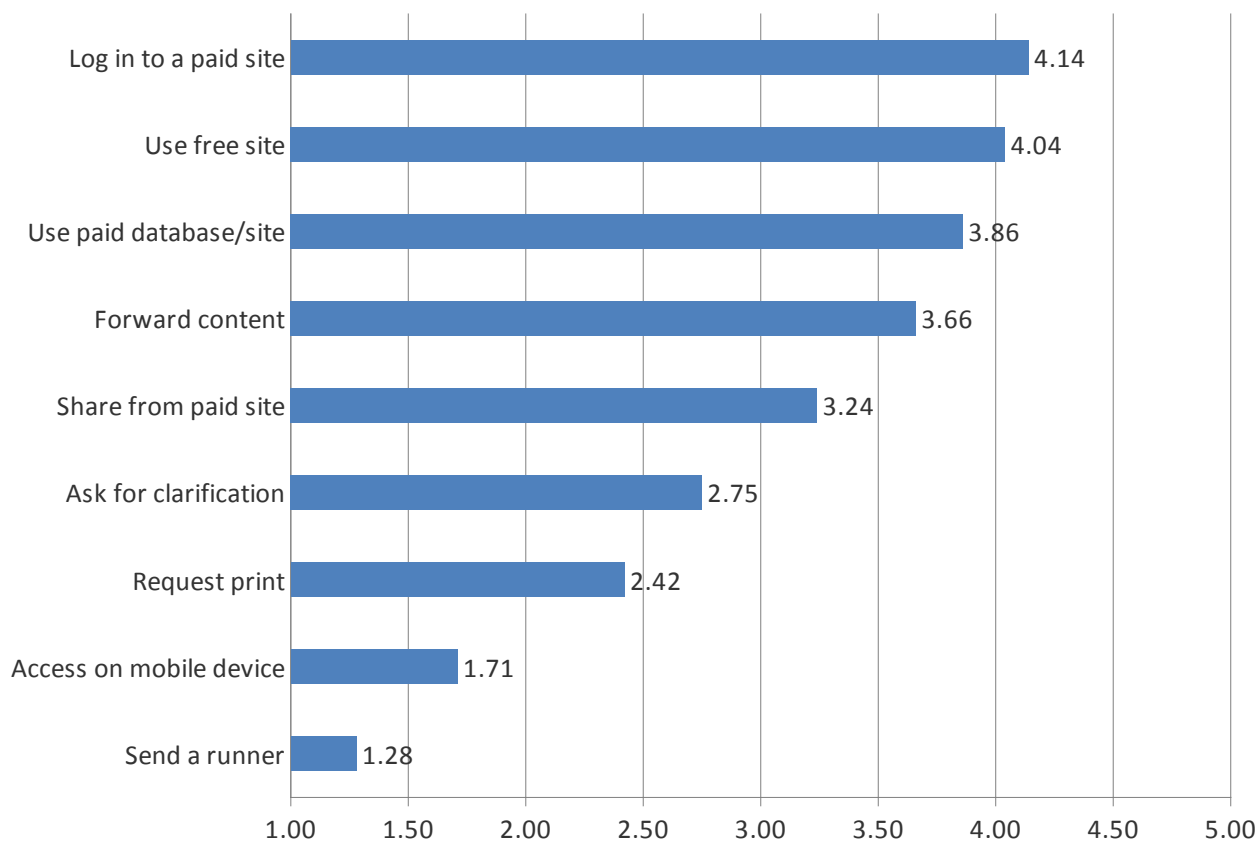


Fig. 19: Average ratings for each statement

Content interactions knowledge workers might engage in:

- Use material from a paid-for database or site
- Use material from free-access websites
- Log in to a paid-for database or site
- Forward web-based content to colleagues
- Share resource(s) from a paid-for database or site
- Request print-based copy/ies of content
- Ask for clarification regarding use of content
- Send a runner to a university or public library to make copies of material available there
- Access content on a smart phone or other mobile device.

The most common usage, based on averages, is to log into a paid-for database or site, with an average rating of 4.14 on a 5-point scale. Next most common is to use content from a free site (4.04 average), followed by using content from a premium database or site (3.86).

Users are also likely to be forwarding web-based content to colleagues (3.66) and slightly less likely to be sharing content from paid-for sites (3.24). In the comments section of this item, many respondents indicated that part of their job as analysts or researchers is to find material in paid-for resources and forward to colleagues, so these activities are fundamental to their work.

Current year responses to this question were nearly identical to responses from last year; there were no notable variations in reported behaviour between the current year respondents and the full population.

Figure 20 shows the spread of responses for each item. These bars make clear what activities workers are engaged in on a daily, weekly, monthly and periodic basis. This kind of report is not intended to identify violations

— all of these activities may be well within the licit scope of usage for material, depending on the organisation, exact usage and individuals involved — but it can give managers a way to identify potential risk.

“A manager will want to dig more deeply into what kind of material is being shared to make a determination and then take appropriate action for training, awareness, restrictions or more monitoring.”

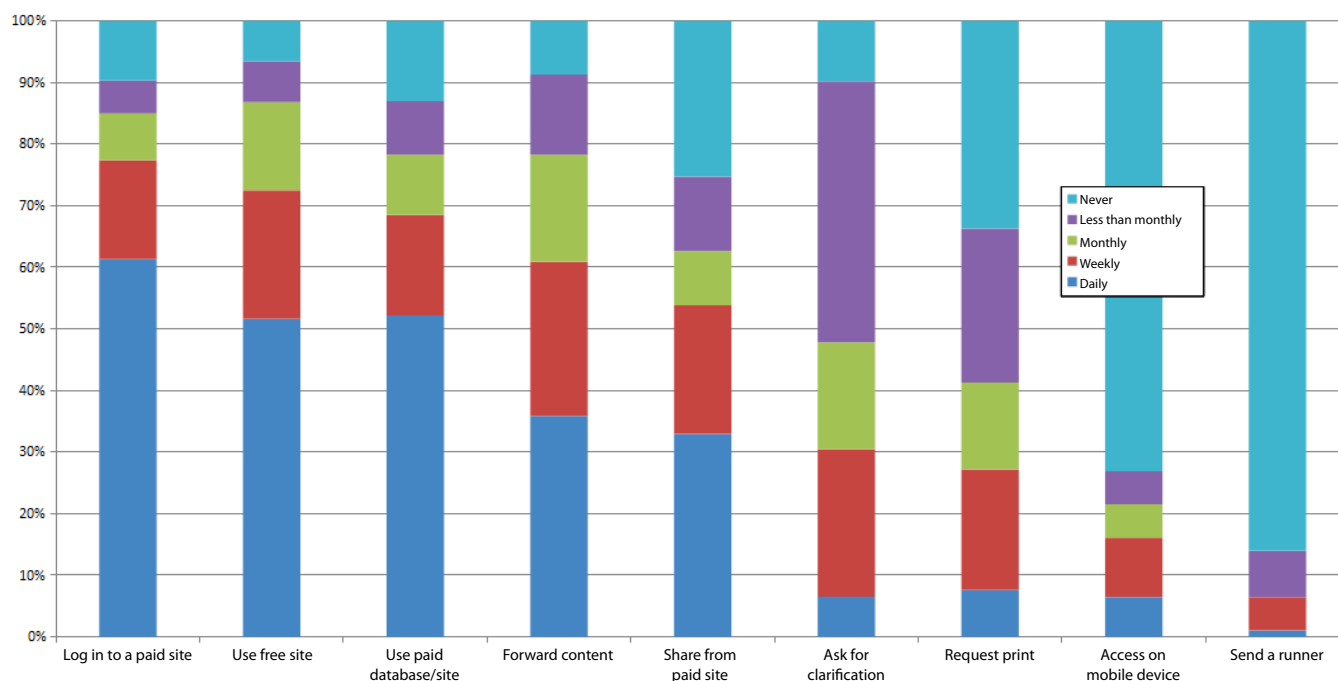


Fig. 20: Spread of responses

For example, over 40% of respondents are forwarding web content at least weekly for work. Does this represent appropriate sharing? A manager will want to dig more deeply into what kind of material is being shared to make a determination and then take appropriate action for training, awareness, restrictions or more monitoring.

Approximately 30% of respondents report that they ask for clarification about copyright on at least a weekly basis. That level of inquiry is encouraging on the one hand. It means that workers are aware of gaps in their knowledge and are seeking information to close those gaps. On the other hand, that represents a large volume of queries. Is there a way the organisation can better inform those workers or provide additional guidelines within the workflow to maintain better productivity and reduce the burden on information managers?

Respondents also added their comments to this section:

- *Much of what I glean from paid-for databases and the Internet is public domain*
- *CAL Licence covers our activities*
- *All company paid-for databases are made available on the company network where disclaimers and terms of use are displayed*

- *Forwarding web based content is usually done by sending the link*
- *I only access databases with contracts*
- *We need to use the database for our daily work*
- *Many of our paid-for databases involve logging in for every use*
- *Accessing normally paid-for databases through my local library for free, via the internet — I do that all the time*
- *I forward links, not full content*
- *Also order contents from a third-party provider*
- *Shared resources are shared within our organisation in accordance with our licensing.*

Some of these very comments point to the kinds of misunderstandings that create risk. Terms and conditions of library access may not cover business or commercial uses of content, and assuming web-based content is “public domain” could very well put an organisation at risk. This kind of confusion is precisely what an ongoing programme of copyright training must identify and address.

Tools to manage copyright

Among our objectives in the two-phase research process was to gain a sense of how aware end users are of the tools and resources within their organisations for managing copyright risk. We asked end users to tell us if they are aware of their organisations using the tools and methods to manage copyright risk, just as we asked information managers about what they have implemented.

Figure 21 shows responses to this item. For the Phase 2 survey, respondents were given a “not sure” option for tools and methods.

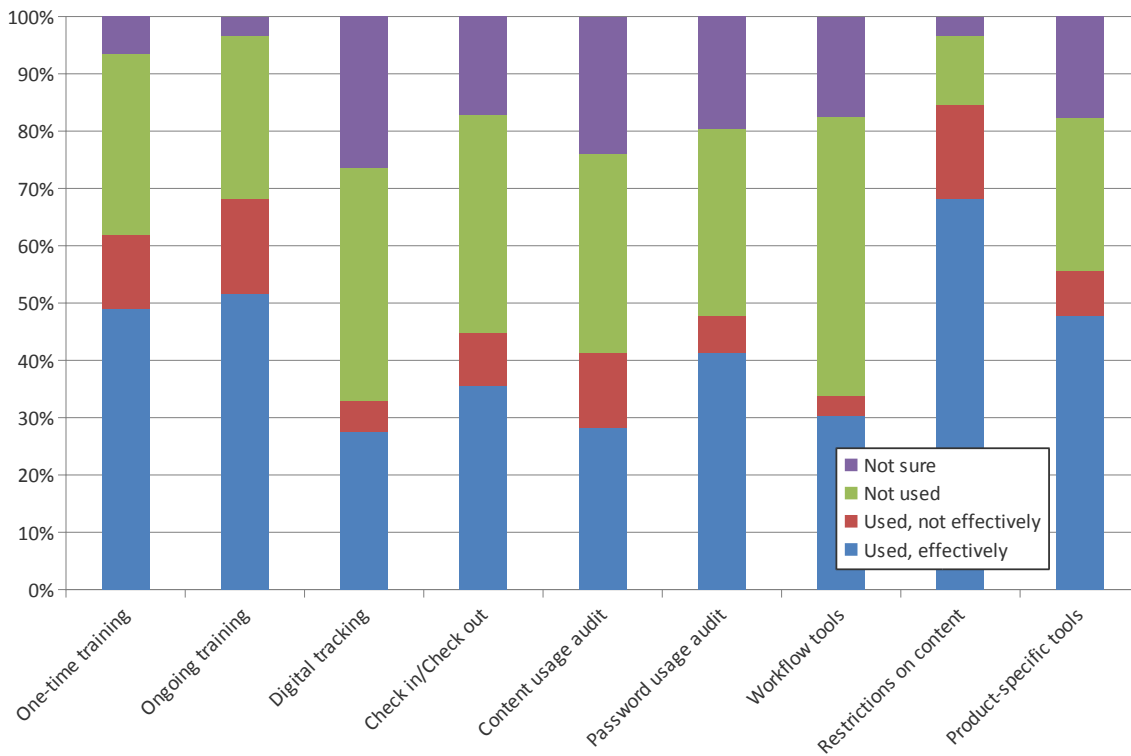
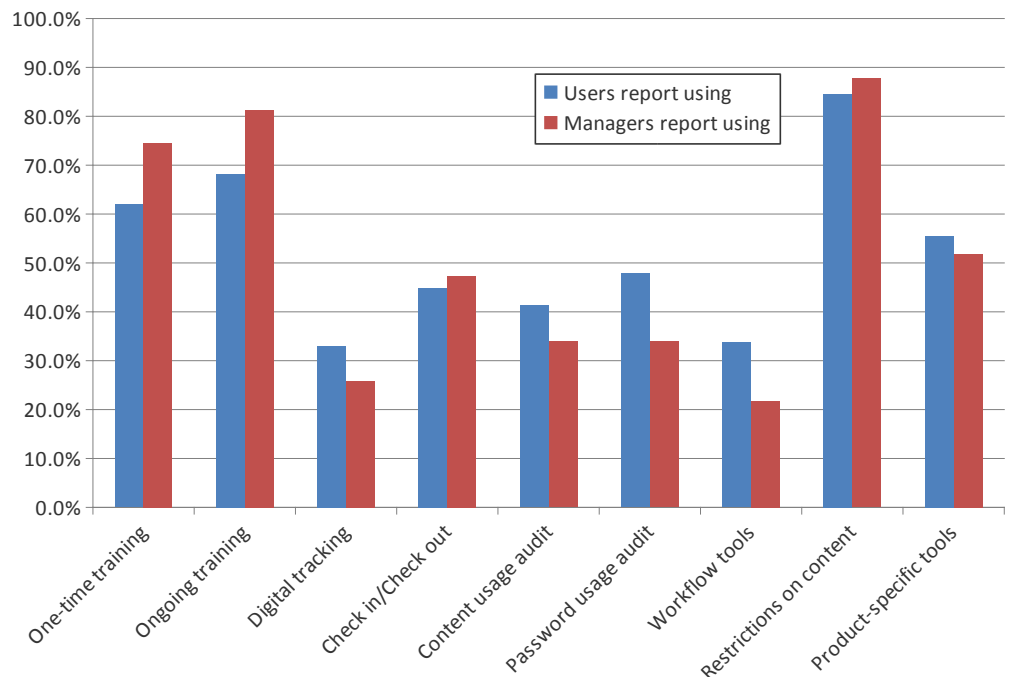


Fig. 21: Effective use of tools and methods used to manage copyright risk

Figure 22 focuses on those tools that Phase 1 and Phase 2 respondents report are in use, regardless of whether respondents deem them effective. For many tools and approaches, Phase 1 and Phase 2 responses align nicely: Clearly, users are aware of restrictions on content, digital tracking, workflow tools, etc.

Fig. 22: Tools and methods used to manage copyright risk



Of concern, however, are the gaps between Phase 1 and Phase 2 responses around training. In Phase 1, 70% of managers report the availability of one-time training and 80% of managers report the availability of ongoing training. Yet in Phase 2, only 60% of respondents report the availability of one-time training, and just under 70% report the availability of ongoing training. This result suggests a significant and worrisome gap between the availability of training and the awareness of users that such training is available to them. And without the awareness, users are not going to get the benefit.

Phase 2 respondents could add their comments to this survey question:

- *Tools are often in place but not fully understood by the workforce and therefore not effectively utilised*
- *Lots of case-by-case advisories provided by library and Legal*
- *Methods rather than tools at present*
- *Restrictions apply to access to websites, e.g. porn, entertainment, shopping sites etc. blocked*
- *"Used somewhat effectively" is often the reality*
- *So much better now we are using Research Monitor!*

Rate your agreement with the following statements:

- *My organisation's policies relating to use of copyrighted material are appropriate to my needs as a knowledge worker.*
- *My organisation's policies relating to use of copyrighted material are appropriate to my work flow.*
- *The technology/ies available to me to maintain copyright compliance are effective.*
- *Staff training regarding copyright compliance is effective.*
- *I know what is expected of me regarding use of copyrighted material.*
- *I know whom to contact in our organisation regarding questions about copyright.*
- *I understand our policies and procedures to address potential misuse of copyrighted material.*
- *My organisation's approach to copyright compliance is more proactive than reactive.*
- *I understand the risks of copyright noncompliance.*
- *I understand my responsibilities with regard to copyright compliance.*

- *There are too many different processes, and attempts to consolidate were ineffective*
- *We try to arrange licenses in which we are allowed to use information within our organisation.*

Attitudes about copyright

Much of copyright compliance comes down to the attitudes and behaviours of individual workers: How much do workers know about the ways they can and cannot use the content they access? Do they know whom to ask for clarification, and perhaps even more importantly *when* to ask for clarification?

To gain an understanding of end users' attitudes towards copyright, we asked respondents to rate their agreement with a series of statements on a 1-4 scale, where 1 = completely disagree and 4 = completely agree. Most of these statements had analogous statements on the Phase 1 survey, enabling us to create comparisons between information managers' responses and end users' responses.

Figure 23 shows the average ratings for each statement for this item in the Phase 2 survey. Respondents give the highest average ratings to their own role in managing copyright risk — they generally agree that they understand the risks (3.56 on the 4-point scale), understand their responsibilities (3.53) and know what is expected of them (3.47). They give the lowest average ratings for the effectiveness of training and technologies to support their appropriate use of copyrighted material.

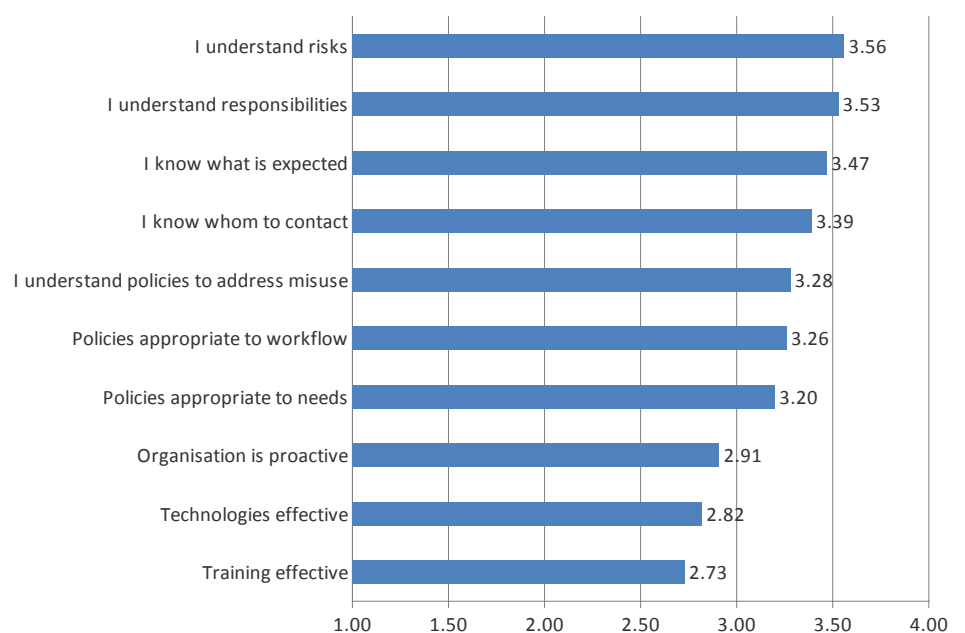


Fig. 23: Average ratings for each statement

Figure 24 compares the current year's responses with last year's. Knowledge workers have become even more confident in their role in managing copyright risk. Average ratings for every statement jumped significantly for the current year. These results suggest that organisations have been successful over the past year in communicating urgency around copyright risk management, and workers have taken the message to heart.



"...organisations have been successful over the past year in communicating urgency around copyright risk management, and workers have taken the message to heart."

Fig. 24: Response comparison between years

However, workers' own confidence in their abilities to manage copyright risk is not mirrored by manager confidence. Figure 25 compares responses from knowledge workers in Phase 2 (current year) with responses from managers in Phase 1 (current year). Table 1 shows the comparative statements from Phase 1 and Phase 2 used to create this comparative figure.

Table 1: Comparative statements

Phase 1 Statement	Phase 2 Statement
Our staff understand the risks of copyright noncompliance.	I understand the risks of copyright noncompliance.
Staff training we implement to maintain copyright compliance is effective.	Staff training regarding copyright compliance is effective.
Our staff understand their responsibilities with regard to copyright compliance.	I understand my responsibilities with regard to copyright compliance.
Staff know what is expected of them regarding use of copyrighted material.	I know what is expected of me regarding use of copyrighted material.
Our policies relating to use of copyrighted material reflect current workplace needs.	My organisation's policies relating to use of copyrighted material are appropriate to my needs as a knowledge worker.
Our approach to copyright compliance is more proactive than reactive.	My organisation's approach to copyright compliance is more proactive than reactive.
The technology/ies we use to maintain copyright compliance are effective.	The technology/ies available to me to maintain copyright compliance are effective.

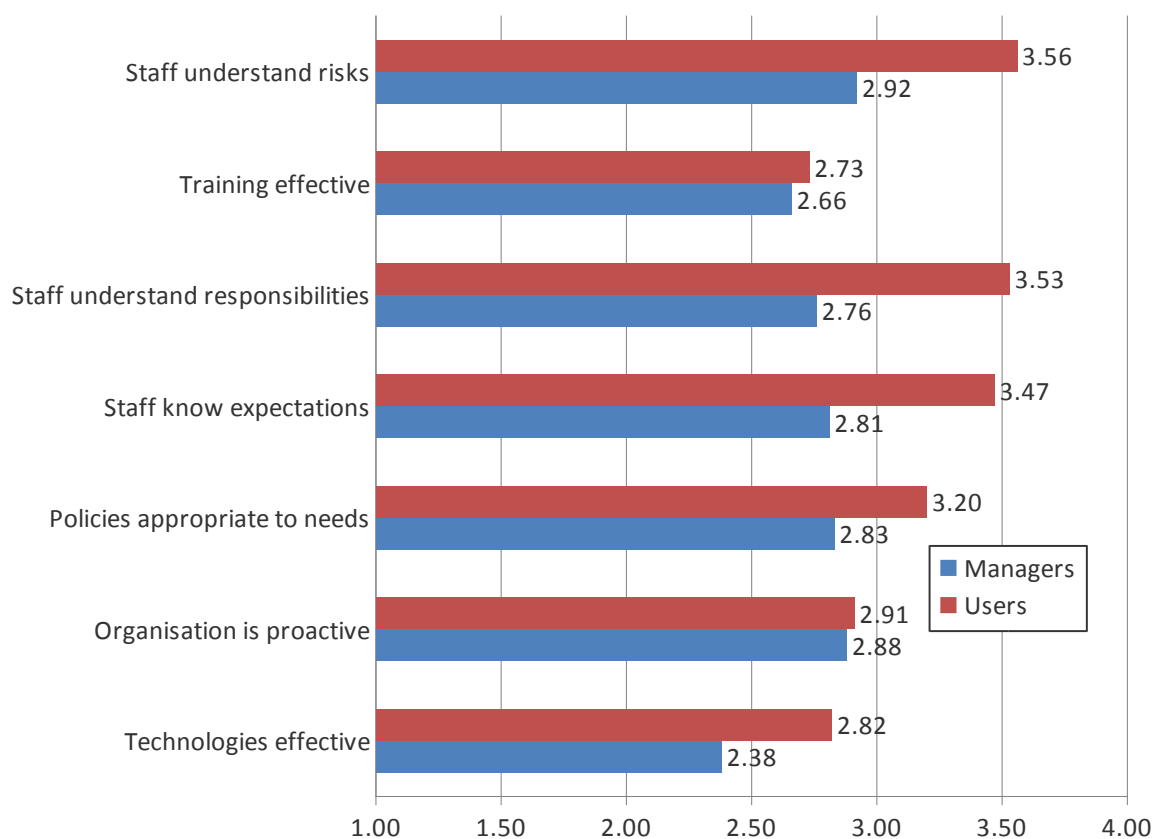


Fig. 25: Response comparison between Managers and knowledge workers

Managers are much less confident than staff are regarding how well staff understand risks, responsibilities and expectations around copyright. The average agreement rating for “I understand my responsibilities with regard to copyright compliance” is 3.53 for Phase 2 respondents, whereas the average agreement rating for “Our staff understand their responsibilities with regard to copyright compliance” is only 2.76 for Phase 1 respondents. This kind of gap is where errors creep into workflow — a worker with undue confidence in his or her own understanding of risks and expectations is unlikely to seek clarification or additional training.

The degree of disconnect between worker responses and manager responses for these survey items is a reminder that every organisation needs to take a customised, careful look at exactly what workers *think* they know about copyright compliance and risk management. Without attention to these gaps, an organisation may be unwittingly taking on more risk than expected around worker behaviour.

“...every organisation needs to take a customised, careful look at exactly what workers think they know about copyright compliance and risk management.”

Respondents could also add comments to this survey question:

- I use mostly public domain primary legal materials
- For a knowledge worker it's always difficult, as the job is based on searching information and delivering/forwarding it internally
- Colleagues are not as aware but given excellent training
- You assume that every company has policies and restrictions and training on copyright — my company has NONE and it bothers me immensely! However, I can't seem to get anybody interested in the topic.

Another element of attitudes about copyright can be examined via questions about user assumptions. We presented a series of statements about activities relating to different kinds of content and asked Phase 2 respondents to indicate whether the statements are true Never, Sometimes, Usually, or Always. Respondents could also select an option indicating that the statement relates to an activity they never do at work.

Responses were then converted into numeric values, where “Never” = 1 and “Always” = 4. “Never do this at work” was discounted from the ratings.

The average ratings for each item are shown in *Figure 26*, and the spread of responses is shown in *Figure 27*.

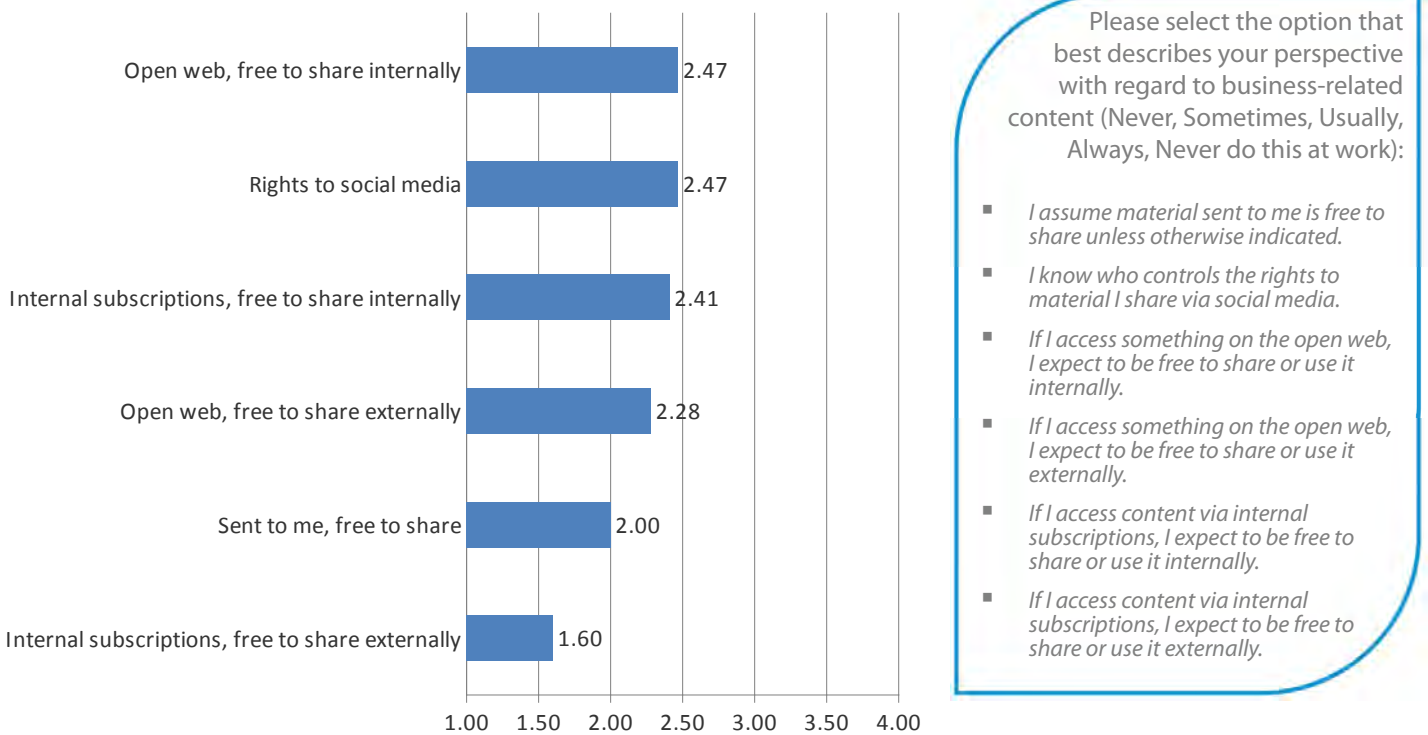


Fig. 26: Average ratings for each statement

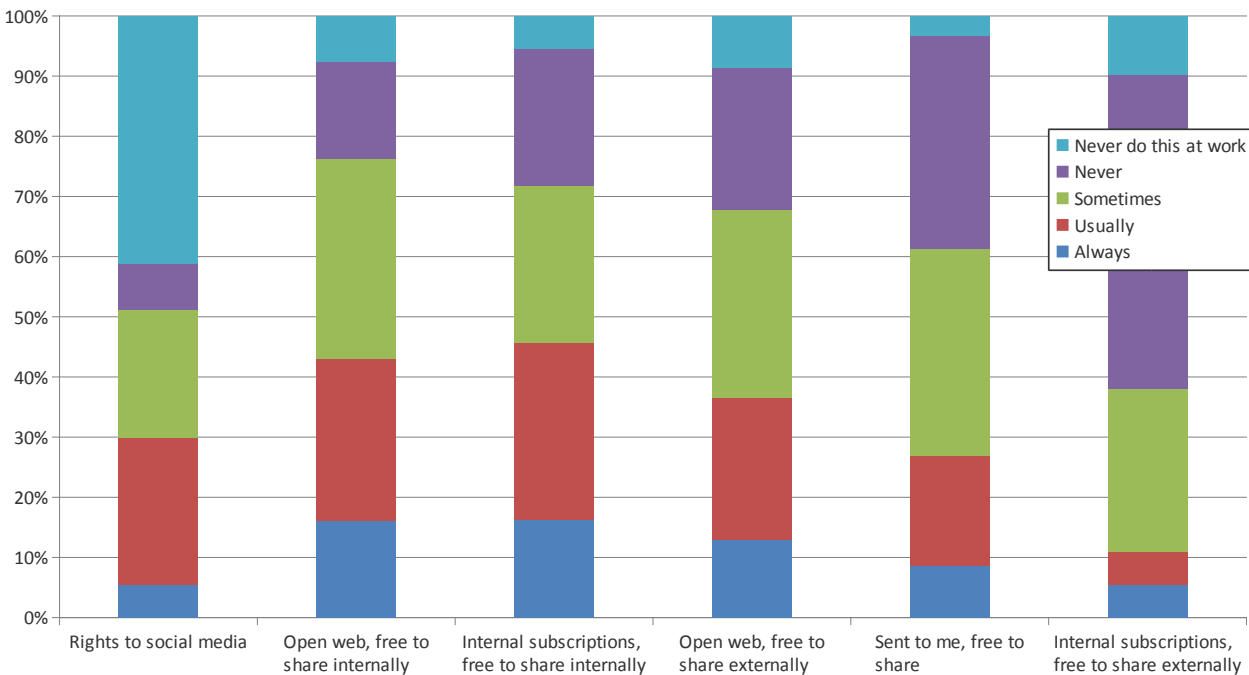


Fig. 27: Spread of responses

None of the statements earned average ratings over the halfway mark of 2.5 on the 4-point scale, indicating (appropriately) that knowledge workers are generally not making rash assumptions about what they can or cannot do. The halfway mark is the difference between “Sometimes” and “Usually”, and reflects the fact that every usage is context-specific. Current year responses for this item were nearly identical to responses for the previous year. Interaction with social media stands out on *Figure 27* as least commonly used at all in a business setting. As social media becomes increasingly important as a source of intelligence, however, organisations will need to keep a close

eye on their policies relating to it to ensure they are not putting their workers at a disadvantage by restricting access to potentially useful resources. At the same time, they will also need to educate workers carefully on appropriate interactions with and usage of social media-sourced content.

Another intriguing insight of *Figure 27* is the percentage of respondents selecting "Usually" or "Always" for every statement. For example, more than 10% of respondents stated "Always" on sharing open web resources internally and externally and sharing internal subscriptions internally. Add in the responses of "Usually", and those percentages jump upwards of 40%. While these are not necessarily "wrong" answers, they can indicate risky behaviours. Knowledge workers often assume that their internal subscriptions to databases and premium resources enable global access, which is not always the case based on the actual license agreement with the vendor. Some open web content is specifically restricted from business use by the terms of use published on the sites. The average worker is not necessarily going to understand these distinctions and may be making assumptions about appropriate usage that put the organisation at risk.

Respondents also added comments to this item, which add texture to the overall sense of confusion that often surrounds the nitty-gritty of copyright:

"Knowledge workers often assume that their internal subscriptions to databases and premium resources enable global access, which is not always the case based on the actual license agreement with the vendor."

- *CLA Licence covers internal usage*
- *I would normally check licence, terms and conditions, etc. first*
- *The last question was answered with reference to citations.*
- *This section includes items that I am really unsure about and could use more instruction on*
- *I always check for copyright policy on website*
- *Variable publisher practices make this an impossibility to manage easily*
- *Why so much emphasis on social media?*
- *Most internal subscriptions are licensed for internal sharing*
- *I am never sure what to do when I find full text of information on the open web unless it is on an open access site; sometimes it looks like something is available but there is nothing guiding you on the website as to what the rights are to access.*

Priorities and resources

In the final section of the Phase 2 survey, we asked respondents a series of questions on their own priorities with regard to copyright, as well as what resources they feel they have via their information professional staff to address their concerns.

We asked respondents how important a number of factors are in helping them support their organisation's copyright risk management. Respondents rated each on the 1-4 scale. Average ratings are shown in *Figure 28*, and the spread of ratings is shown in *Figure 29*.

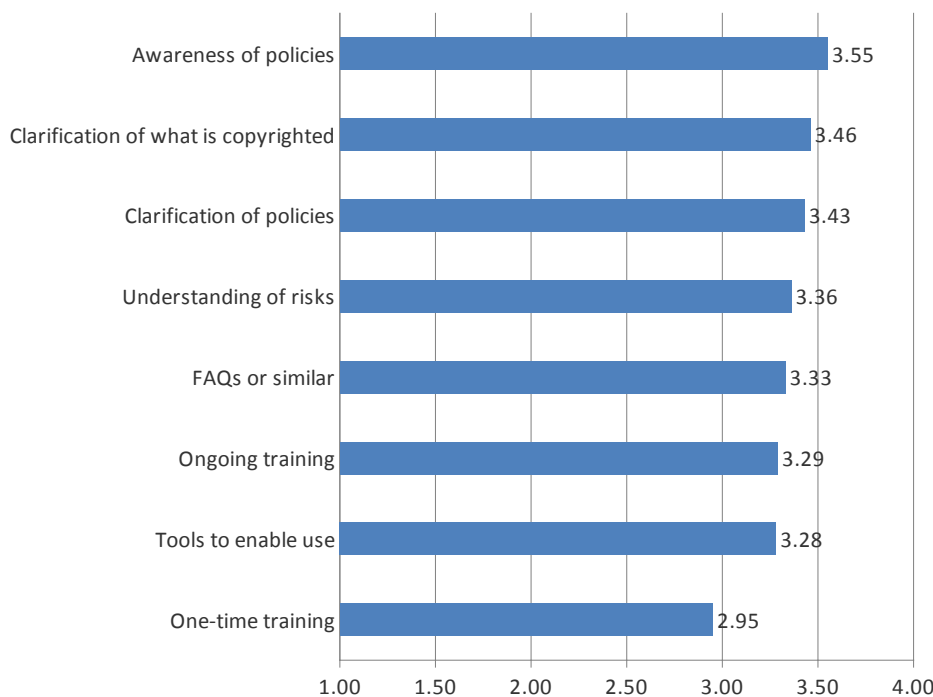


Fig. 28: Average ratings for each statement

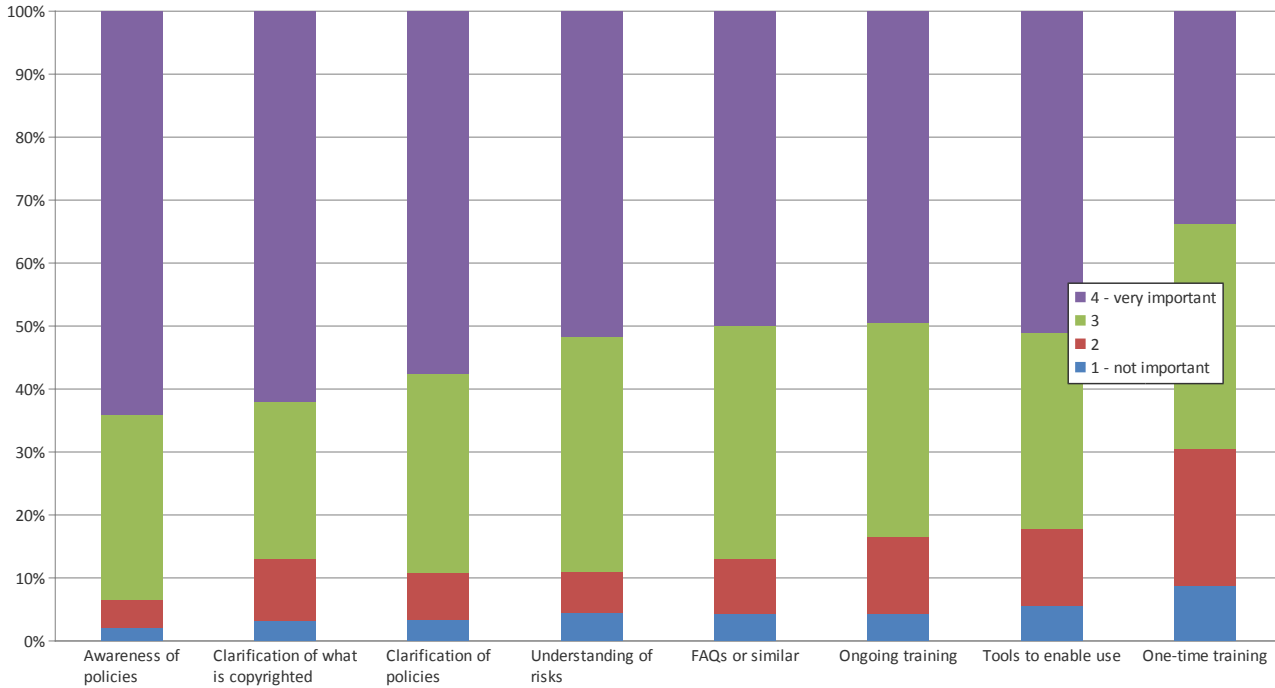


Fig. 29: Spread of responses

Both figures show an enormous amount of consistency in terms of what workers are looking for: They consider nearly every factor to be “Very Important”. In fact, every factor other than one-time training was rated 3 or 4 by 80% or more of respondents.

Figure 30 shows the difference in average ratings for the current year respondents compared with last year’s responses. Although most of the factors for the current year earned average ratings very close to last year’s, a few notable variations emerge: Workers report a small increase in their interest in ongoing training (current year average rating of 3.29 up from 3.05 for the full dataset), as well as an increased interest in FAQs or similar resource (current year 3.33 up from 3.17 for the full dataset).

How important are each of the following in helping you support your organisation’s copyright policies?

- Better clarification of policies
- More awareness of policies
- Better clarification of what is copyrighted material
- Better tools to enable appropriate use
- One-time training on copyright
- Ongoing training on copyright
- FAQs on our intranet (or similar resource) on copyright
- Better understanding of risks.

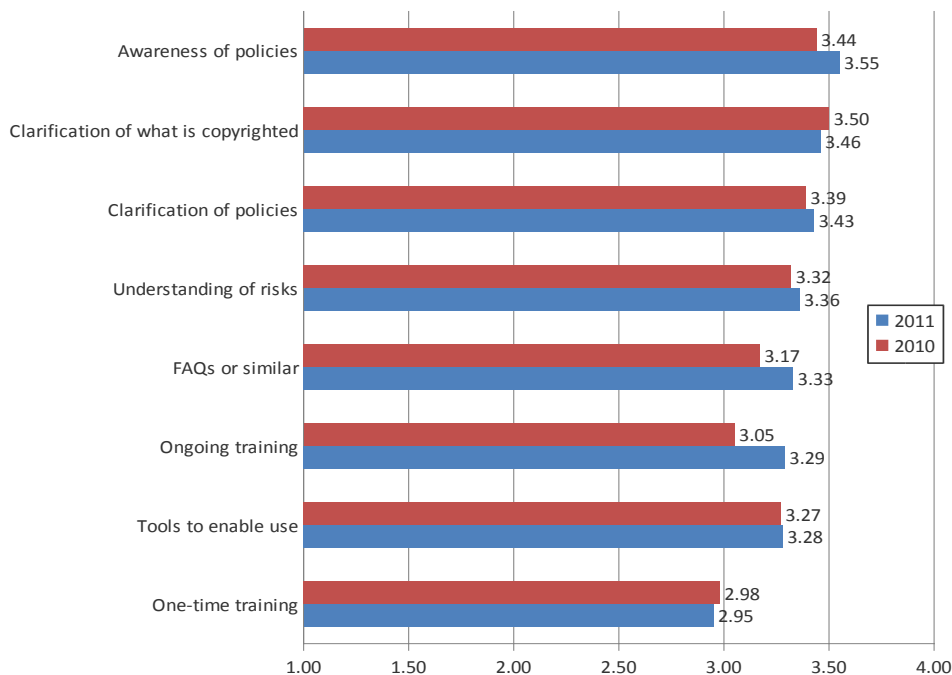


Fig. 30: Response comparison between years

A separate question asked respondents about specific concerns they have relating to copyright. The majority of responses indicate confusion, particularly around getting permissions when copyright holder is not clear (or is unresponsive), and business use cases that are common enough but copyright-complex:

- We have information available but it is likely that not all staff are aware of it
- A major concern is coworkers sharing material with external colleagues
- I am concerned with knowing which (among your sponsors, and other copyright licensing organisations, publishers, and direct contact with authors) is the best, fastest and most cost-efficient way to get permissions
- People aren't aware of the risks; in fact, they probably never even think about it
- The sheer scale of the issues in a digital environment is daunting
- It may be possible to infringe by accident, due to complex issues
- Copyright on old material is often uncertain, especially computer software issues
- In my organisation there is not enough knowledge and training, and if there is more I haven't heard anything about it
- I don't think more training will help knowledge providers as we already provide all the above
- Not sure of the situation when we buy one-day access to a journal article from the publishers
- I find it difficult to get/secure permission to share some content that is freely available on the open web, as the copyright owner is sometimes not mentioned or they do not get back to you with regards to your request; how should one deal with this?
- Unsure of the implications of sharing links through social media
- Is deep linking still an issue?
- The CCC does great job helping to consolidate information about what can be shared via their annual licensing; most difficult is the number of publishers that do not participate in the CCC, publisher variability of digital sharing and differing laws by country
- Concerned about sharing of information via social networking
- Don't know if forwarding links is OK
- Sometimes it is unclear whom to contact for permission to reuse or share copyrighted material.

One comment in this section, specific to the respondent's charity employer, raises questions of industry-wide culture and expectations:

"Since we are a nonprofit, copyright compliance is viewed as someone else's problem (corporations); it is required that researchers will freely forward, download, upload materials on the intranet and share passwords. I am aware of the law and court cases, etc.; however, the employer (job) has other expectations. In my dealings with other nonprofits, this attitude is not unique."

While this comment expresses an extreme viewpoint, the respondent indicates that in this subset of business, it is not a unique one. Furthermore, it probably represents one end of a continuum of expectations and behaviours that remains common in a much broader range of environments. At some point, it is inevitable that one or more rightsholders will create a legal case of such behaviours, and the organisations that do not begin to shift their culture today will be the ones most at risk for penalties in the future.

Confusion, lack of clarity, and the tenacity of expectations that content *will* be shared remain challenges for organisations to address if they are to reduce the risks of copyright.

Help via information centre

We asked respondents if they have an information centre staffed with professionals. 12% said no and 3% were unsure. Twenty nine percent report that they have a single location information centre, and 56% report multiple locations.

For those who report that they have information centre/s, we asked if they would bring certain types of copyright-related questions to those information professionals. *Figure 31* shows the percentage of current year respondents who selected each option.

"Since we are a nonprofit, copyright compliance is viewed as someone else's problem..."

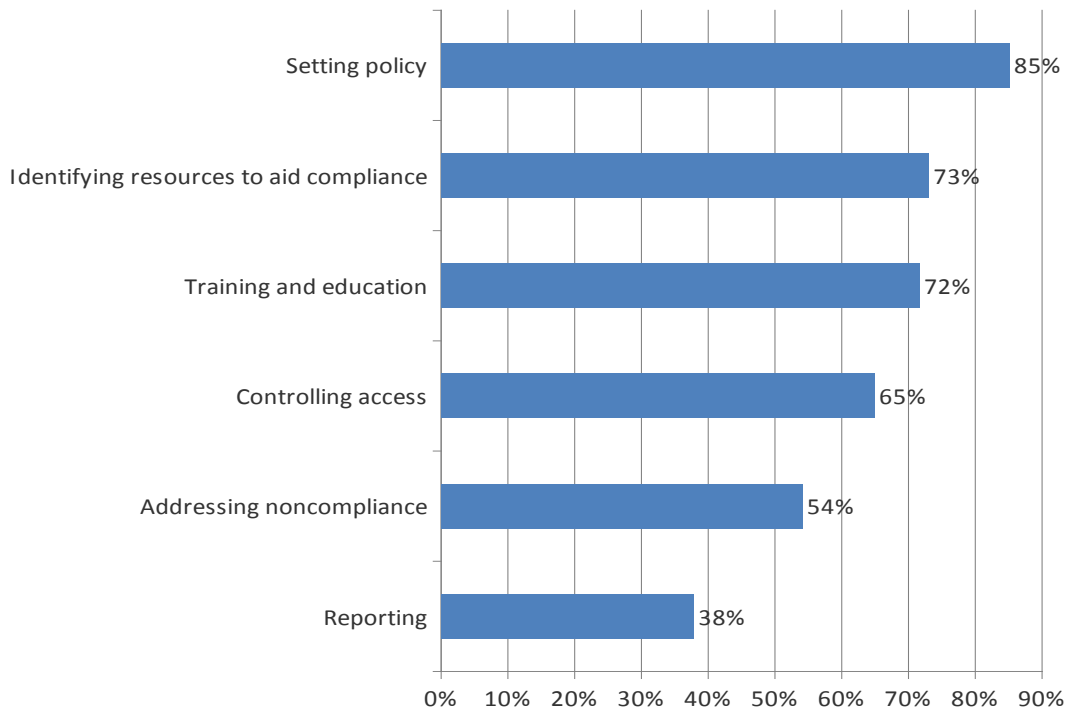


Fig. 31: Would information centres bring certain types of copyright-related questions?

Figure 32 compares the support Phase 2 respondents think information professionals provide to what Phase 1 respondents report they actually provide. Here again we see significant gaps between managers and knowledge workers in terms of awareness and expectations.

Only 72% of users report that they expect their information centres to provide training and education around copyright; contrast that with the 92% of managers who report this is what their information centres actually provide. Most of the other areas of responsibility demonstrate similar gaps.

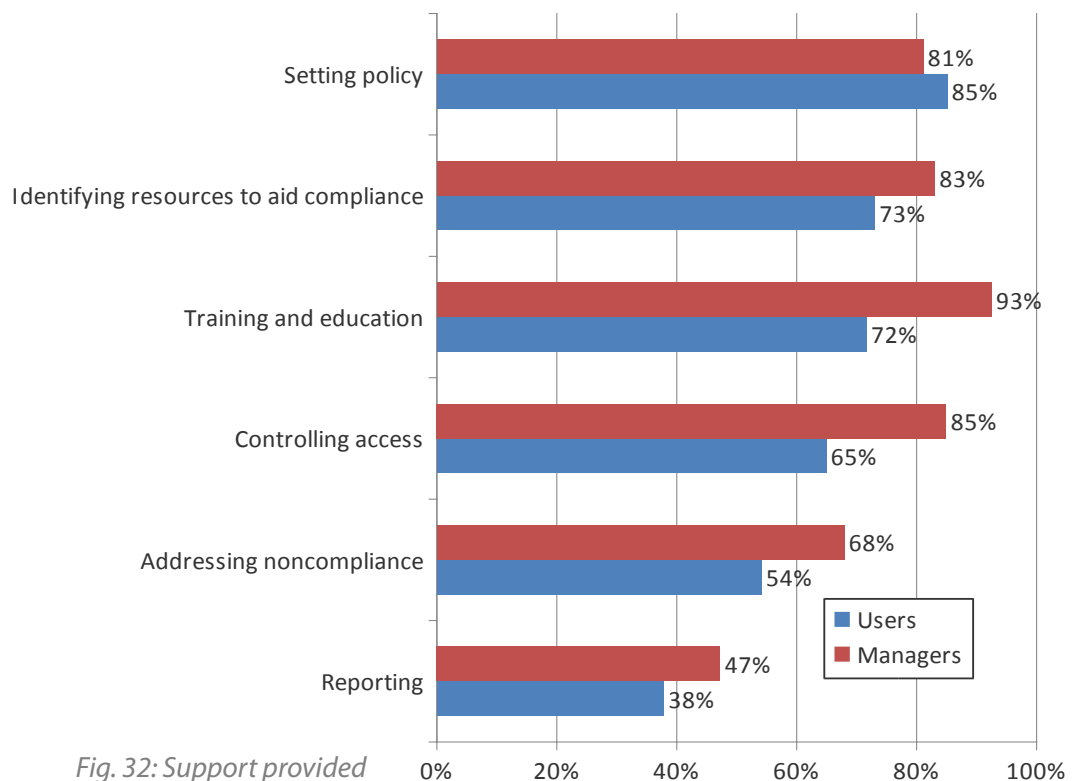


Fig. 32: Support provided

When an information centre exists within the organisation, it can be a critical element in managing copyright risk. Yet Phase 2 responses on this item suggest that users lack awareness of all the ways information centres and information professionals can help them access resources, use them appropriately, and take part in training.





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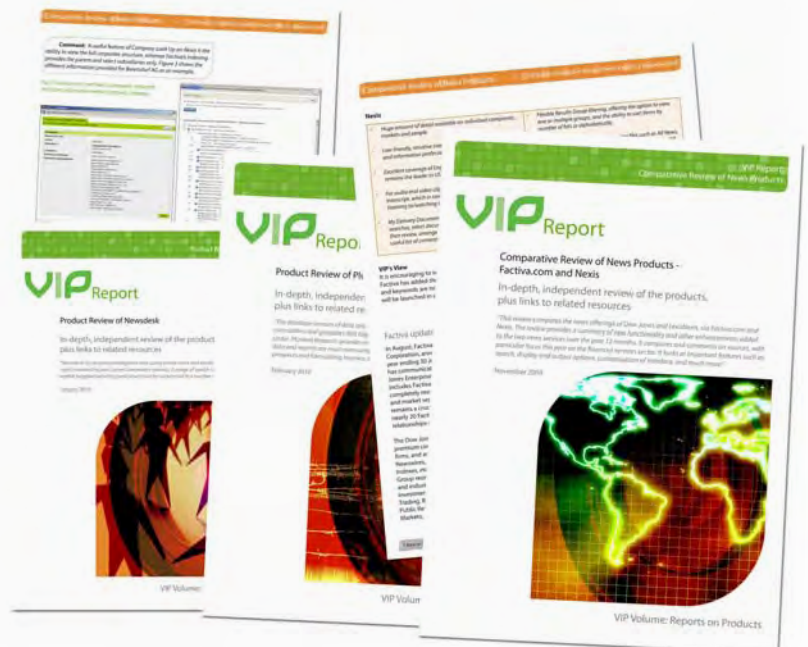
Nancy, San Francisco



Nancy Davis Kho, FreePint Vendor Liaison and VIP's product reviews editor

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Conclusions and Next Steps

In many ways, 2010 was “The Year of Copyright”. Following high-profile settlements and court cases, and parallel to the growth of new types of content for business uses, many organisations focused on updating their policies in 2010 and building awareness amongst employees for their role in managing risk.

When we published the FreePint Research Report: Copyright Policies and Practices (2010), information managers used it to gain perspective on their challenges with copyright, vis-à-vis approaches, concerns and priorities throughout the industry. We heard from many of these managers throughout the year regarding what they’d learned about user behaviour, significant updates (sometimes for the first time ever) in copyright policies, and new measures introduced to track and control copyright-related usage.

“Comparing the 2010 results to the current 2011 results highlights the impact of these efforts, particularly in increased confidence and expanded awareness.”

Comparing the 2010 results to the current 2011 results highlights the impact of these efforts, particularly in increased confidence and expanded awareness. At the same time, the 2011 results demonstrate little progress in some of the most critical areas of copyright risk management:

- Clarification and easier access to information *about* copyright
- Establishment of industry-wide norms
- Leverage of technology to streamline workflow while reducing risk
- Application of copyright policy to new forms of content.

Across all industries, geographic borders, organisation sizes and types, information moves from person to person. This circulation is fundamental to business operations. For it to happen within the boundaries of appropriate and licensed use requires attention to these critical areas.

“These are the fundamental questions that must be addressed before copyright risk can truly be managed on a long-term basis.”

In the coming year, information managers will no doubt continue their work to update policies and build awareness. However a more strategic and long-term project would be to partner — with each other and with other stakeholders — to address these larger questions of industry norms, new content forms, increased simplicity and best practices in technology implementation. These are the fundamental questions that must be addressed before copyright risk can truly be managed on a long-term basis.

Sponsors for the FreePint Research Report: Copyright Policies and Practices 2011 supported this project because they are committed to helping other stakeholders solve these problems, as is FreePint itself. How can we, as an industry and as individual organisations within that industry, help you? Your feedback, thoughts and suggestions are actively welcomed.



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About the Lead Researcher



*Robin Neidorf,
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Robin Neidorf has been working with Free Pint Ltd. since 2004, and, since joining full time in 2006, is responsible for strategic planning, product development, relationship management, research and communications.

In 2009, Robin led FreePint's organised foray into developing and implementing a regular programme of research to examine issues in information work and practice. She serves as the lead researcher on these projects. Further information about FreePint Research can be found at <http://web.freepint.com/go/family/research/>

Prior to joining FreePint, Robin Neidorf ran a research and communications consulting business for 10 years. As a consultant, she focused on strategic planning, using information to make better decisions, and creating effective audience-focused communications across different media.

Robin has worked with a wide range of organisations in the for-profit and non-profit sector. She has developed online communities, publications and distance learning modules for a range of business purposes. She is the author of [*Teach Beyond Your Reach: An instructor's guide to developing and running successful distance learning classes, workshops, training sessions and more*](#) (Cyber Age, 2006) and the co-author of *E-Merchant: Retail Strategies for e-Commerce* (Addison-Wesley, 2001).

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