

# Guidelines for Creating a Copyright Compliance Policy

## Practical steps to help you comply with copyright law

### Getting started

Informing your hospital staff and medical students about how to comply with copyright laws can be challenging. An effective copyright compliance policy can help everyone at your organization understand how to comply and why it's important. To help you establish or revise your policy, Copyright Clearance Center (CCC) has developed the following guidelines along with a sample policy, which you are free to use.

**Please note:** CCC is not a law firm, and the following suggestions are not legal advice. Once you've developed your own policy, be sure to have it reviewed by a lawyer who understands copyright law and your organization's creation of content and use of others' copyrighted materials.

### Before creating your policy

1. **Solicit input.** Gather information from colleagues throughout your organization on how information is shared and get suggestions for issues to address in your policy. Be sure to get feedback from your legal, compliance, medical library, IT, marketing and corporate communications departments as well as clinical departments.
2. **Establish your policy objective.** For example, is it to:
  - a) Fulfill your obligations under copyright law?
  - b) Provide employees and medical students with a uniform approach to addressing copyright issues?
  - c) Other
3. **Provide guidance on copyright.** Include information about what is and is not copyright-protected. For example, copyright applies to the following types of works:
  - Literary works: Blogs, books, cartoons, emails, letters, magazines, memos, newspapers, newsletters, trade journals, training materials and other written material, in paper or digital format.
  - Computer software: On disc, downloaded or in other formats.
  - Pictorial, graphical and sculptural works: Three-dimensional artworks and other creations, as well as two-dimensional cartoon characters, graphical images, maps and photographs, in paper or digital format.
  - Architectural works: Buildings and the like.
  - Sound recordings: Recordings of musical, lyrical or spoken-word performances, captured in any form of physical medium, as well as podcasts or other interactive medium.
  - Musical Works: Musical compositions and the accompanying lyrics.
  - Audiovisual works: Motion pictures, multimedia presentations, demonstrations and slideshows, in analog or digital format.
  - Dramatic works: Plays and screenplays, regardless of the medium in which performed or displayed.
  - Pantomimes and choreographic works: Dance and mime performances.

4. **Explain fair use.** Provide guidance on how to determine whether a particular use of someone else's content may qualify as fair use, the factors that must be considered in making that decision, and your organization's policies regarding fair use.

## Define your policy

5. **Clarify how copyright affects content in all formats.**  
For example: An article is copyright-protected regardless of whether it's in a scholarly journal, printed newspaper, an electronic newsletter, a website or a blog. The ©copyright symbol is not a requirement for copyright protection; thus, its absence does NOT mean that the work is not protected by copyright. Also remember that buying or subscribing to an individual copy of a copyrighted work — a book, a journal, a video or any other creative content, whether in analog or digital form — does not carry with it the automatic right to make additional copies.

Furthermore, be sure to reinforce the fact that the need for copyright permission must be considered for all published content, including 'freely-available' and Open Access content found on the Internet. Such materials are rarely free from all copyright restrictions and the fact that an article or other work is available to access online does NOT mean that it is free to copy and use for all purposes. Very few works (such as works published in the U.S. prior to 1923 and works authored by U.S. government employees) are in the public domain. For those works published on the Web under a Creative Commons (CC) license, users still need to make sure that their intended use of the content (especially for any commercial use) is covered by that CC license.

6. **Specify copyright compliance procedures.** Create a process for managing copyright compliance. Identify staff members within the organization who are responsible for answering compliance questions. Specify copyright compliance procedures, including an appointed contact person(s) within the organization responsible for answering compliance questions. Identify other

internal and/or external sources of information such as FAQs (Frequently Asked Questions). Explain the steps employees and medical students should take to determine if copyright permission is needed and how to request or secure permissions. Consider obtaining collective licenses from collective management organizations (CMOs) to ease the compliance effort; such licenses are available in many countries for many different types of uses of different kinds of materials, including text, images, movies and music. Also consider how any collective licenses will be administered (and perhaps explained to staff) as part of your organization's overall compliance procedures.

7. **Advise on proper handling of infringement.**  
Encourage employees and medical students to do the right thing, and to follow specific procedures when they witness instances of copyright infringement within your organization.

## Once the policy is defined

8. **Inform all employees and medical students about your copyright policy.** Consider including the topic of copyright in your annual compliance training and emphasize that your organization is committed to complying with all laws.
  - Convey the policy to employees and medical students through email, the company intranet and department-wide meetings.
  - Incorporate the policy into new employee and medical student orientation materials, existing employee manuals and other training materials.
  - Post the policy near photocopy machines and printers, on your department bulletin boards, on a company intranet site and in other prominent places.
  - Set procedures and timing for a formal review and update of your policy.
  - Establish mechanisms to regularly check compliance with your policy

# A Sample Copyright Compliance Policy

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## A. Statement of Organizational Values

We at [Organization Name] 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. [This statement may be tailored to fit with or complement your existing statements of principles, such as respect for the individual, community service, human rights, etc.]

## B. Statement of Obligations Regarding Copyright

As a matter of moral integrity and adherence to U.S. copyright law, [Organization Name] sets forth these policies for all affiliated employees, students, faculty and staff:

1. No employee or medical student of [Organization Name] may reproduce any copyrighted work in print, video or digital form in violation of the law. Works are considered protected even if they are not registered with the U.S. Copyright Office and even if they do not carry the copyright symbol (©). Copyrighted works include, but are not limited to: Printed articles from publications, TV and radio programs, videotapes, music performances, photographs, training materials, manuals, documentation, software programs, databases and Internet pages. In general, the laws that apply to printed materials also apply to visual and digital formats such as DVDs, CD-ROMs and Internet pages.
2. [Organization Name] holds an Annual Copyright License for University Hospitals from Copyright Clearance Center (CCC), which enables employees and on-premises medical students of [Organization Name] in the United States to lawfully reproduce and distribute content, in print or electronic format, as needed within our organization under the terms of the license agreement. Under the license, [Organization Name] employees and students can photocopy excerpts from newspapers, magazines, journals and other copyright-protected works licensed by Copyright Clearance Center, as often as needed.

Employees can also e-mail articles of interest to colleagues and students with whom they are working on [Organization Name] matters, share articles by posting them on our intranet site(s), scan content when a digital original is not available and photocopy articles and chapters for internal business and teaching use (including coursepacks and class handouts). The license also allows for the sharing of a single electronic copy of an article with a patient on request for informational purposes (for example, regarding a diagnosis or treatment) and for the sharing of copies with regulatory agencies as required for regulatory purposes.

Please note that the license applies only to text-based works (print and digital) in Copyright Clearance Center's online catalog and that, other than as provided above, the rights provided are for use internally at [Organization Name] only.

To verify license coverage, go to **www.copyright.com** and enter the Publication Title or ISBN/ISSN in the 'Get Permission' box and click 'GO.' In the search results, a series of green check marks will be displayed in the 'Annual License Holders' box indicating if the desired content is covered by the license for business and academic uses.

For all types of use (print and electronic) other than course materials, licensees must verify coverage under "Business License". To use copyrighted content within course materials (print and electronic), licensees must verify coverage under "Academic License".

**Note:** Neither employees nor medical students may create course materials with titles not covered under the Academic License even if the use is covered under the Business License.

# A Sample Copyright Compliance Policy *(Continued)*

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3. To obtain permission to reproduce text copyrighted works in print and digital formats outside of [Organization Name] not covered by our license or other prior agreements, employees and medical students should request permissions online at [www.copyright.com](http://www.copyright.com) or contact the Rights and Licensing Department of the copyright holder. Questions on specific procedures should be directed to the [Title], who serves as our copyright officer.
4. [Organization Name] designates [Title] as the copyright officer to administer our company's copyright policy. [Title] at [Organization Name] can help you determine whether a work is covered by our Copyright Clearance Center license and how to handle any special copyright issues. Questions concerning copyright procedures, including fair use, should be addressed to [Title].

## C. Instructions for Handling Copyright Infringement

[Organization Name] expects its employees and medical students to be responsible consumers of copyrighted materials. We also encourage employees and students to educate their peers on copyright compliance. If any employee or student witnesses a potential copyright infringement, please bring the matter to the attention of the individual as well as to our [Title], who serves as our copyright compliance officer. Employees and students who illegally duplicate copyrighted works may be subject to disciplinary action up to and including termination (employees).

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