

# Copyright Guidance Leaflet

## What is Copyright?

Copyright is an intellectual property right (IPR) automatically granted to any original work of Text, Graphics, Software, Data, Art or Music, to protect it against unauthorised copying. UK copyright law is governed by Part 1 of the Copyright Designs and Patents Act 1988. Copyright protection last for 70 years from the year to when the author dies with literary works. It does not protect ideas, news or events themselves; but, original work; expression of information by the Author; and the labour, skill and effort of the Author.

## Who is the Copyright Author?

The Author is the person(s) who produced the original work.

## Who is the Copyright Owner?

The first Owner of copyright is the Author, but if the Author creates the work in the course of employment duties, then the first Owner is the employer. Therefore copyright ownership would belong to e.g. ABC NHS Trust.

## Is the Material Original?

For material to be original, it should not have been copied, and some work, skill and effort must have gone into the material (so does not protect very simple works or pictures). For some purposes it may be beneficial to protect simple words and symbols, in such cases these can be protected as Registered Designs and or Trademarks, e.g. the NHS logo.

## Why is Copyright Useful to NHS Staff Wishing to Publish Material?

To protect the quality of the expression of the material

To protect important material from being changed or modified without seeking permission

e.g. protocol for drug administration

Acknowledgement

Spreading good practice

Recuperate costs of research that has produced material with value

Income generation

## What type of Documents Produced by NHS staff can be Protected?

Leaflets

Training

Websites

Manuals

Protocols

## What do you have to do to Protect a Document?

Copyright is automatic, but adding a copyright statement will let those using the material know:

(1) who the authors & owners are (for acknowledgement & contact information to seek Copyright permission for the work)

(2) what is permitted and what is not permitted

Choose a copyright statement for your material and place it in an appropriate place within the document e.g. Front Cover, Back Cover, Header, Footer, Inside first page, Inside back page, Homepage of a website.

## Which Copyright Statement Should you use?

The decision about what should be permitted and what should not be permitted is made by the copyright Owner. This will vary depending upon the purpose of the material.

**Example 1.** If the material needs to be freely available so that it can be changed & copied by anyone, a strict statement stating all rights reserved is not appropriate and vice versa .

**Case 1:** HR application form; **Case 2:** Health Questionnaire work in progress.

**Example 2.** If the material needs to be restricted so that it is not copied, changed or reproduced without seeking permission then a strict statement ensuring that the reader understands this is important. **Case 1:** Training Manual; **Case 2:** Protocol for drug administration.

**Example 3.** If the material can be copied and reproduced but not changed and should always be acknowledged, a statement can be written to cover this. **Case 1:** A patient questionnaire

The most basic way to indicate that a work has Copyright ownership is be indicated by the legend © with the date and name of the Owner. e.g. Copyright © 2001 ABC NHS Trust.

Or, if it is appropriate to acknowledge and Author as well as the Owner e.g. Copyright © 2001 Fred Bloggs of ABC NHS Trust.

A statement that clearly states all rights reserved to prevent unauthorised copying by third parties can be added at the end of the basic statement:

**e.g.** All rights reserved. No part of this material may be reproduced or transmitted in any form or by any means without the prior permission from ABC NHS Trust.

**e.g.** All rights reserved. No part of this publication can be used, reproduced, stored in an information retrieval system or transmitted in any manner whatsoever without the express permission of ABC NHS Trust.

Other less restrictive statements could be based on:

**e.g.** The text of this document may be reproduced without formal permission or charge for personal or in-house use, provided that the copyright statement is left intact.

**e.g.** This publication can be used or reproduced including photocopying, for none commercial purposes.

**e.g.** Individuals or Organisations wishing to use this publication for commercial purposes may be asked for a fee. Applications for the copyright owner's permission to use, reproduce or modify any part of this publication should be forwarded in writing to [Insert relevant Department e.g. R&D] [insert ABC Trust Address].

**e.g.** This publication can be used or reproduced freely. If all or part of the documents be reproduced, we request that the source and Copyright owners be acknowledged. Applications for the copyright owners permission to modify any part of this publication should be forwarded in writing to [Insert relevant Department e.g. R&D] [Insert ABC Trust address].

For just acknowledgement (e.g. questionnaire):

**e.g.** Applications for the copyright owners permission to modify any part of this publication should be forwarded in writing to [Insert relevant Department e.g. R&D] [Insert ABC Trust address].

Websites can be protected with statements such as:

**e.g.** The content of this website is the copyright of ABC NHS Trust unless stated otherwise. You may only download material for your personal use, private study, research or in-house use. You must not copy, distribute or publish any material from this website unless formal permission is obtained from the copyright holder.

## **How can you use Copyright Material that you do not own?**

If you wish to use Copyright material that your Trust does not own, you must seek permission to do so. If it is a training course that you have attended and then wish to train people in-house using the same material that was given to you, you will need to seek permission and may need to purchase a licence that will outline what you are and are not permitted to do with the material. If you do copy material that is protected with Copyright, the owner can sue. This is most commonly seen with training courses as they generate an income for the owner of the material.

## **Songs & Lyrics**

Tunes of songs & the lyrics are protected separately. If you wish to use the tune of a song that is owned by someone e.g. The Hockey Cockey, and put your own lyrics to it and then protect it, you must first seek permission from the owners of the tune and licence it for a purpose you have specified.

If it is for teaching purposes and non-commercial gain this is likely to be free of charge. If your new lyrics are indeed original, then you can protect those with Copyright. The Copyright statement will acknowledge both the Copyright status of the lyrics and also the owner of the tune.

If the music is not owned by anyone e.g. an old folk tune, you cannot Copyright protect the music and you do not need to seek permission to use it either. The same law applies for the lyrics of old songs (i.e. after 70 years from the composer/author's death).

## **Training Courses**

Training courses usually consist of two components, the material itself and a method for delivering the course e.g. a seminar, e-learning package, video. Training courses are an excellent way to disseminate best practice and Copyright protection ensures that both the Trust and those who developed it are recognised. Importantly, it also ensures that the integrity of the material is maintained. Some of the simpler pieces of material can be learned just through studying the material unaided and then putting it into practice. Some training however, is better delivered via practical delivery, e.g. a workshop, seminar or an e-learning package where the knowledge is imparted through explanation and further emphasis rather just relying on the words spoken or written down in text or via a video.

As the quality of the training can vary through course delivery e.g. through a workshop, then Copyright can ensure that not just anyone can take the material and teach it themselves or that the work is not changed without permission which could lead to training to do a task in a manner worse than the original outlined course. It ensures that the individual or organisation originating the material is contacted before such material is altered detrimentally.

In some case, material covered by Copyright needs to be modified to support organisational, regional, and national variations. In such circumstances if the course is altered and approved but the material has not changed enough to be considered original material, Copyright ensures that the originators are acknowledged.

The extent to which material can be modified and the material is generally quite small, the test is not on quantity but quality of the modification.

It is therefore very important to choose a statement that is most appropriate to the intended use and what restrictions and limitations you wish to impose, i.e. depending upon what you would like people to be able to do with your material and how important it is to protect the integrity original

material

It is worth considering that those outside of the NHS may wish to use the material and may therefore not be entitled to free access. If you believe your course to be valuable; because there is a high demand for it, or because you believe it is a good improvement on courses that are currently available, speaking with the NHS Innovations Hub will help you through this process and explain all the opportunities and options and the financial rewards that authors with IPR may be entitled to.

### **Selling Material**

It may be possible that your material has value, especially if similar material is currently sold and you believe yours to be an improvement on this. The NHS Innovations Hub will help you evaluate this explain all the opportunities and options and the financial rewards that authors with IPR may be entitled to.

### **What other IP assistance & Services do we Provide?**

New Invention advice, guidance and support

New IT package protection

New ways of working advice and guidance

Support to forge research collaborations to develop new ideas

Support to foster links with industry in order to develop new products or enhance current products