

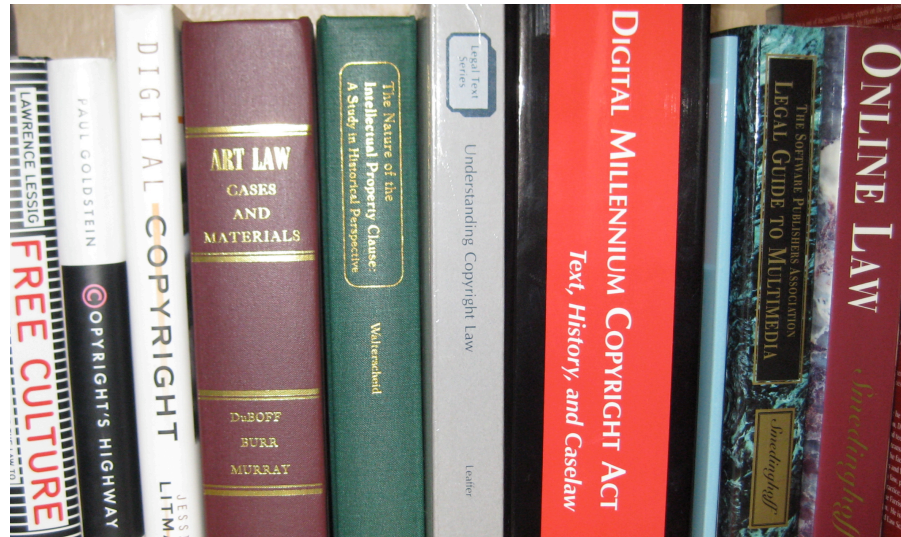
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Developing a Copyright Policy

A Copyright Compliance Tool for your Enterprise

A copyright policy can have a variety of functions from determining who owns copyright in works created during employment (especially in academic situations), to an explanation of your various license agreements, to a procedure for clearing permissions in copyright-protected works.

Generally a Copyright Policy is a summary of copyright management procedures for your enterprise. Depending upon the contents of your Policy, it can also be an educational tool, and serve as reference material on copyright areas relevant to your enterprise. Another purpose of a Policy is to provide a single consistent approach to copyright issues. Although it may initially be read cover to cover, it is more

likely to be consulted on an as-needed basis, and a strong index and/or search capabilities guiding users will ensure its effectiveness.

A Policy should always be “live” and should be updated periodically to reflect changes in the copyright law, technology, your other organizational policies, and the way in which you use copyright-protected materials in your organization.

Write your Policy in plain English, not in legalese. It is a document for all management, staff and librarians in your organization and not necessarily for your lawyers. If a lawyer prepares your policy, make sure it is written in plain English. If a non-lawyer prepares it, ask a

lawyer to review it for accuracy.

Your Starting Point

Copyright policies exist in a variety of styles. They may be brief or lengthy documents. If this is your first policy, putting your policy in writing may be like a daunting task. Where do you begin? Read policies from other organizations. Prepare an outline of the important issues. Gather all those in your organization who deal with copyright issues whether it's permissions, protection, digital licenses or other issues, and obtain their input on the various issues. Then pick an area and start writing. Policies are not born overnight and may take many hours of hard work to develop.

Table of Contents

Before you begin writing your policy, think of the different headings that may be relevant to your enterprise. Some headings for a policy include:

- Purpose of policy
- Primer on domestic and international copyright law
- Permissions procedure
- Protecting copyright works created in your enterprise
- Questions and answers on copyright
- Updating timing and procedure
- Reference section
- Contact person in your organization for copyright matters

Why a Policy?

Generally, the purpose of your policy is to provide a summary of copyright compliance issues as they relate to uses of copyright-protected content in your enterprise. The policy may provide practical advice, information and procedures. It is not a substitute for legal advice and proper legal advice should be obtained where necessary.

Basic Copyright Information

Include a brief primer on copyright law including any exceptions in your law and an explanation of fair use/dealing. Mention how international copyright law works. The reference section of your policy should include recommended

text and online material on copyright.

Permissions

If obtaining permissions to use copyright-protected materials is a big issue in your library (as it is in most), then having a single procedure for everyone in your organization to follow on how to obtain copyright permissions is a key part of your policy. You may set out specific questions or a flow chart with queries like: Is the work the type of work protected by copyright? If so, are you using the work in a copyright manner? Is the duration of copyright still on-going? If the answers are yes to these questions, then you must locate the copyright owner and ask his permission to use the work. If your enterprise has a license with any copyright collectives such as the CCC (in the U.S.) or Access Copyright (in Canada), or any digital license agreements with content owners, publishers, vendors or aggregators, mention that here.

You might include a sample permission letter that you use to send to copyright holders to ask for permission to use their works. It should include the following:

- Title of the work
- Author or owner of the work
- Description of the work, including ISBN or ISSN if applicable
- Date of publication
- Purpose of the use, (research, publication, educational, etc.)

- Nature of the use, (in print, on a Web site, etc.)
- Where the work will appear and for how long

Your Organization's Content

This section will set out the procedures for protecting copyright works owned by your organization. Do you include the © symbol? What does your permissions line say? Do you register your works? Mention here how to deal with requests to use your content and what sort of fees, if any, you may charge.

Qs& As

Consider including a section with actual questions and situations that frequently arise in your organization. Gather the questions from within your organization, and provide practical answers to frequent and repetitive copyright questions.



Lesley Ellen Harris is a copyright, licensing and digital property lawyer, author and educator.