10 Tips for Creating a Copyright Policy

Practical Steps to Comply with Copyright Law

Getting Started

What is copyright? In general, copyright is a form of legal protection given to content creators through the assignment of specific rights to works that qualify for protection.

The main goals of copyright are to encourage the development of culture, science and innovation, while providing a financial benefit to copyright holders for their works, and to facilitate access to knowledge and entertainment for the public.

Each country has national legal regulations of copyright, and therefore there is no such thing as international copyright law. Nevertheless, more than 160 countries have ratified a treaty – the Berne Convention, administered by the World Intellectual Property Organization (WIPO) – that aims to protect the rights of creators around the world. The differences in the national copyright laws present a challenge for global organizations with employees working in worldwide offices and sharing content across borders.

RightsDirect has developed a list of tips to help you create an effective copyright compliance policy for your organization. Please feel free to use these sample guidelines for your organization, but be sure to consult a lawyer and understand, that the following suggestions do not constitute legal advice.

Before Creating Your Policy

1. **Input** – Ask for input from the copyright experts in your organization who may have suggestions for issues to address in your policy. These people may sit in your legal, compliance, library/information services, IT or corporate communications departments.

2. **Policy Objective** – Establish your policy objective and be clear on why your organization is implementing a copyright policy. For example, is it to fulfill your obligations under copyright law? Or provide employees with a uniform approach to addressing copyright issues?

3. **Copyright Definition** – Define what copyright means to your organization. Include information about what is and is not copyright-protected in the countries where your organization operates.

   One of the basic principles of the Berne Convention is that of "automatic protection", which means that copyright protection exists automatically from the time any qualifying work is fixed in a tangible medium, such as paper, film or a silicon chip. A qualifying work is any original creation, but it is only the expression, not the idea, that is protected by copyright law.

In most countries, for example, copyright will protect the following types of works:

- LITERARY WORKS: Blogs, books, cartoons, emails, letters, magazines, memos, newspapers, newsletters, trade journals, training materials, in print or digital format

- COMPUTER SOFTWARE: On disc or download in digital format

- PICTORIAL, GRAPHICS AND SCULPTURES: Multi-dimensional artworks, graphical images, maps and photographs, in print or digital format

- ARCHITECTUAL WORKS: Buildings

- SOUND RECORDINGS: recorded or performed on discs, records, podcasts or other media

- AUDIOVISUAL WORKS: Motion pictures, multimedia presentations, slideshows, in analog or digital format

- DRAMATIC WORKS: Plays and screenplays, regardless of the medium in which performed or displayed

Define Your Policy

4. **International Regulations** – Consider international treaties (Berne Convention, WIPO, TRIPS) in conjunction with the national laws of the country where the content will be used. These international treaties establish reasonably coherent minimum standards of protection and exceptions.

5. **Global Reach** – Ensure that you are addressing the copyright issues facing your international employees. If your organization employs workers in multiple countries, provide information to ensure they are complying with the copyright laws of the country in which they are based.

6. **Copyright Formats** – Clarify how copyright affects content in all formats. For example: An article is copyright-protected, regardless of whether it is in a printed newspaper, an electronic newsletter, a website or a blog. The © copyright symbol is not a requirement for copyright protection; thus, its absence is NOT an indication that the work is not protected by copyright. Also remember that buying or subscribing to an individual copy of a copyrighted work 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 by contacting the rightsholder directly. Such materials are rarely free from all copyright restrictions. 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.

7. **International Regulations** – Specify copyright compliance procedures, including an appointed contact person within the organization responsible for answering compliance questions. Explain the steps employees should take to determine if copyright permission is needed and how to request or secure permissions. Consider obtaining collective licenses to ease the compliance effort; such licenses are available in many countries for many different types of uses of different kinds of materials. Also consider how any collective licenses will be administered (and perhaps explained to staff) as part of your organization's overall compliance procedures.

8. **Use of Copyrighted Materials** – Provide guidelines for the use of copyrighted materials created by your organization. Some examples for consideration: How should employees handle the issue of works created by contractors who produce work for the organization? When is it okay to distribute the organization's own materials? Can the copyright for company-produced material belong to another party (for example, an employee writes an article which gets published in a peer-reviewed journal)?

9. **Use of Copyrighted Materials** – Advise on proper handling of infringement. Encourage employees to do the right thing, and to follow specific procedures when they witness instances of copyright infringement within your organization. Also identify procedures for how employees should handle infringement of the company's own works that they discover on the Internet or in the marketplace

Communicate Your Policy

10. **Copyright Formats** – Inform all employees about your copyright policy and conduct regular reviews to evaluate its effectiveness.

- Convey the policy to company employees through email, the company intranet and company-wide meetings.
- Incorporate the policy into new employee welcome kits, existing employee manuals and other training materials.
- Post the policy near photocopy machines and printers, on your company 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.

Copyright Information Sources

Find more information from organizations at the forefront of intellectual property and copyright from a global perspective:

SOURCE	URL
RightsDirect	www.rightsdirect.com
Copyright Clearance Center (CCC)	www.copyright.com
European Commission – Copyright International	http://ec.europa.eu/internal_market/copyright/index_en.htm
International Federation of Reproduction Rights Organizations	http://www.ifrro.org/
WIPO - World Intellectual Property Organization	http://www.wipo.int/portal/index.html.en