

Copyright: Some facts and FAQs

Some Facts about Copyright

Copyright gives protection to the ways that ideas are expressed or recorded (e.g. in writing or picture), but it does not give protection to ideas *per se*, or to names and titles (which are covered by trademarks). Generally, copyright can be applied to written work (e.g. a paper or thesis, computer programs/software, a computer generated slide presentation), but it also applies to music, sound recordings, broadcast media and pictures so that it may not be copied or passed off as belonging to someone else. There is no need to register for copyright protection as it automatically comes into force once a tangible record of work has been created. Copyrighted material is usually represented by the statement "Copyright © Organisation, Year".

Copyright lasts for the whole of the originators life plus 70 years after his/her death. If a work is produced during the course of employment, it may be the employer who owns the copyright rather than the originator unless a prior agreement has been negotiated. However, if the work is created by a freelance worker, then this situation is reversed. Copyright can be bought, sold, inherited or transferred, but the original author will lose the ability to use the copyrighted work unless a license is agreed. A contractual agreement which transfers copyright from one person to another is referred to as an "assignment" and is not effective unless in writing signed by or on behalf of the transferor. Owners of copyright can however license others to use their works and thus themselves retain ownership. The current laws regarding copyright in the UK are published in the Copyright, Designs and Patents Act of 1988.

Copyright FAQs

How do I protect my work?

Copyright does not have to be applied for and comes into force once there is a tangible record of the created material. Keeping copies of drafts (and other material showing your connection with the material during its development) is advisable and will be needed if you ever have to prove authorship.

What happens if I find out that someone has copied my work without my permission?

If you suspect that someone has copied your work without your permission then you should first contact them to try and resolve the issue. You should also contact your IP (Intellectual Property) Lead and inform them of the situation. Medipex may also be able to provide some advice.

I work for a large organisation. Who actually owns the copyright to my material?

Unless stated otherwise in your job contract, your employer will own the copyright to any material produced by you during the course of your employment with them.

Someone has recently contacted me and asked permission to use my training materials. What should I do?

You should contact your IP lead as it is likely the trust will own the copyright to these materials.

What rights do sub-contractors have on material they have been paid to develop?

Prior to sub-contracting work, an agreement should be set up to ensure that the copyright on any work done by the sub-contractor is owned by you. Otherwise, the sub-contractor may own the copyright on any material they have developed, thus preventing you from freely using the material.

Copyright: Some FAQs

I was part of a large project team that successfully developed a clinical database. Several of the team have moved elsewhere. What rights does everyone have to continue using the database?

Those members of the team which still work for the original employer have full rights to use the database, but those members of the team who have moved away, even if they were the project lead, may only use it for the purposes of private research / study with the permission of the owner of the database rights. It is also important to remember that any clinical information contained within the database will be covered by the Data Protection Act (1998).

I would like to publish a paper in a journal or publish my thesis. What effect does this have on ownership of copyright?

When publishing work in a journal it is important to find out whether the copyright remains with you (e.g. Nature Publishing Group) or whether it is transferred to the journal publishers (e.g. Wiley) with the original authors still holding certain rights to the article. A thesis is protected under copyright law as an unpublished work and requires permission of the copyright holder for publication, so if you wish to publish your thesis, you should check whether you hold the copyright to the thesis or whether it is owned by the body where the research for the thesis was carried out. Like publishing work in a journal, it is important to check whether you have to transfer ownership of copyright to the publisher or whether you will retain the ownership yourself.

Useful Links:

The UK Intellectual Property Office: <http://www.ipo.gov.uk/copy.htm>

UK Intellectual Property online: <http://www.intellectual-property.gov.uk/resources/copyright/index.htm>

Federation against Copyright Theft: <http://www.fact-uk.org.uk/>

The Copyright Licensing Agency: <http://www.cla.co.uk/>

The UK Copyright Service: http://copyrightservice.co.uk/copyright/p01_uk_copyright_law

The British Copyright Council: <http://www.britishcopyright.org>

Further Information or Advice:

Medipex (NHS Innovation Hub Yorkshire and Humber)
Icon Business Centre
4100 Park Approach
Leeds
LS15 8GB

Tel: (0113) 3970 830

E-mail: enquiries@medipex.co.uk

This fact sheet has been produced in conjunction with Urquhart-Dykes and Lord, Patent Attorneys (Tel: 0113 245 2388; e-mail: email@udl.co.uk).
It is provided for the purposes of information only and is not intended as a comprehensive guide to copyright.
In any cases where you have concerns or require advice regarding intellectual property matters, you should get in touch with your IP lead or Medipex.

