



# Medical communications and copyright

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# Collaborators

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- Barbara Francis, InforMed-Direct
  
- Thanks to:
  - the wider networkpharma community for their questions
  - Peter, for organizing this forum

# Using your handset to vote:



- > When instructed, press the number button(s) that correspond with your selected answer
- > Check your response in the display screen on the keypad
- > There is no enter key required
- > If you want to change your response, use the 'c' key to clear and enter your new answer

# Is your mobile phone switched off?

① Yes



② No

0%

③ I'm doing it now...



④ It's on silent



## Please text in where you came from today

- > Use your keypad to write and send text messages (there is no predictive texting)
- > 'c' key to backspace/delete letters, '0' key for space character
- > You can only send one message of up to 127 characters
- > **When you have finished, press the large button to submit**

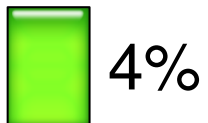


# What type of agency do you represent?

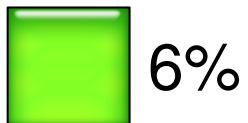
① Medcomms



② PR



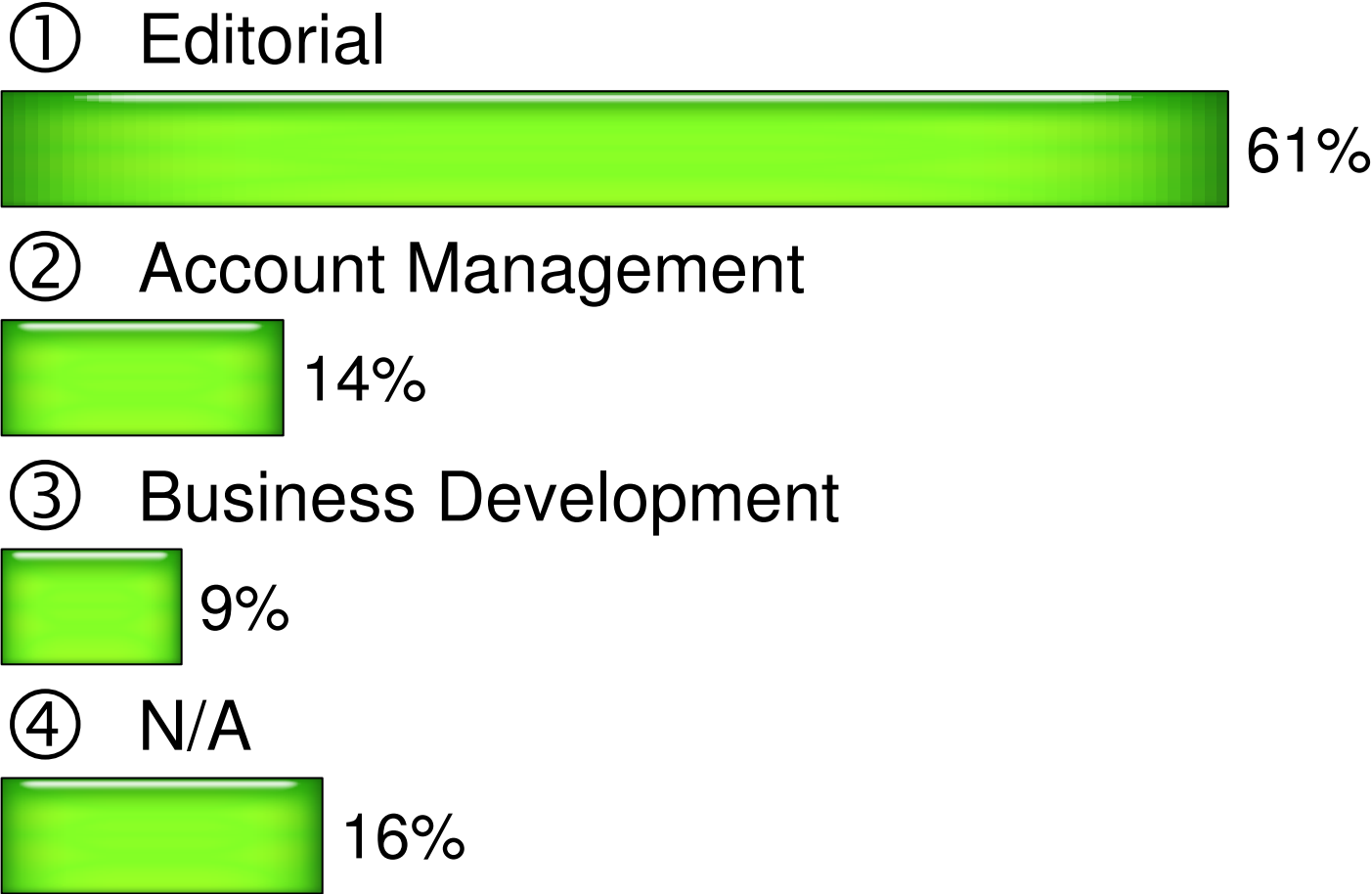
③ Publishing



④ Other



# What is your role?



# Does your company have a CLA licence?

① Yes



② No



③ Don't know

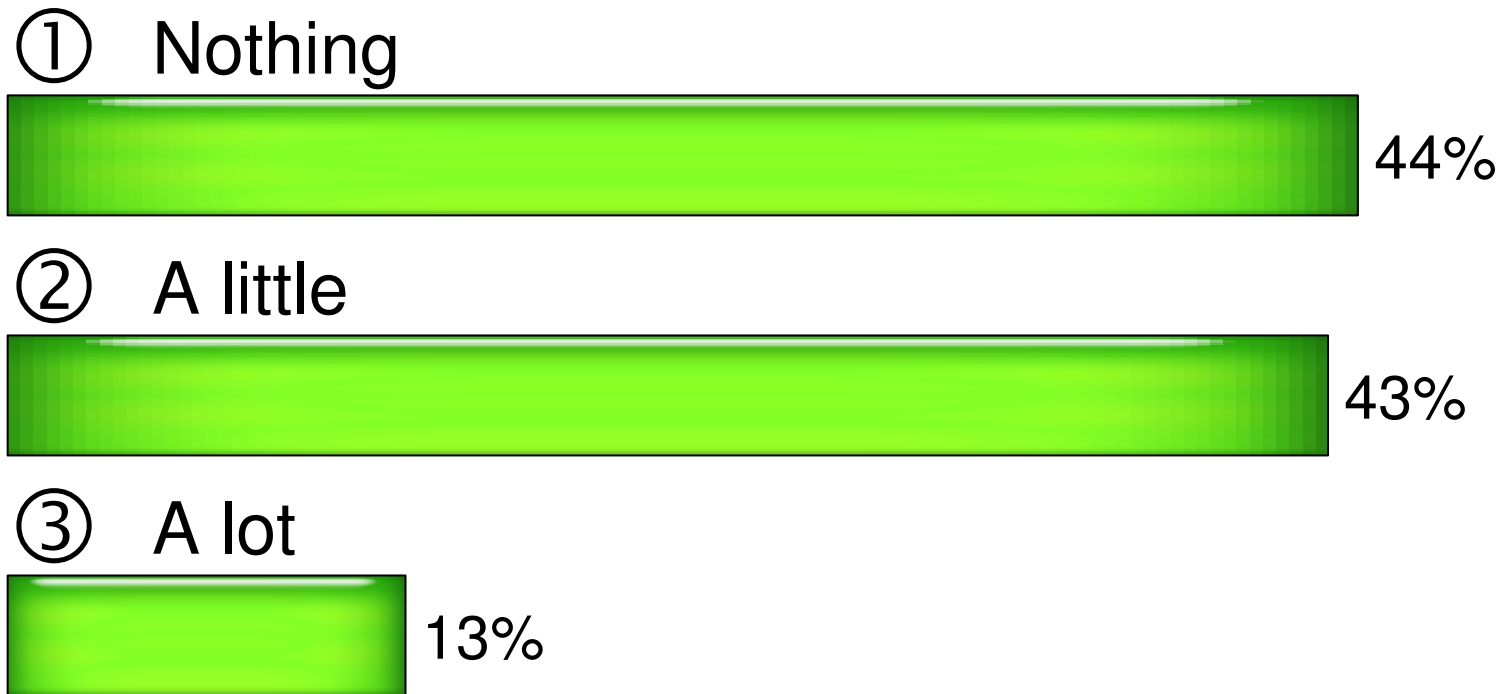


④ I don't want to tell you!

0%



# What do you know about CLA licences?



# The MedComms business

- Our business is aligned with the pharmaceutical sector
- Agencies often have offices outside the UK, commonly, but not exclusively, the USA
- We use traditional (journal articles, book chapters) and digital (online databases, website content, online journals) sources as reference material
- We obtain copyright clearance for third party materials reproduced in developing content for our clients

# What we do with licensed material

- Work with authors, speakers and clients to prepare referenced documents for
  - Peer-review journals
  - Conferences (presentations and posters)
  - Marketing support materials
  - Web sites
  - Training materials
    - Pharmaceutical industry staff
    - Healthcare professionals
  - Others I haven't thought of...

# Who we interact with



## Clients

- Pharmaceutical industry
- Brand/product managers
- Medics/researchers
- Regulatory departments



## External experts

- Authors
- Presenters
- Advisors



## Freelancers

- Writers/editors
- Commercial consultants
- Designers
- Programmers



## Other agencies

- Working for the same client
- Third party service providers (e.g. Datavision, ZincMaps)



# What's this all about?

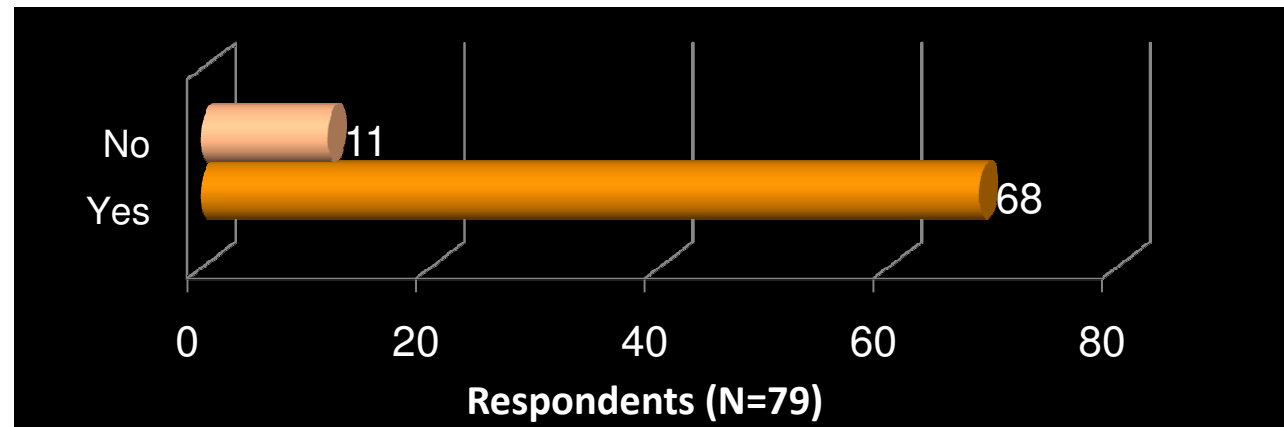
- How can we be copyright compliant in our everyday business most cost-effectively for us and our clients?
- The CLA business licence allows distribution of copyright-fee-paid material within the business within the UK
- We cannot share references with our colleagues overseas
- We cannot share references with our clients or our clients' consultants



What is covered by the CLA license?

# CLA license

Have you heard of the CLA?



## 2. GRANT OF LICENCE

On the issue of the Certificate, CLA grants to the Licensee and, as appropriate, Authorised Persons the non-exclusive right within the United Kingdom to:

- 2.1 make, or permit the making of, Paper Copies and to distribute, or permit the distribution of, such Paper Copies to Authorised Persons;
- 2.2 scan Material Licensed for Scanning to produce Digital Copies provided that the Licensee shall use reasonable endeavours to identify whether it subscribes to a digital version of the work in question and, if so, to use that digital version instead of creating a Digital Copy by scanning;
- 2.3 make available, or permit the making available of, Digital Copies, in both cases solely within the Licensee's Intranet. This includes, for the avoidance of doubt, the indexing, searching, opening, viewing, printing and presentation or display in electronic form of Digital Copies;
- 2.4 make available, or permit the making available of, Digital Copies of Third Party Digital Material, in both cases solely within the Licensee's Intranet;
- 2.5 make copies of Paper Copies;
- 2.6 store Licensed Copies on the Licensee's Intranet for a maximum of 30 days and such temporary storage shall not be deemed a breach of clause 5.6; and
- 2.7 permit an Authorised Person to store Digital Copies for individual use. Such Digital Copies may not be accessed on a routine basis by any other Authorised Persons;

all for the Licensee's internal information purposes only and on the terms and conditions set out in the following Clauses.

# We think this lets us...

- Create copies of licensed material for use within our own organization
- Provide hard copy references to freelancers who are working for us
- Provide hard copy references to advisors who are working directly for us



# We're pretty sure it doesn't let US...

- Provide digital references to freelancers/advisors working directly for us
- Share references with our US/overseas offices
- Provide references to authors/speakers/advisors we are working with on behalf of our clients (our clients' consultants)
- Provide references to our clients – either
  - that they initially sent to us
  - that they have reimbursed us for

# We're not sure about...

- How to get international coverage
- What the limitations are for storage of references on a central file server
- What rights-paid material is covered
- How we can provide references to clients or to authors/advisors working for our clients
- Why paper and digital copies are treated differently



**CLA**

# Licensing Solutions from the Copyright Licensing Agency (CLA)

Leon Skelton (Pharma)

Andrew Greenan (Business)

Mat Pflieger (Sales & Marketing Director)



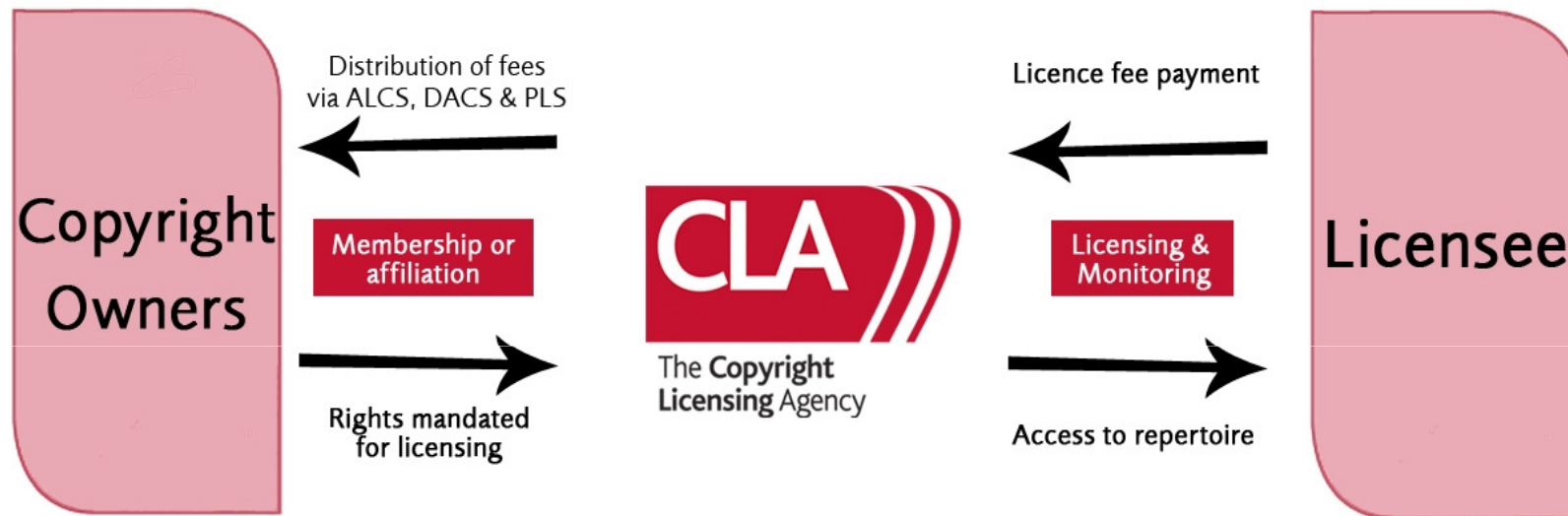
The Copyright  
Licensing Agency

## About CLA

- We license the copying of content from journals, magazines, books and digital editions (e-journals, e-subscriptions, e-books etc).
- Owned by publishers (PLS) and authors (ALCS) and represent visual creators (DACS) via an agency agreement.
- Protect and encourage creativity by enabling publishers and creators to get a fair reward when their works are reproduced.
- Offer licence solutions to all sectors such as business, government, local authorities, schools, universities, NHS etc.
- All fees collected are paid to creators & publishers, less 11% costs.
- CLA has generated over £450m for rights holders since 1983.



# How the licence works



# Providing legal access

## Our licence enables you to

- photocopy
- scan
- email scans or digital copies
- retain on a PC or network

## Within limits from

- journals, magazines, books, trade press, copyright cleared articles, e-subscriptions etc

## Obtained from

- subscription copies
- library stocks
- press cuttings & PR agencies
- document suppliers

## Content could include

- published research
- technical articles
- industry comments
- market news and commentaries
- business information
- trade press coverage
- interviews with spokespeople
- director biographies etc

Paper copying is included in the licence either by direct mandate or under the indemnity provision.

Digital content is made available on an opt-in basis only.

## Our licences include international content





# Pharmaceutical Companies

## In this sector we license:

- Pharmaceutical & healthcare
- Biotechs
- R&D
- Contract Research Orgs
- Multinationals
- Start-ups
- PLCs
- Consultancies (e.g. Regulatory)
- Medical devices companies

Licence was negotiated through  
the ABPI on behalf of the industry

## Pharma Licence permits:

- internal copying from paper and digital editions
- project-specific network storage
- copies for regulatory approvals
- copies for medical information
- copies for sales reps
- sending to overseas offices
- receipt of unencrypted articles from the BLDS

Licence does not cover sales or  
promotional use.

# CLA Business Licence

- CLA's standard licence for UK businesses & other organisations
- Provides indemnity for copying and internal distribution within an organisation
- Blanket licence – covers copying by any employees or contracted staff within a licensed organisation

- Who we license
  - Small, medium, multinationals
  - PLCs
  - Legal and the professions
  - Business and technical consultancies
  - Financial services
  - Media, Creative & Communications
  - Retailers
  - Manufacturers
  - Charities and more...

# CLA Business Licence

## The Business Licence:

- Covers copying and scanning from journals, magazines & books
- Permits further internal copying of material received via Document Delivery Suppliers and Press Cuttings Agencies
- Permits storage of electronic copies on local hard drives
- Enables copies to be placed on a intranet for a period of up to 30 days
- Systematic storage of electronic articles not permitted

## Licence Fees

- 1 – 10 Employees = £130.00
- 11 – 50 Employees = £395.00
- 51 employees or more:  
The licence is fee based the number of professional employees within a licensed organisations.

Current applicable rate for PR, Marketing & Communications companies is Band B – £25.75 (+ VAT) per Professional Employee

# PR & Communications Sector

- CLA has ongoing relationships with industry bodies e.g. PRCA, CIPR
- CLA license UK Press Cuttings Agencies through established relationship with UKMMA
- Business Licence for PR & Communications firms - convention is applied that single copies can be supplied to single recipients at a client by e-mail or in hard copy
- A new PR Licence is currently under development
  - enable internal copying as per Business Licence
  - enable both press cuttings and internally generated copies to be supplied to multiple client recipients
  - reporting terms will apply
- Consultation process underway to determine required licence features, permissions etc

## We understand why this is complicated.....

1) Med Comms agency sending  
to a freelance technical writer  
= **own Business Licence**

2) Pharmaco sending copies to its  
appointed Med Comms agency  
= **client's Pharma Licence**

3) Med Comms agency sending  
regulatory copies for pharmaco  
= **client's Pharma Licence**

4) Med Comms agency copying  
from its own subscriptions,

journals or doc del articles  
= **own Business Licence**

5) Med Comms agency sending  
copies to conferences, key  
opinion leaders or advisors for  
marketing or promotional use  
= **reprints / direct permission**

Agency cannot pass authorised  
copies supplied by the pharmaco  
to freelancers or authors (i.e. to  
its own contractors) unless  
agency holds its own CLA licence.

# First question to the CLA

- Do you have anything to do with copyright permissions from journal publishers for reproducing third party material as part of a new publication?

# However, this is a license-related question!

- If we and our client both have a copyright licence in place allowing re-use of material in our own internal documents, what happens if we are producing a slide kit for internal client use only (e.g. sales team training)
- Do we need permission to include figures/extracts:
  1. if the client owns rights-paid copies of the articles
  2. if we own rights-paid copies of the articles
  3. if we both own rights-paid copies of the articles?



What material is covered by the CLA license, or what constitutes “licensed material”?



# Reference sources

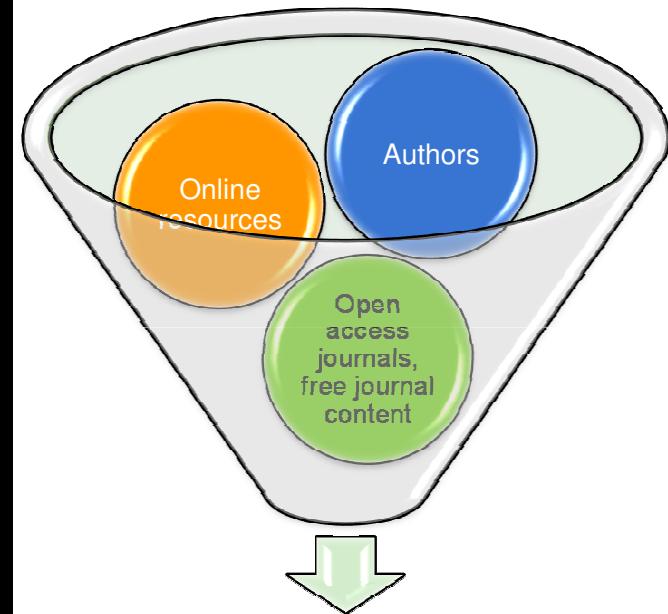
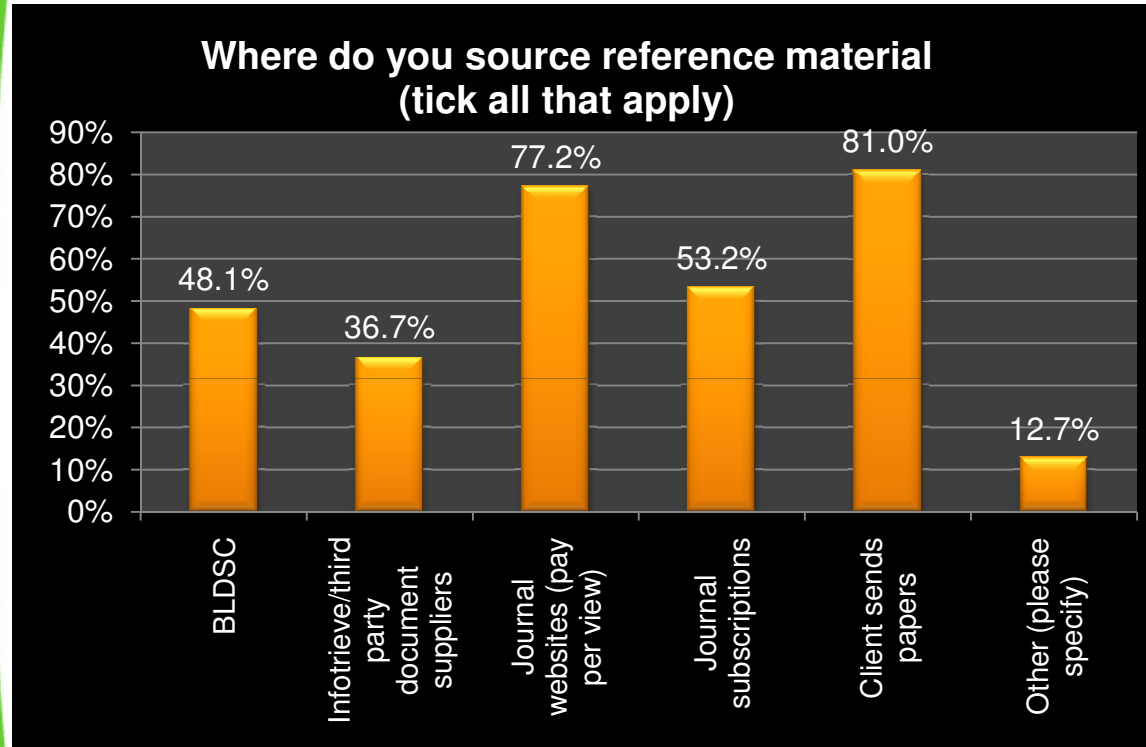
## STM publishers

- We purchase references from
  - BLDSC
  - Third party document suppliers (e.g. Infotrieve)
  - Journal websites
- Open access journals
- Journal material free after 12 months etc

## Others

- Reports from information suppliers (e.g. Datamonitor)
- Reports from information databases (e.g. Thomson Pharma)
- Online sources (website content)
- Clients/Authors
- Things we pick up at conferences (glossy reprints)

# Our survey said...



Other (please specify)

“We don't access copyright material but as a former medical publisher I personally support all efforts to protect copyright and therefore an income stream”

# Questions...

- Is there a licensing option that will allow us to “adopt” unlicensed material?
- What is the position with open access material – does that need any licensing at all?
- Ditto for freely-available journal articles?
- Do glossy reprints count as licensed material? After all, we own an original...

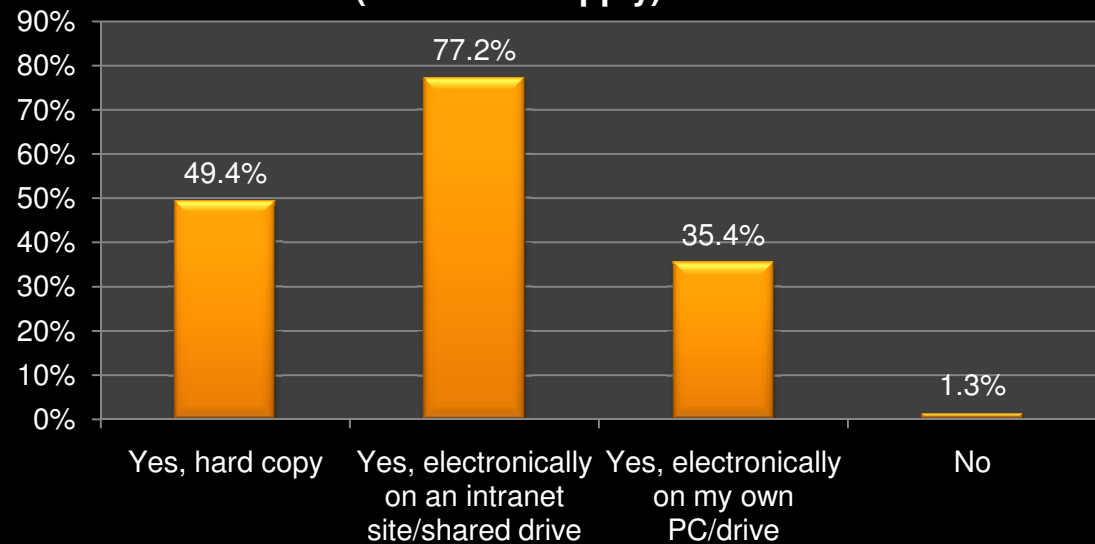


Reference storage

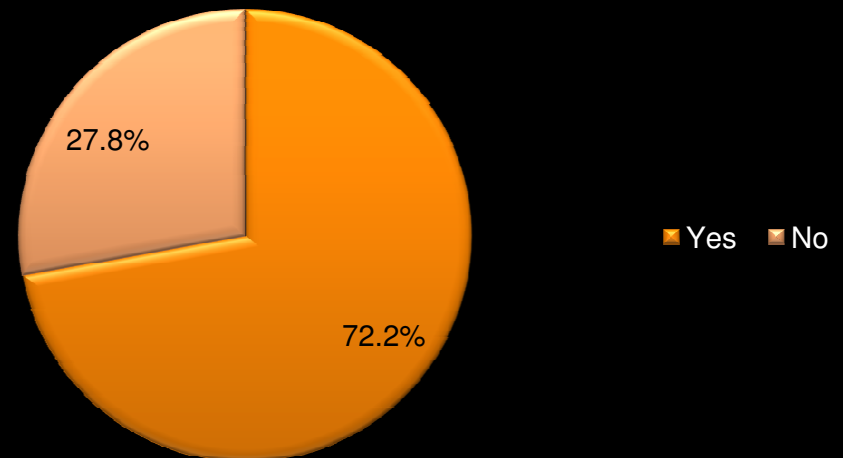
## Systematic storage

- Filing cabinets and file servers
- Citation manager software to which pdfs are attached
  - Attachments on a server
  - Attachments on a local disk
- Licensed material is stored centrally
- Users make photocopies or print pdfs as required

### Do you/does your company store references? (tick all that apply)



### Do you use citation manager software to organize reference material?



## Case study

You buy a paper from the BLDSC and it comes as a secured pdf, print once, readable from a single machine

What do you do most often?

- ① Print it, put it in the filing cabinet and make photocopies as required for internal use



- ② Print it, scan it as a searchable pdf and attach it to a citation database on the server for internal use



- ③ Have your copy delivered as a multipage TIFF via Ariel and attach it to a citation database on the server for internal use



- ④ Order your copy to be faxed, scan it in to pdf and attach it to a citation database on the server for internal use

0%

# Storage of licensed material

**Licensed Copies:** either Paper Copies or Digital Copies as appropriate;

**Licensed Material:** any and all Material Licensed For Photocopying, Material Licensed For Scanning and Digital Material;

2.6 store Licensed Copies on the Licensee's Intranet for a maximum of 30 days and such temporary storage shall not be deemed a breach of clause 5.6; and

2.7 permit an Authorised Person to store Digital Copies for individual use. Such Digital Copies may not be accessed on a routine basis by any other Authorised Persons;

all for the Licensee's internal information purposes only and on the terms and conditions set out in the following Clauses.

## 4. CONDITIONS APPLYING TO CREATION AND USE OF LICENSED COPIES

4.1 The Licensee must own an original and/or copyright-fee-paid copy of any Licensed Material it copies, scans or uses under the terms of the Licence.

- You can scan an article from a journal you subscribe to (creating a digital copy)
- You can email it to all UK employees or make it available on your intranet
- Employees can store/download a copy to their own hard disk, but you can't keep a copy on the server for more than 30 days

# Systematic storage

5.6 Digital Copies may not be stored on a server, or systematically indexed, with the intention of creating an electronic library or similar corporate information resource of extracts of Licensed Material except that Digital Copies may be stored where necessary for technical back-up purposes or where the retention of such Digital Copies may be required by law.

- The precise intention of citation management software is to create an electronic library or shared information resource
- We can store digital originals (licensed material) but not digital copies (scans of hard copy)
- Is there a licensing option that will allow us to do this?



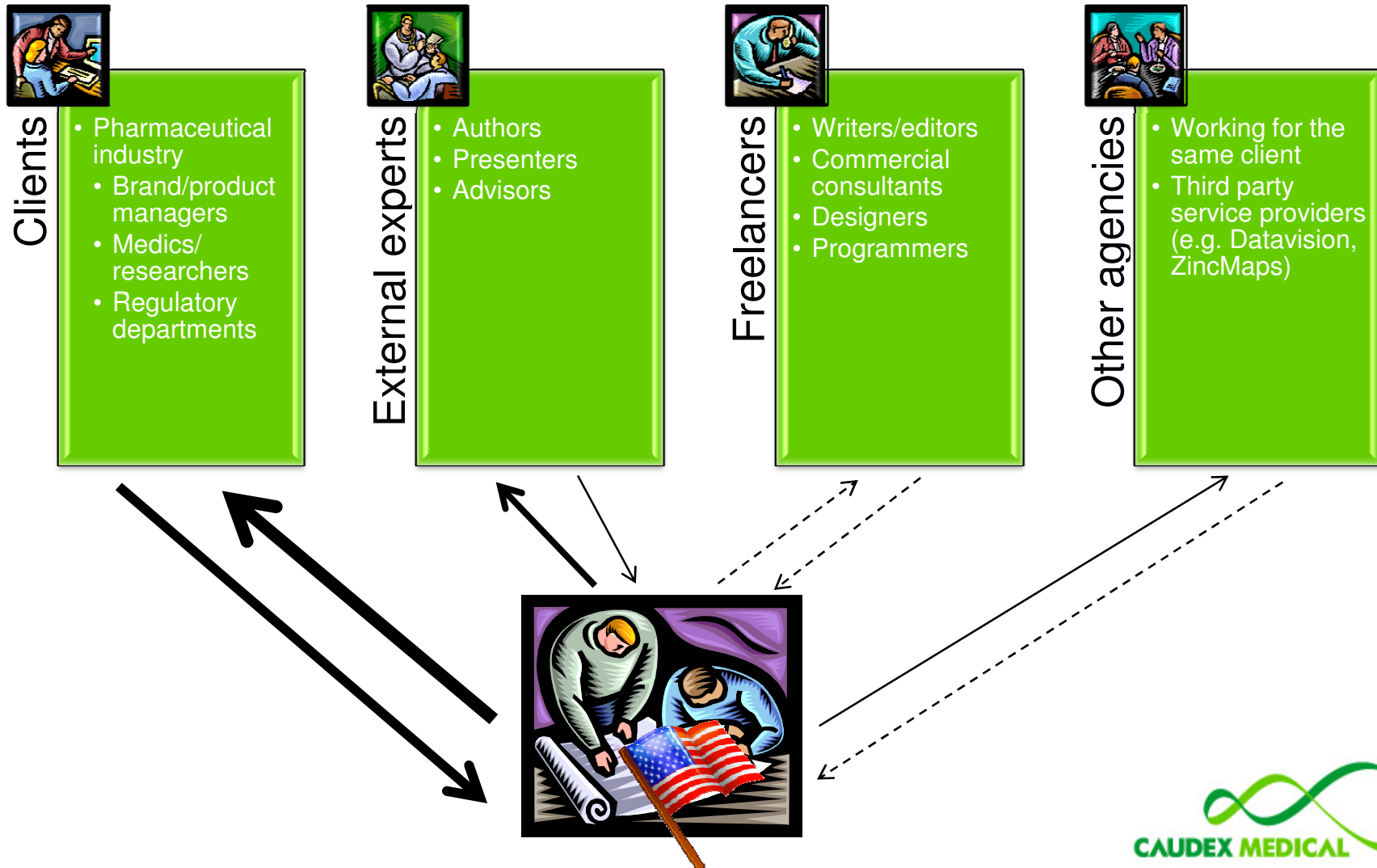
# Ideal scenario

- BLDSC and CLA accounts are linked. Licensed material is delivered as unsecured pdfs under the terms of the CLA license
- Rights-paid copies are attached to the citation manager database, stored on a server and are accessible to all authorized persons



Authorized persons

# Who we interact with



# Reference sharing

## Authorised Persons:

- (i) in respect of Paper Copies: employees of the Licensee, workers and consultants engaged by the Licensee; and
- (ii) in respect of Digital Copies: those individuals in (i) above who are permitted by the Licensee to have access to the Licensee's Intranet;

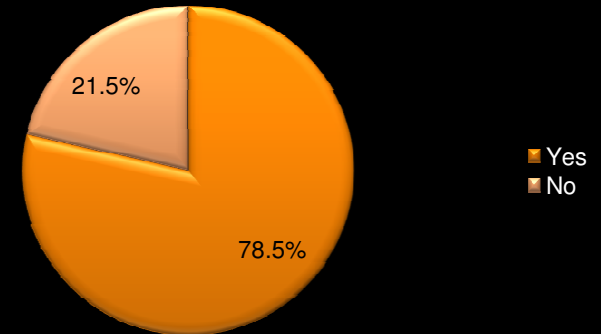
where 'workers' has the meaning given to it by the Employment Rights Act 1996 and 'consultants' means individuals providing consultancy services to the Licensee;

Freelancers work directly for us

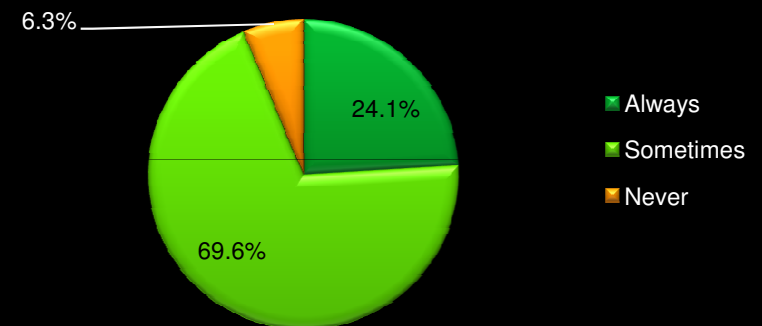
Clients do not!

Advisors usually do not (but occasionally are our direct consultants)

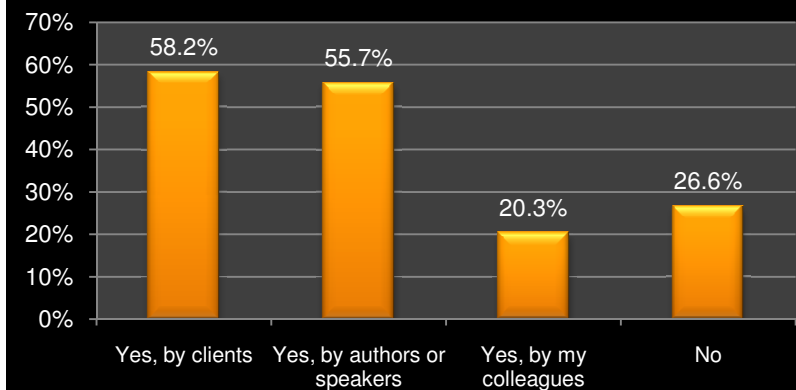
Do you ever need to supply reference material to freelancers?



Do your clients ask you to provide marked up references in support of project approvals?

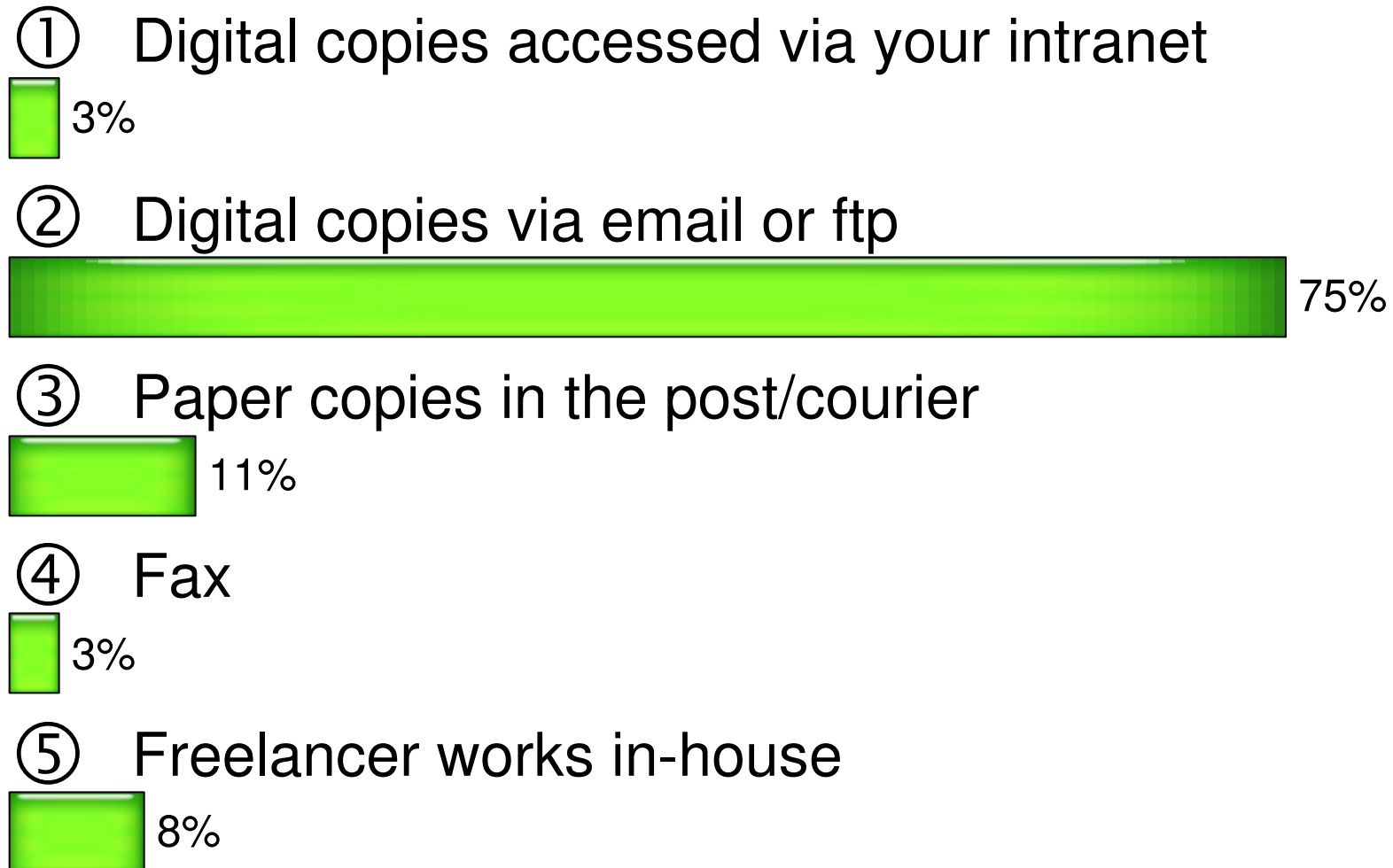


Are you asked to supply reference material to authors/speakers? (tick all that apply)



# Freelancers:

How do you most often provide references to freelancers?



# Freelancers

- Are freelancers “authorised persons” for
  - Paper
  - Digital
- Are freelancers OK to make further copies (i.e. keep for future use and return a marked up copy to the agency)

# Clients, authors and other agencies

- Clients do not understand copyright!
- Costs for references that we purchase are reimbursed by the client, so in their head, they own them
  - “Can you send Professor X those references please?”
  - “You’ve got the references, just send them to the PR agency”
  - “I need the marked-up references [showing data/cited sources] for approval”

# Helpful (!) clients

- Some clients either provide references from their library or medical information team, or insist that we order references through them
- Once we have these references, what are we allowed to do with them?
- “Adoption” clause?



# Approval copies

Your project uses supporting references bought by your agency but reimbursed by your client

Your client requires supporting documentation for approval purposes  
Do you:

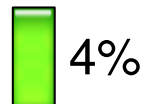
- ① Make copies of the references you already have, mark them up and send them to the client, keeping a copy of the markups for your own reference



- ② Buy new copies, mark them up, send them to the client and keep a copy of the markups for your own reference



- ③ Buy new copies, mark them up, send them to the client without keeping copies



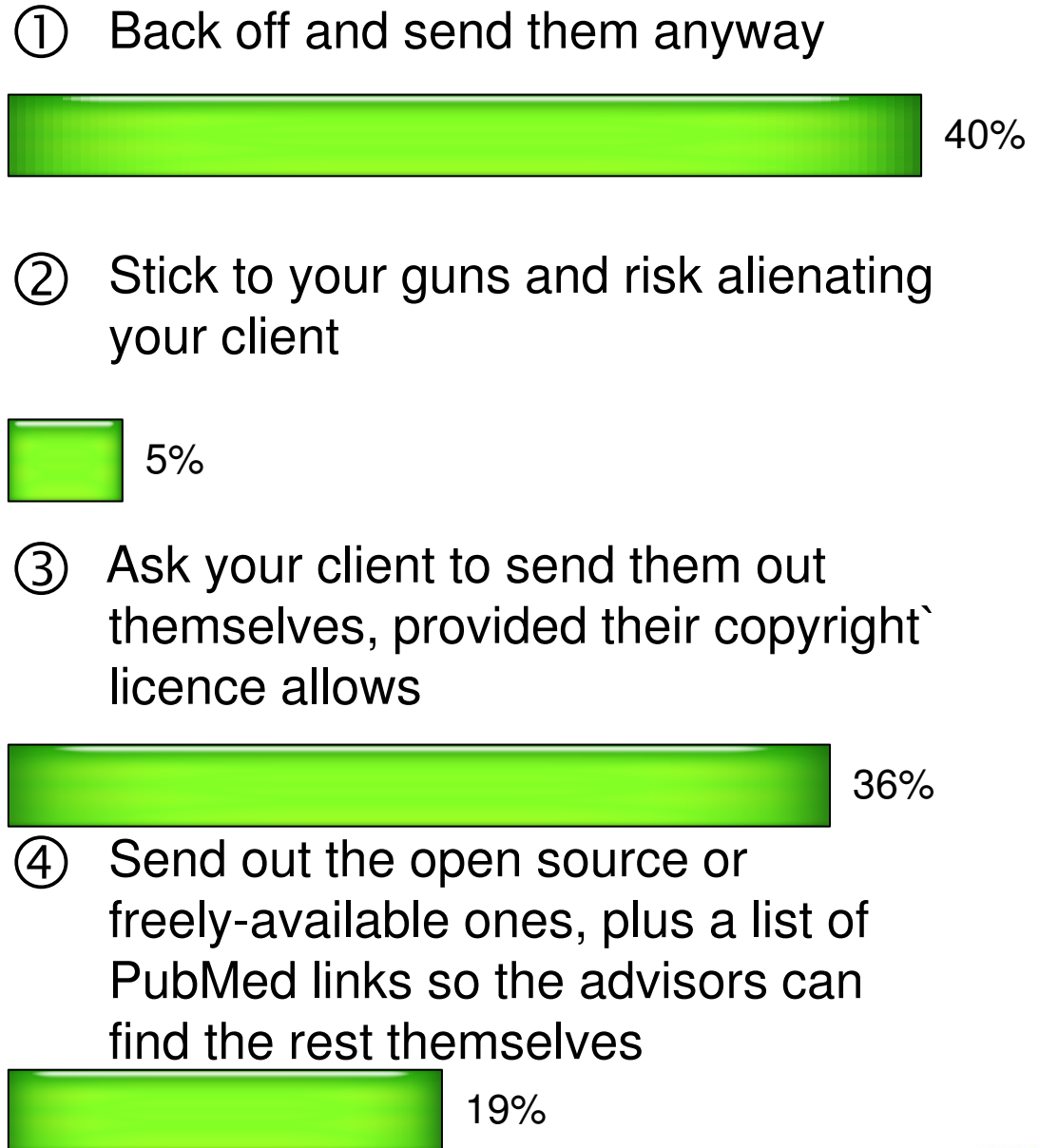
# Advisory boards

You are managing an advisory board which requires pre-work from participants.

Your client requests that you send out a reference pack in advance of the meeting.

You have the references, but your client refuses to pay for additional reprints on the grounds that “they’ve already bought them”.

What do you do?

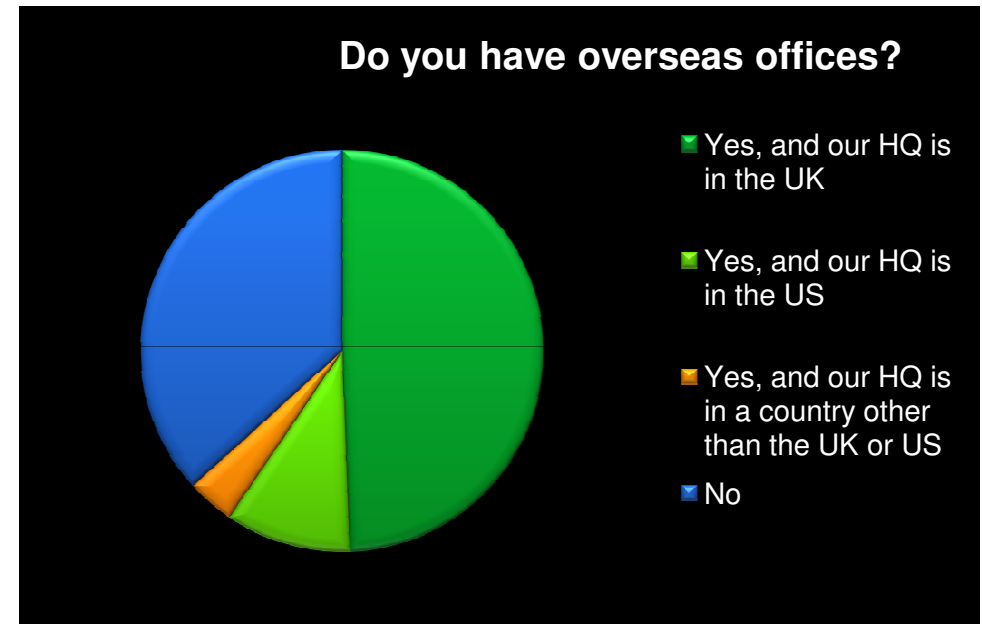


# Clients, authors, other agencies

- Is there a licensing option that will allow us to create licensed copies from our paper-based or digital material to supply to third parties who are not authorised persons?
  - Low volume transactional license (UK only)
  - Transactional license (international)

# Globalization!

- CLA business licence allows internal distribution within the UK
- What about our US employees?
- What about clients based ex-UK?
- What about authors based ex-UK?



# International combinations



- Copyright Clearance Center  $\equiv$  CLA
  - Business license – similar to CLA business license
  - Multinational license
- What rights does a combination of these licenses (CLA business plus CCC business plus CCC multinational) include?
  - Photocopies international
  - Digital international
  - Digital storage



So, is there a licence or combination of licenc(s)es that will work?

# Required attributes

- Sharing of paper and digital references between all offices
- Sharing of paper and digital references with freelancers
- Indefinite storage of digital references on a central file server
- Transactional document supply to non-employees

## Also...

- We can receive rights-paid material from BLDSC as unsecured digital documents
- We can create digital copies from rights-paid hard copies
- We can “adopt” (and convert) unlicensed material received from clients/authors





**Thank you**