

## Guidance on copying copyright material

### Introduction

The purpose of this note is to advise you regarding a recent change in NHS policy which will affect the extent to which you are entitled to reproduce copyright material, such as books, reports, magazines and journals.

### Background

Under the Copyright, Designs & Patents Act 1988 ("**the Act**"), it is an infringement of copyright to reproduce the whole or a substantial part of a copyright work. This would include, for example, photocopying or scanning the whole or a substantial part of a publication, storing a publication in electronic form or making a temporary copy of a copyright work. For several years, the Department of Health ("**DoH**") has purchased a licence from the Copyright Licensing Agency ("**CLA**") to enable staff to make and share copies from books, magazines and journals more freely than they otherwise would have been able to. This licence covered the whole of the NHS and cost the DoH in the region of £2.4m per annum. However, due to greater use of digital material, concerns about the value which the NHS was obtaining for the licence and pressure on budgets, the DoH decided not to renew this licence when its term expired in March 2006.

### Compliance without a CLA licence

Blackpool, Fylde and Wyre Hospitals NHS Trust ("**The Trust**") has decided not to purchase an individual Trust licence. Trust staff should therefore ensure that they are aware of their obligations to reproduce material strictly within the terms of the Act.

By following the guidance set out below, Trust staff should be able to minimise their exposure for copyright infringement.

### Photocopying and reproduction of copyright works

The right to make photocopies/reproductions is governed by the terms of the Copyright, Designs and Patents Act 1988 ("**the Act**"). You should observe the following guidance when making photocopies:

1. Any printed material that is Crown Copyright may be copied without restriction provided the copy retains the same meaning as the original and clearly identifies the source.
2. All other copyright material may only be copied to a very limited extent, as follows:
  - Where the reproduction is done for the purposes of research for a non-commercial purpose (for example, to support NHS activities such as patient care, management, administration);
  - Where the reproduction is done for the purposes of private study (for example, where copying is done by an individual employee for private, educational purposes).

**PROVIDED that, in each case, the copying is fair.**

The question of whether the copying is fair is a question of fact and degree in each case. However, as a general guide, if the amount copied is substitutable for the entire original work, or contains lengthy sections of unbroken text, the copying is unlikely to be judged to be fair.

You **CAN** – Copy one article from a Journal.  
You **CAN** – Copy <5% or approximately one chapter from a book.  
You **CANNOT** – Make multiple copies.  
You **CANNOT** – Scan copyright material and keep it.  
You **CANNOT** – Store and retrieve digital copies on an electronic network.

3. If you need to make an extensive copy of copyright material or provide a copy to a member of the public, you or your line manager should obtain permission from the copyright owner.

*Department of Health Guidance – July 2006*

#### Additional guidance

Copyright posters covering safe copying limits from print and electronic sources will be displayed across the Trust.

For further information please consult the CILIP web site  
<http://www.cilip.org.uk/professionalguidance/copyright/> or the Act itself.

The Trust Library service will also be able to help with any queries.

Please remember it is YOUR responsibility – it is YOUR liability.