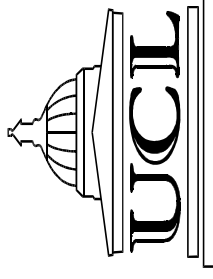


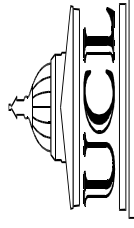
**INTELLECTUAL PROPERTY RIGHTS : IMPORTANT AND
CONTROVERSIAL!**

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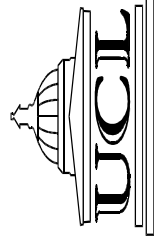
INTELLECTUAL PROPERTY RIGHTS

- ⌘ Wide range of intellectual property rights
- ⌘ Most common : patents, trade marks, design rights and copyright
- ⌘ UCL WP on "IPR for Printed Materials and Computer-Based Software" first met 1996
- ⌘ Patents also considered but already being covered by UCL Ventures (handles technology transfer) <http://www.ucl.ac.uk/ucl-ventures/>
- ⌘ IPR WP concern that UCL buying back - e.g. for study packs - content written by UCL staff
- ⌘ IPR WP realised that this topic raised big and sensitive issues and reached no conclusion in 1999 report



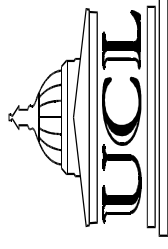
COPYRIGHT : A BIG AND SENSITIVE ISSUE

- ⌘ Touches on relationship between universities, academic staff and publishers
- ⌘ Touches on authors' feelings of ownership
- ⌘ Touches on academic reward structures
- ⌘ Touches on universities' desire to make best use of resources and develop new teaching tools
- ⌘ Touches on publishers' desire to maintain profit margins
- ⌘ Touches on users' wish for easy access to academic information (N.B. individuals have different attitudes as authors and as users!)



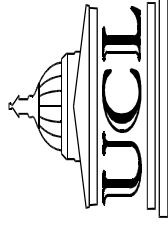
COPYRIGHT ALWAYS A DIFFICULT ISSUE BUT DIGITAL CONTENT HAS RAISED THE STAKES

- ⌘ Large-scale paper copying difficult, large-scale electronic copying easy, therefore bigger threat to rights-owners' economic and moral rights
- ⌘ BUT, as in paper era, over-protection for rights-owners will deter use and balance of interests between rights-owners and readers as important in electronic era as in paper
- ⌘ Publisher attitudes initially very restrictive for electronic content but gradually becoming more relaxed - e.g. author deposit on web-site
- ⌘ Librarian attitudes becoming more understanding of dangers of piracy
- ⌘ Academic authors and users becoming more aware of importance of copyright



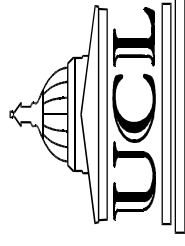
IS LICENSING THE ANSWER?

- ⌘ Licensing (I.e. contract law) is publishers' way of protecting their rights because copyright law perceived to be too permissive
- ⌘ Librarians have responded by asking for standard copyright "fair use" provisions to be incorporated into licences (e.g. NESLI)
- ⌘ Importance of model licences (e.g. JISC/PA) to ensure uniformity of practice
- ⌘ Licensing now common-place to handle purchasing and use conditions
- ⌘ Could use of licensing rather than copyright help universities and their staff in their relationships with publishers?



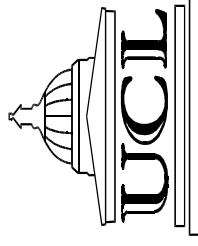
UNIVERSITIES AND COPYRIGHT OWNERSHIP

- ⌘ Copyright Designs and Patents Act 1988 11 (2): “Where a ... work is made by an employee in the course of his employment, his employer is the first owner of any copyright”
- ⌘ Does this apply to academic staff?
- ⌘ Legal advice ambiguous because no reliable case-law.
- ⌘ Why is this question important? Because until recently academic authors signed away their copyright to commercial publishers without hesitation
- ⌘ This enabled publishers to require universities to buy back the work of their own academic staff in high-cost journals and extra payment for course-packs



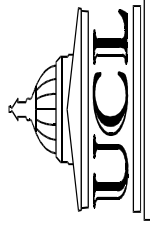
HOW UCL COPYRIGHT POLICY HAS BEEN FORMED

- ⌘ Copyright questions brought to a head at UCL following JISC report by Ralph Weedon urging universities to formulate copyright policies
- ⌘ Draft policy proposal that UCL should own copyright in all teaching and research materials
- ⌘ Sent out to departments for consultation: storm of protest but it got copyright onto UCL's agenda for serious consideration
- ⌘ Academic Committee set up "New Review Group on Copyright" which developed policy which meets all concerns
- ⌘ Copyright with individual member of staff but safeguards for UCL's interests
- ⌘ Use of "Licence to publish" one of key features



UCL COPYRIGHT POLICY : KEY EXTRACTS

- ⌘ "1. UCL recognises the rights of its staff to ownership of copyright in research publications, books and other similar academic publications in all formats. It also recognises the rights of members of staff to copyright in teaching materials in all formats."
- ⌘ "2. UCL will seek to secure free, unconditional and perpetual, non-exclusive licence to use academic and teaching materials in all formats which are generated by members of staff arising out of employment by UCL. Such licences would be for materials for which staff members own the copyright. Licence would not normally be sought for complete books or for complete web-based courses, but would be sought for sections, chapters and excerpts of such items."
- ⌘ "5. UCL encourages its staff to assert personal copyright over material submitted for publication. Where the publisher has a policy of not granting copyright, staff are encouraged to submit a statement, a standard version of which will be made available by the College, to the publisher, asserting UCL's right of licence to use the material without charge."



IMPORTANT ISSUES

- ⌘ Whether individuals or institutions own copyright less important issue than how they manage copyright
- ⌘ Some publishers no longer insist on transfer of copyright
- ⌘ Interests of all parties - authors, employers, publishers and users - need to be recognised and protected
- ⌘ Whoever owns copyright, licensing arrangements between the parties can protect interests fairly
- ⌘ Copyright has to be taken seriously - we must read the small print and only sign when we are happy with the wording

