

Copyright law

Who needs to read this?

This information is vital to all RCOT members and staff who write, commission, update, research or present information in the course of their work.

- **This includes** newsletters, presentations, posters, essays, reports, journals, magazines, books, web pages and any other materials produced by or on behalf of RCOT.

What is copyright?

Copyright is a type of intellectual property.

- **Similar to** trademarks and patents.
- An unregistered right: it applies automatically when something is written or recorded.
- It stops people copying text or images without permission.
- Copyright protects authors and will also protect your own resources.

Why is it important?

If material is used without the necessary permission, there may be legal action or expensive and time-consuming consequences.

- Breaking copyright law is illegal, unprofessional and disrespectful.
- If a copyright breach is discovered, part of a work may need to be replaced or reprinted during or after production, causing delays and increasing costs.
- Copyright infringement can be punished by substantial fines and even imprisonment.

Who owns copyright?

The copyright owner is usually the first author(s) of the work.

- If the author is an employee writing as a part of their paid role then their company owns the copyright.
- Copyright can be transferred via a signed declaration to someone else.
- A company does not automatically own the copyright in works created by non-PAYE workers e.g. volunteers, contractors, members of regional or specialist groups, or freelancers.
- Most authors will sign a contract or copyright agreement transferring copyright or publishing rights to their publisher.
- Copyright in a photograph usually rests with the photographer.

When is permission needed?

Permission is needed to reproduce many types of third party material in your own work.

- Permission is needed for anything 'substantial' but there is no legal definition of this.
- The following are considered 'substantial' and you are likely to be infringing copyright law and risking legal action if you do not secure permission for any of the following:
 - A figure/diagram or table.
 - A cover image, photograph or other image (including those downloaded from the internet).
 - A logo (including the RCOT and BAOT logos).
 - The first line of a work, particularly a novel or poem.
 - A famous line from a work, or a statement that sums up the whole argument or essence of the work.
 - Slogans, song lyrics and newspaper extracts.

Permission is also needed for:

- Adapting and/or translating source material.

- Reproducing and adapting photographs or downloaded images (e.g. cropping).
 - Use of material found online, even if free to access and for personal or other limited use.
 - Your own published material, unless otherwise specified in a publishing contract.
 - Potentially controversial uses of royalty-free images.
 - Reproducing a specific text design.
 - Making multiple photocopies.
- Copyright law varies between countries, so if your resource is sold or downloaded in another country it will be subject to their laws.

Avoid the following, which may lead to rejection or added expense:

- Using a lot of material from a single source.
- Associating third parties with viewpoints with which they may not wish to be connected.
- Using material from large organisations/very well-known authors.
- Unnecessary use of third party material (i.e. other than to support an academic argument).
- Using out-of-date material.
- Quoting from a competing resource.
- Using the material in a prominent place (e.g. cover, chapter heading).

You can usually do the following without permission:

- Use material that is out of copyright (Copyright lasts for 70 years after the death of the author, subject to exceptions).
- Link to or summarise another publication for the purpose of constructing a database.
- Use material for private study or research.
- Use a limited amount of material for critical review.
- Use raw data to construct a new figure or table, with the source of the data acknowledged.

If in doubt, seek permission.

What is the process?

The copyright holder must be contacted to give permission in writing for the required use(s).

- It is usually the author's responsibility to clear permissions, unless otherwise agreed in a contract.
- Permissions clearance can take a number of months and advice should be sought on the correct approach to take.
- Contact the publisher of the original material unless directed elsewhere.
- You will need to describe and perhaps give examples of how the information will be adapted/used, and how the original source will be acknowledged.
- You must also be able to give evidence on request at any time that the relevant permissions have been cleared.
- Verbal permission is not sufficient, and any written permission must make clear reference to the materials in question and the proposed use.

Using material from RCOT publications

RCOT publications are covered by copyright and so you must clear permission if wishing to reproduce material from them.

- Even if you are the author of the original material, you will need to get permission to reproduce it in your new work, unless otherwise agreed in a contract.

- Please see our open permissions licence in the first instance: <https://www.rcot.co.uk/practice-resources/rcot-publications/copying-and-permissions>
- For publications on the A–Z list at rcot.org.uk/publications please contact the Publications Manager.
- For all other information please contact the department from which it was produced.
- If you have any further questions regarding the permissions clearance process, please contact the Publications Manager.

Internet material

Online material is still covered by copyright law.

- Each electronic version saved and each printout made legally count as one copy. It is therefore possible to infringe copyright by saving a PDF, emailing it and printing it out.
- Linking to other publicly-available information online is not a breach of copyright but some copyright holders may not be happy with it, e.g. newspapers, so always check website terms and conditions.
- The terms and conditions for the RCOT website can be viewed here: <https://www.rcot.co.uk/website-terms-and-conditions>)
- Where possible link to main or home pages rather than direct to documents to reduce the risk of linking to restricted items.
- Please note that making copies of RCOT member-only documents to pass to non-members is a breach of membership terms and conditions.
- If you are using an image from a website, you will need to get hold of a high-resolution version for printing.

Photographs

Photographs often require consent as well as copyright permission.

- Even if you are the photographer you will need to get consent to use photographs that you have taken of other people.
- Photographs that are a part of a medical record must be cleared with the patient and health authority.
- The masking of eyes or cropping of head and shoulders is not sufficient to make a picture anonymous.
- It is usually ok to use photographs taken in a public place, but be wary and get consent wherever possible and particularly where the picture is associating those in it with a particular condition or point of view.
- Beware of using photographs from photo libraries: you will still need to ensure that you have permission to use the picture as required.
- Always consider whether the usage could potentially breach someone's privacy, be defamatory or break data protection laws.
- Also beware of any copyright information, e.g. logos, that may appear in the photograph.

The BAOT/RCOT/COT name and logo

The RCOT logos are protected by copyright and therefore you must not use them without permission.

- The RCOT/COT or BAOT logo should not be added to any documents without approval from RCOT.
- These logos are used to identify the organisation rather than to denote membership.
- There is a specific RCOT member logo for individual member use; details and a downloadable version are available at: <https://www.rcot.co.uk/member-logo-and-post-nominals>

Photocopying and scanning

Permission is needed to copy more than 5% of one document for personal use.

- Anyone can photocopy up to 5% of any publication or one chapter/article for personal, non-commercial use without seeking permission.

- Permission is needed to photocopy more than this or to make multiple copies for distribution e.g. for a team of occupational therapists within a department (unless this permission is granted within the publication itself).
- This can come via a Copyright Licensing Agency (CLA) licence or permission direct from the copyright holder.
- The Copyright Licensing Agency (CLA) sell (non-exclusive) licences to organisations to allow them to make multiple copies of up to 5% of publications that are part of the Publishers' Licensing Society (PLS) scheme, to which RCOT subscribes (they offer different types of licence which allow different permissions).
- RCOT members can use the RCOT Library photocopying service but only to copy up to 5% of a publication or 1 chapter/article.

For more information and advice on copyright, permissions clearance and photocopying, please contact the RCOT Library or Publications Manager.