



# Copyright in a Knowledge Organization workplace

THIS PRESENTATION DOES NOT CONSTITUTE LEGAL ADVICE



# Today's Presenters



**Stephen Garfield**  
VP, Client Engagement CCC

[sgarfield@copyright.com](mailto:sgarfield@copyright.com)



**Ian Synge**  
Principal Consultant, CCC

[isyng@copyright.com](mailto:isyng@copyright.com)

The background is a solid blue color with a subtle gradient. A vertical line of a slightly lighter shade of blue is positioned to the left of the text. The text is white and consists of three lines, each ending in a period.

Advancing copyright.  
Accelerating knowledge.  
Powering innovation.

## Global Information Services Provider

- Global licensing and content solutions
- Manages 950+ million individual usage rights
- Serves 35,000 companies around the globe
- Partners with leading publishers and RROs worldwide
- Compensates rightsholders for the use of their works
- Rights experts with over 40 years working with content creators and users
- Based in Danvers, MA

## Today's Agenda

1. Content Use Today
2. Global Complexities
3. Compliance Challenges

# Content Use Today

# The Velocity of Content Sharing is on the Rise

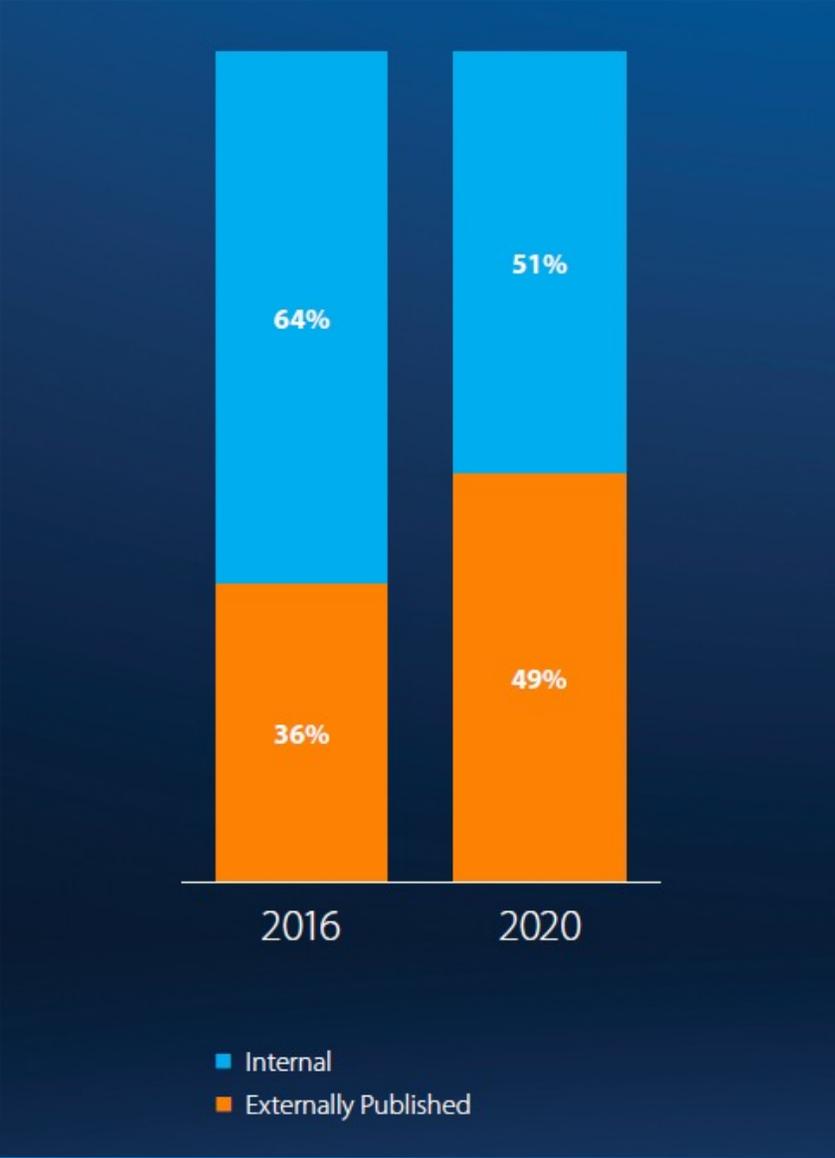


16.5 times per week with  
**9 people**  
(2020)

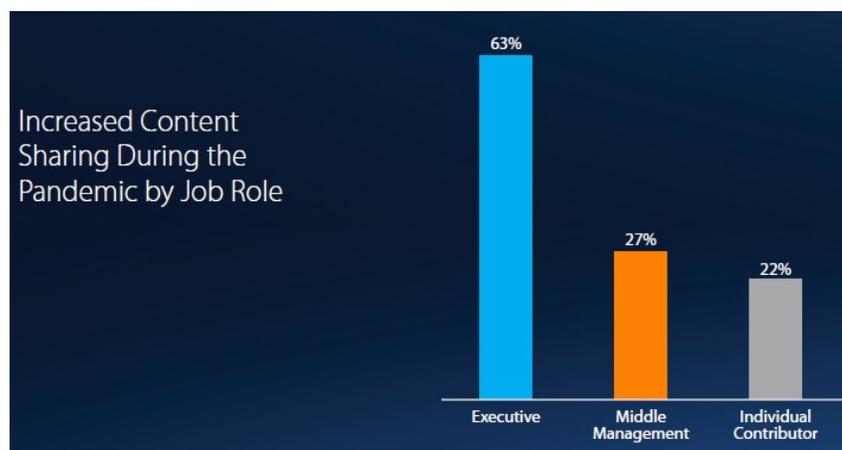
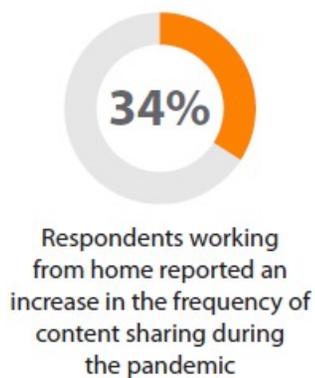
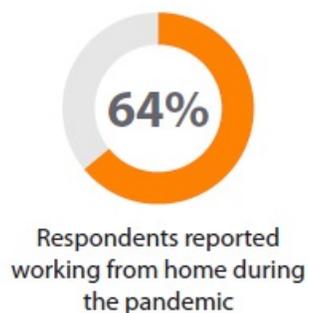


5.5 times per week with  
**9 people**  
(2016)

Source: CCC 2020 Information Seeking and Consumption Study

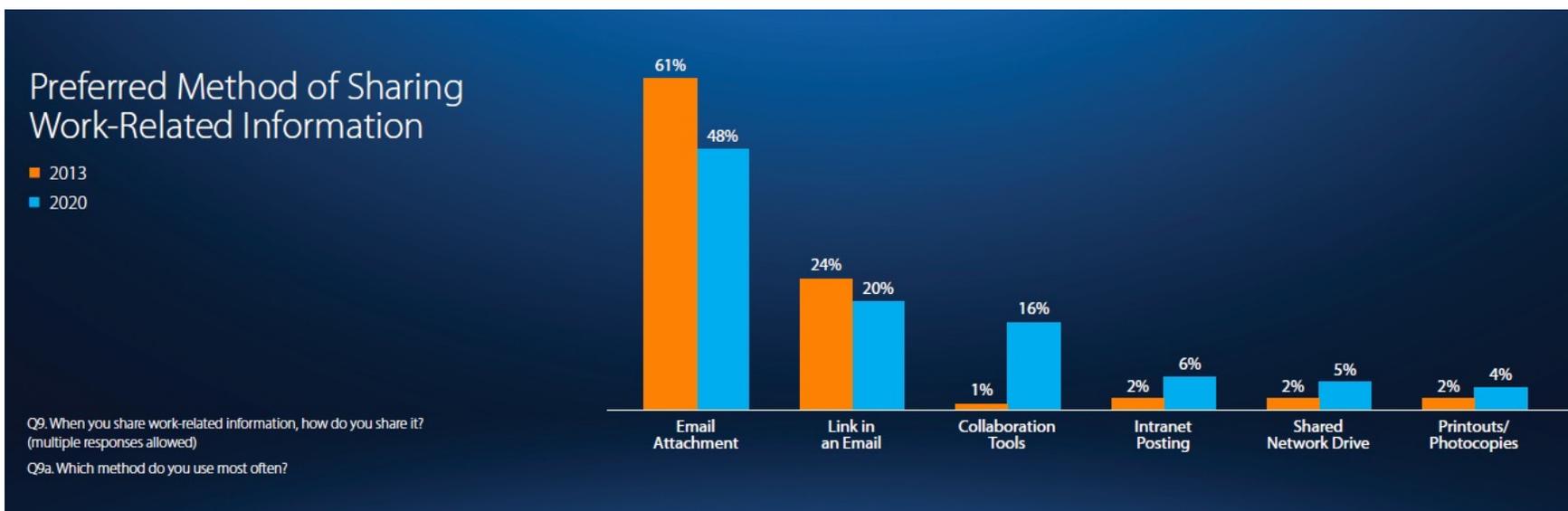


# Impact of Changing Work Environments



Source: CCC 2020 Information Seeking and Consumption Study

# Methods for Sharing Content are Shifting



Source: CCC 2020 Information Seeking and Consumption Study



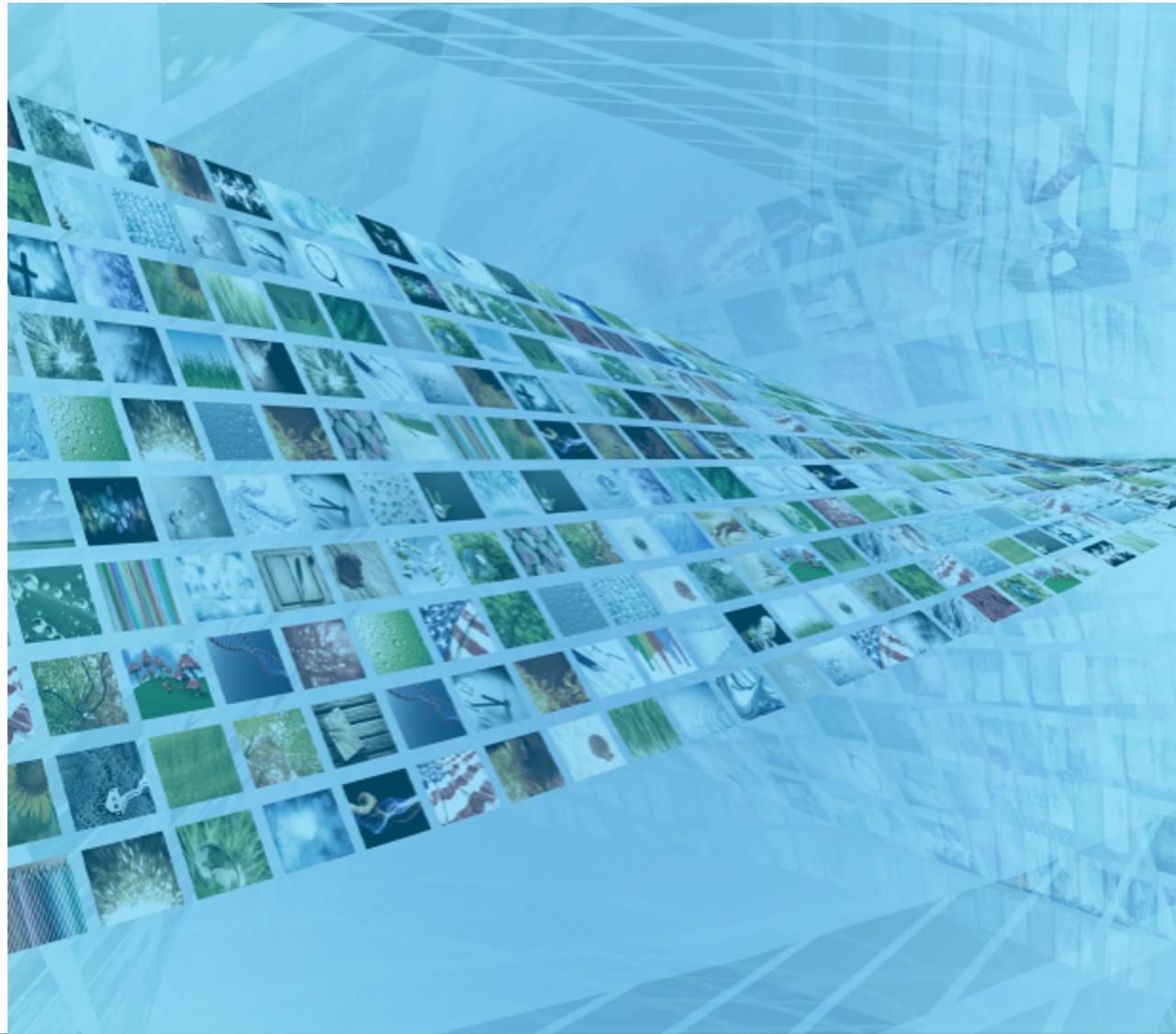
Articles

Blog posts

Charts

Videos

Images



## Fact vs. Fiction



Web content is free to share

Materials received can be shared

Publicly available is the same as the public domain

# Copyright Basics

## Basic Principles of Copyright

- The rightsholder of a work has the right to authorise or prohibit the use of the work – and set the conditions for its use.
- Different uses correspond to different rights under copyright, and can be treated (transferred, charged for, etc.) separately.
- As a matter of principle, users have to request permission before using a copyrighted work...
- ...unless the specific use to be made falls under a legally established limitation or exception to the corresponding right.

## Protected by Copyright?

YES

- Written works
- Images
- Sound recordings
- Software
- Motion films
- Music
- Sculpture
- Dance

NO

- Works that are not fixed
- Titles, names, slogans
- Ideas, facts, data
- Lists of contents or ingredients

## Example: Exclusive Rights in the U.S.

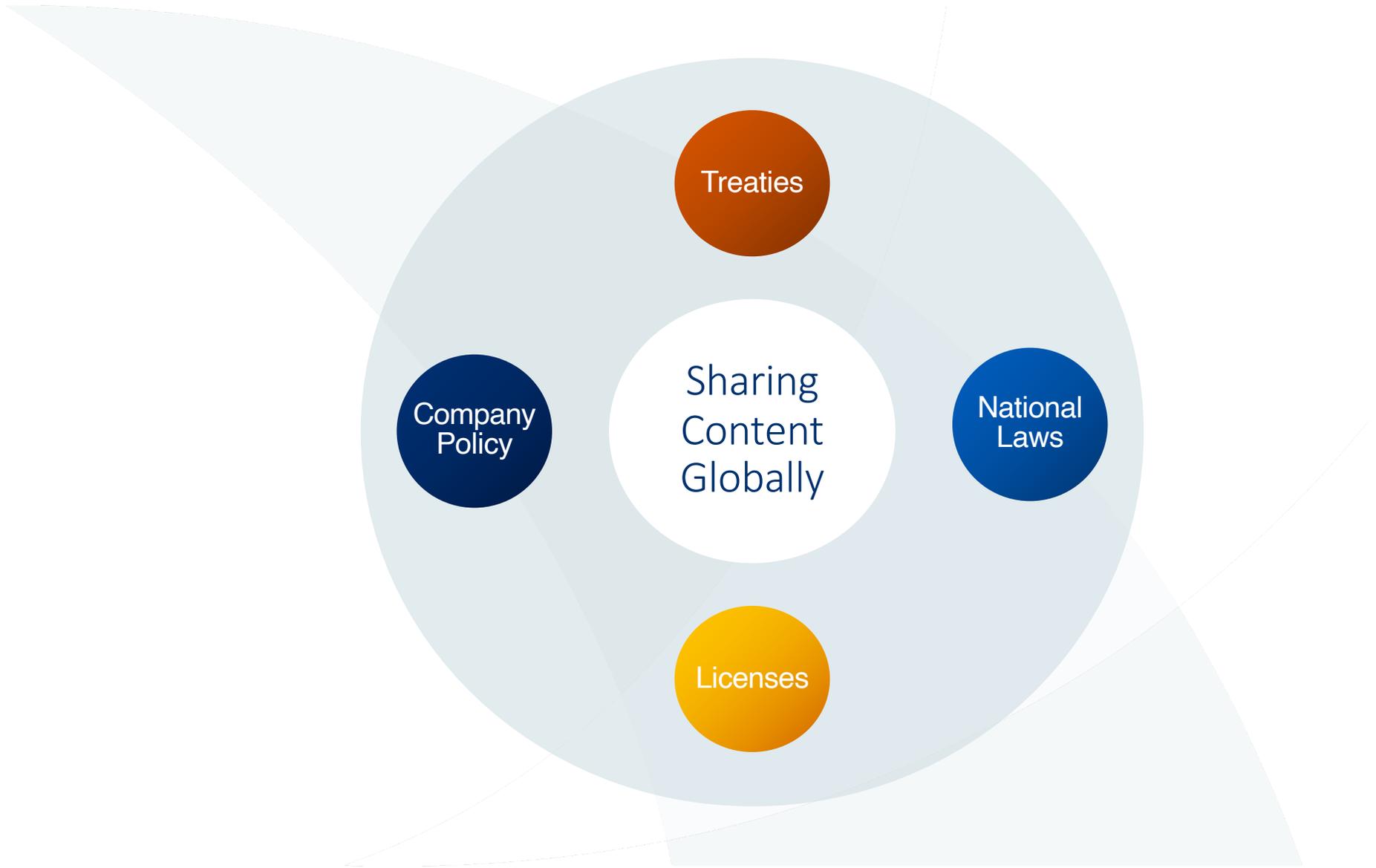
|                          |  |                             |
|--------------------------|--|-----------------------------|
| Reproduce                |    | Photocopy an article        |
| Distribute copies        |    | Email copies of an article  |
| Create a derivative work |    | Translate to a new language |
| Perform publicly         |   | Enact a stage play          |
| Display publicly         |  | Post on the Internet        |

## Copyright Infringement

Unauthorized use of copyrighted material in a manner that violates the copyright holder's exclusive rights.

The image features a blue gradient background that transitions from a darker shade on the left to a lighter shade on the right. The text "Global Challenges" is centered in a white, sans-serif font.

# Global Challenges



Treaties

Company  
Policy

Sharing  
Content  
Globally

National  
Laws

Licenses

## International Treaties

### BERNE

1  
Territoriality in  
each country

### WIPO

2  
National treatment

### TRIPS

3  
Minimum protection



IMPLEMENTATION PRINCIPLES

## Different types of rights

### Economic

- Copy
- Distribute
- Transmit
- Public performance
- Entitled to compensation for use

### Moral

- Authorship
- Attribution
- Integrity
- Publication
- Expression of personality / humanity

## National Law Approaches

### Continental

Personal rights reside with author  
(moral rights)

No transfer of rights

Napoleonic Code and  
its descendants

Western  
European  
Countries,  
China, Japan

### Anglo American

Economic theory of copyright

Arrangement between society and  
creators

Economic incentive  
to create

England,  
Canada,  
Australia, New  
Zealand, India,  
United States

# Striking a Balance



## Collective Licensing and RROs

- In a collective licensing model, rights from many rights holders are available in a single licensing organisation.
- Copyright collective management organisations license the use of content, collect royalties from users and distribute them to rights holders.
- Reproduction Rights Organisations (RROs) are collective copyright licensing organisations in the field of text and image-based works.

# Licenses



## EU Directive on Copyright in the Digital Single Market

- Enacted by the EU in June 2019
- Member States have two years to implement into national law
- Addresses a variety of “21<sup>st</sup> century copyright” issues including:
  - TDM for non-commercial purposes
  - Licensing for TDM for commercial purposes
  - Compensation for news publishers
  - Shifting responsibility to internet platforms for uploaded materials
  - Royalty sharing between authors and publishers

# Compliance Challenges



## Common Content Challenges

### Content Use is Difficult to Manage

- Multiple entry points
- Decentralized management
- Impossible to monitor each employee
- Can be shared without visibility
- Employees in multiple locations

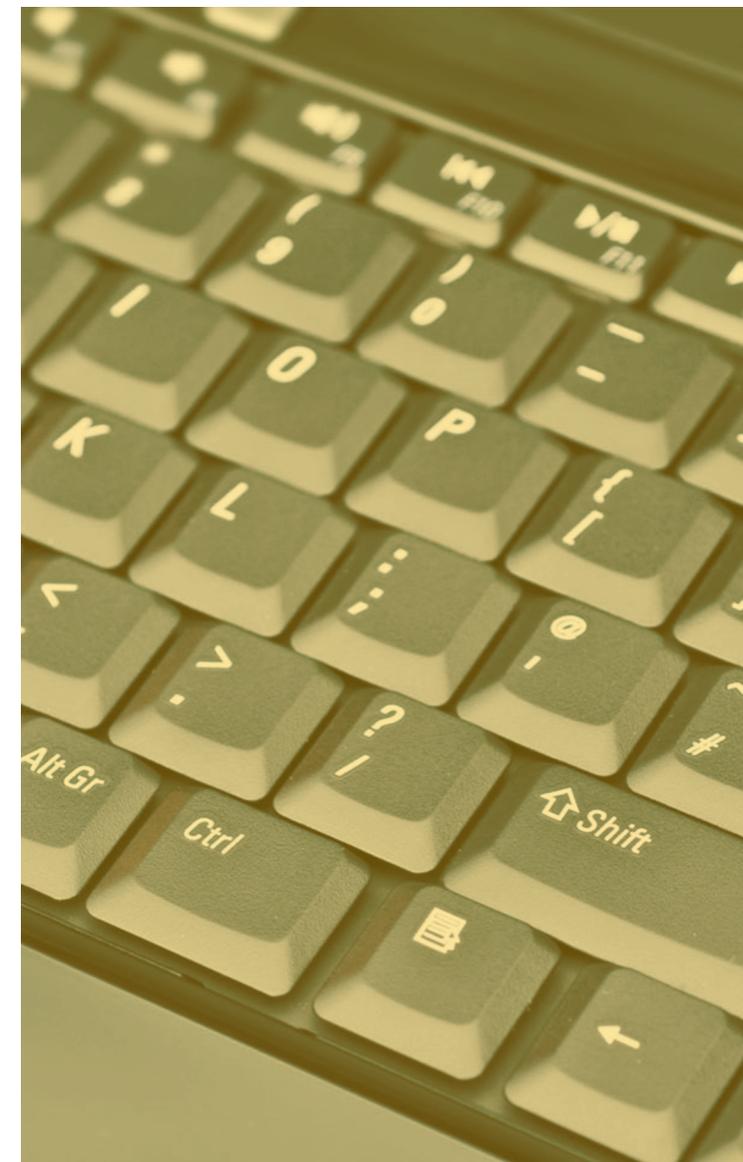
## Common Copyright Challenges

### Employees Don't Understand Copyright Rules

- See online content as free to share
- Assume subscriptions can be forwarded
- Unsure if permission is needed and how to get it
- Copyright varies across countries

## Strategies for Success

- Appoint a copyright expert
- Update or create a copyright policy
- Communicate the policy throughout the organization
- Educate employees about copyright and content use
- Provide effective licensing and content solutions



## Copyright Compliance Questions

1. Is there an active copyright compliance policy implemented?
2. Are copyright licenses on both global and local levels in place?
3. Are copyright compliance employee training programs in place?
4. Are Compliance Officers (official go-to persons) available?
5. Is senior management involved in promoting compliant behaviour?

# What does Content Licensing cover?

| Permission  | Covered |
|---|---------|
| Share digital or printed content internally with co-workers via e-mail, intranet posting, PDF or fax.                               | ✓       |
| Save to corporate-owned hard drive or network drive.  | ✓       |
| Store articles for records, projects and/or publication literature databases.   | ✓       |
| Photocopy from a newspaper, magazine, book, journal, research report or other published document.                                   | ✓       |
| Share digital content internally via collaboration applications such as MS SharePoint.  | ✓       |
| Share photocopied content internally with co-workers.   | ✓       |
| Scan printed works into digital form when an electronic version of the work is not readily available.                               | ✓       |
| Print out web-based or other digital content onto paper.  | ✓       |
| Use published content (including e-books and blogs) in a slide presentation or CD-ROM to an internal audience.                      | ✓       |
| Submit photocopied and digital copies of articles to government agencies for regulatory filings.                                    | ✓       |
| <b>Responsive Rights:</b> Provide a single, responsive digital or print copy of an article to an external third party upon request. | ✓       |

Note: MCL is generally intended to permit distribution of articles on a periodic, non-systematic basis to other people within an organization.

It is not meant to replace subscriptions that you or other people in the organization need in the ordinary context of your work. The license does not cover the external display of copies on mobile devices as part of the user's systematic sales or marketing activities.

## In Summary

### Global Compliance is Complex

- Content sharing and reuse is on the increase
- There is no one global copyright law; the laws within the jurisdiction where one is sharing apply
- Copyright protects the ownership of the intellectual property created by the rightsholder
- When reusing and sharing content owned by a 3<sup>rd</sup> party, generally permission is required
- Employees in an organization need to understand their responsibilities



Questions?

For further information please  
contact:

Stephen Garfield  
[sgarfield@copyright.com](mailto:sgarfield@copyright.com)

Ian Synge  
[isyng@copyright.com](mailto:isyng@copyright.com)

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