



# SHARING KNOWLEDGE LAWFULLY

Staff within many businesses share or reproduce copyrighted material in the course of every working day, unaware that its use is unauthorised. A broad licence is one solution, as Kate Alzapiedi explains.

If your employees acquire or obtain externally-published content such as scientific articles, do they have the right to store it within or share it across your organisation? Not necessarily.

While global organisations have been protecting their own intellectual property from misuse or misappropriation by outsiders for years, a respect for internally-created IP does not always carry over to materials produced and distributed by sources outside an organisation.

Too often, 'knowledge' workers (which might include corporate librarians) in information-

intensive environments tend to copy and forward external content at will, with little regard for the copyright regulations that apply to the re-use of those materials. Since it is increasingly common for business information to be shared freely across international borders, obtaining permission from various right holders is complicated by copyright laws that differ from country to country.

## Executives and copyright

From the entry-level employee to the most senior executive, workers often exchange externally-sourced content with their peers. Yet many of

them are unaware of the potential risks of using copyrighted material in unauthorised ways.

In the 2013 *Information Consumption and Use Survey* commissioned by collective licensing company the Copyright Clearance Center, independent research and advisory firm Outsell found that 81 percent of 'knowledge' workers at global companies shared information at least weekly with their immediate team members. On average, these employees reported forwarding content to their immediate team once a week, and often daily.

The majority of those surveyed (65 percent)

“US LAW PROVIDES FOR BOTH ACTUAL AND STATUTORY DAMAGES FOR THE UNAUTHORISED COPYING AND USE OF COPYRIGHTED MATERIAL, WHETHER INTENTIONAL OR NOT.”

the right to re-use, store and share content across an organisation. Free online content downloads may still be restricted from re-use for commercial purposes. The finding reveals an especially troublesome source of potential risk because of the managerial impact executives have on the workers they supervise.

Some organisations have adopted programmes to educate and guide their employees on copyright compliance. But for those companies where a copyright policy exists, awareness among employees tends to vary considerably.

The Outsell study found that only 44 percent of respondents were even aware of their own organisation's copyright policy. Of the rest, 32 percent were aware but not certain of the details, and a further 24 percent were either unaware of a policy, or said that such a policy did not exist.

Clearly, the wide differences in awareness at all levels can lead to sharing habits which, if left unchecked, will expose companies to legal risk.

### Assessing the risk

The potential consequences of copyright violation might include damage to the organisation's reputation and even to a loss of shareholder confidence. Yet significant financial consequences may also result if the organisation becomes the target of a lawsuit.

For instance, US law provides for both actual and statutory damages for the unauthorised copying and use of copyrighted material, whether intentional or not. Courts there can award up to \$150,000 in statutory damages per infringement if a violation is found to have been committed knowingly.

More importantly, risking copyright violation amounts to a weak link in a company's compliance chain and is a liability undermining other corporate compliance measures, public transparency and corporate social responsibility initiatives. Companies with valuable IP—especially in competitive or highly-regulated industries—would be well served by respecting the IP of others as a demonstration of good corporate governance.

### Compliance simplified

Finding and sharing business-relevant, third-party content is not hard: today's technology has made it easy to do. Yet making sure that the content is being shared lawfully by employees can be an expensive and time-consuming exercise.

Subscriptions will likely provide basic usage rights. But the right to share the material with others, whether via hard copy prints or through

electronic distribution such as email, may require additional permission, each having its own set of limitations and fees. Acquiring those permissions from one publisher at a time and paying for each separately can be quite daunting, especially for multinational organisations.

Purchasing an annual repertory licence, which is a collective licence that can cover millions of titles from thousands of publishers, is one solution. It simplifies the licensing of content and helps 'knowledge' workers use and share copyrighted materials inside their organisations without having to seek permission from multiple individuals.

For sharing copyrighted materials legally across borders, a multinational version of this licence provides workers with the right to copy and use a broad range of content in the ways that have become a natural part of their daily work lives. Once in place, a multinational copyright licence covers millions of publications from thousands of publishers, ensuring that the organisation is operating in a compliant manner and demonstrating respect for copyright while the licence is in force. ■

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*The source for the Outsell survey is: Copyright Clearance Center Information Consumption and Use Survey 2013, Copyright 2013 Outsell, Inc. <http://www.outsellinc.com>*



**Kate Alzapiedi** is responsible for copyright licensing solutions across Europe. RightsDirect provides simple, cost-effective ways to help employees share content responsibly across national borders. Visit her at INTA booth 543 or email her.

agreed, or partly agreed, that if they could access content online for free, then it would be fine to share it without the permission of the copyright holder. This perspective was not limited to junior or mid-level employees. The Outsell survey also found that 68 percent of executives believed it is fine to share information they access in print or on the web for free, and that it is okay to share company-purchased content with others inside their organisations.

Not many of the respondents knew that there might be risks and limits associated with sharing that content, but in fact, subscriptions and article purchases do not automatically include