

1.0 Introduction

The CLA Licence for Pharmaceutical companies (the Licence) permits licensees to make copies of extracts from most books, journals and periodicals published on paper, and from selected digital publications, subject to certain terms and conditions. These guidelines are intended to help the employees of pharmaceutical companies holding the Licence to comply with its terms.

1.1 Special meanings

In these guidelines, some terms are used which have special meanings:

1.1.1 Excluded work

An Excluded Work is a work (such as a book, journal or periodical) listed on the List of Excluded Works and Excluded Categories. (See paragraph 0 below).

1.1.2 Excluded category

An Excluded Category is a category of work listed on the List of Excluded Works and Excluded Categories

1.1.3 Participating digital material publisher

A Participating Digital Material Publisher is a publisher listed on the List of Participating Digital Material Publishers. You may use extracts from digital publications published by such publishers to which your company has subscribed, above and beyond the terms of the published web-access agreement normally issued by that publisher (unless your company's direct access agreement already grants you extra rights in which case that negotiated licence will take precedence), as set out below. In particular, you may store copies in a Local Store.

1.1.4 Mandating territory

A mandating territory is a country listed on the List of Mandating Territories. These are countries with whose Reproduction Right Organisation (RRO) CLA, the UK's RRO, has concluded a reciprocal agreement.

1.1.5 Local store

A Local Store is a product-, project- or function- specific literature database, such as (but not limited to) a product literature database, in which digital copies may be stored in digital form in an indexed and searchable fashion – see point 7 below.

2.0 Photocopying

The Licence permits photocopying from a very wide range of publications.

2.1 Material licensed for photocopying

2.1.1 UK publications

All books, journals and periodicals published in the United Kingdom, except Excluded Works and works in any Excluded Category.

2.1.2 US publications

All books, journals and periodicals published in the US, except Excluded Works or works in any Excluded Category.

2.1.3 Other foreign publications

All books, journals and periodicals published in any Mandating Territory, except Excluded Works or works in any Excluded Category.

3.0 Digital copying

You may make Digital Copies either by downloading the material from a digital publication published by a Participating Digital Material Publisher (whether online or offline, such as CD-ROM), or by scanning from the print version of any Material Licensed for Scanning. Alternatively, you may obtain a digital copy of Material Licensed for Scanning from a third-party document supplier, such as the British Library.

3.1 Material licensed for scanning

3.1.1 Publications licensed for scanning

All books, journals and periodicals published by any participating publisher in this licence (including but not limited to those in the United Kingdom or United States of America and other scanning mandate territories listed on the CLA website), except for those listed as Excluded Works and works in any Excluded Category. Before scanning you the Licensee should use reasonable efforts to determine whether it has access to a licensed a digital edition of the work which is to be copied - if your company does, the copy should be made from the digital edition rather than by scanning the paper edition.

3.1.2 Publications not licensed for scanning

Publications originating from countries not listed in the list of scanning mandate territories are not licensed for scanning; however, a growing number of foreign publishers are Participating Digital Material Publishers. Please check the CLA website for an up to date list before taking any action – see point 9 below.

4.0 Requirement to own an original

For this licence to be valid your company must have paid for either an original of the work being copied or a licence to obtain a digital copy from the publisher or a licensed document delivery service. That is, the company should subscribe to the journal or online publication being copied, or have been a subscriber for the period covered by the issue being copied, or be in possession of a bought original copy of the book or off-line publication.

4.1 Employee personal subscriptions

A personal journal (for example, a journal received as a consequence of membership of a learned society) is not owned by the company, and therefore may not be copied under the Licence.

If you need to copy from a journal to which the company does not itself subscribe, but is the personal property of an employee, you should first obtain a copy of the relevant item from a licensed document delivery organisation – for example the British Library Document Supply Centre (BLDSC) or Infotrieve.

4.2 Materials obtained via Document Delivery (e.g. from the British Library or other licensed delivery service).

Copyright Fee Paid copies (like those from the British Library) count, for the purposes of the Licence, as originals; and so do Copyright Fee Paid copies obtained from other UK document delivery organisations and organisations such as the libraries of learned societies which provide a Copyright Fee Paid document delivery service.

UK document deliverers may not now lawfully supply commercial organisations with copies other than Copyright Fee Paid copies (unless the research for which they are required is strictly non-commercial).

If your company has additionally agreed to and signed the licence extension letter regarding the British Library and its document supply services, any Authorised Person may receive an unencrypted copyright fee paid article from their collections for use under the terms of this agreement. If you require further information on this please contact Leon Skelton at leon.skelton@cla.co.uk

4.2.1 Foreign document delivery organisations

Any copy made with the consent of the copyright holder counts as an original for these purposes; however, many foreign document delivery organisations operate under different countries legal or statutory schemes to which the copyright holder has not consented. Copies from the following organisations may not be on-copied under the Licence (note, this list is not exhaustive):

SUBITO (Germany);

Medical Library, Cologne (Germany);

ActaMed (Switzerland);

4.3 Materials obtained from Press-Cutting Agencies

Materials from UK Press-cutting agencies licensed by CLA may be on-copied under the Licence. Please note that original cuttings taken by members from newspapers are not licensed for photocopying or scanning in

under this licence.

5.0 How much can be copied?

The Licence does not permit you to make copies which directly or indirectly substitute for the purchase of an original published edition (whether print or digital). It is there to help you make full use of the material you already own. Thus you may not generally make copies of whole books or whole journals.

5.1 Copying from journals and periodicals:

You may copy up to TWO articles from any one issue; or, exceptionally, if the issue is a specially-themed issue, you may copy the whole issue or any number of articles linked by a common theme. Note: this does not apply to out-of-series themed issues sold separately from the journal subscription, since you should in such cases buy more copies in the first place.

5.1.1 What constitutes an issue?

Most scientific, technical and medical (STM) journals, even those published only online, are still divided for reference and citation purposes into "issues". A similar common-sense approach will determine what constitutes an issue for other online publications which no longer use such divisions.

5.2 Copying from law reports

You may copy the whole report of a single case;

5.3 Copying from books

You may copy up to ONE chapter from a book

5.4 Copying multiple extracts etc

Regardless of the above limits, you may copy up to five percent of a book or a journal issue.

5.4.1 Letters pages, short news items etc

Each letter counts as an article; but you may copy up to five percent of the issue anyway.

5.4.2 Abstracts

Author abstracts published in the primary journal may be copied without a licence. The CLA licence covers the copying of abstracts from abstracting journals, provided no more than five percent of the issue is copied at any one time.

5.5 Scope of the above restrictions

The above restrictions apply to any particular occasion or purpose for making the copy, such as a meeting or sending a memorandum. Effectively, this means "at a time", so there is no requirement to check whether a colleague may have copied the same article for, say, a meeting of a different group.

6.0 Who is entitled to copy and/or receive copies?

Broadly, 'Authorised Persons' are the same as 'Authorised Users' under the PDR Licence, allowing current employees and independent contractors (whether on a permanent, temporary or contract basis) to be covered by this UK licence irrespective of their office location, whether in the UK or when working from an overseas location (see 6.2 and 6.2 below):

6.1 UK staff in the UK

All UK employees, individual contractors and agency workers whose conduct is subject to regulation by the Licensee, are entitled to make and to receive photocopies and scans, and to send them to other such "Authorised Persons".

6.1.1 Copies in digital form

Digital Copies (whether original html documents or pdfs from publishers websites or scans) may only be sent or made available to staff who are permitted access to the company's network.

6.1.2 Location

It doesn't matter where the person accessing such copies is located, provided that they are an "Authorised Person". An executive away on business remains an authorised person and is entitled to receive, for example, copies downloaded securely from the company's network.

6.2 Consultants and contractors

Consultants providing services to the company equivalent to those provided by an employee are considered to be authorised persons. A licensee may also subcontract its scanning/making of Digital Copies to a 3rd party provided i) they operate appropriate management and security procedures to enable you to comply with the terms and conditions of the licence and do not themselves breach the licence terms (e.g on no retention of a Digital Copy) and ii) they use your original. There is no specific requirement for the 3rd party to hold a CLA licence, when copying from your collections as they are your subcontractor.

Employees of foreign affiliates

You may also send copies to employees of foreign affiliates, but they may not make copies themselves or forward the copies to anyone else, unless it is permitted by their local copyright law and any licences that they may have in place in their country.

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You may send material outside the company only in the following circumstances, provided that each item sent or made available outside is marked with a copyright notice (either on the document itself, or attached by way of a cover sheet) stating clearly the terms under which the copy was produced.

6.3.1 Medical Information and technical support

You may send digital and print copies to healthcare professionals and others making unsolicited requests for therapeutic or technical information about your company's products.

Medical information does not extend to supplying copies for promotional or marketing purposes. Where such use is appropriate under industry legal and ethical guidelines such as the ABPI Code of Practice for the Pharmaceutical Industry, multiple copies (known as "offprints") may be obtained from the publisher or other licensed source.

6.3.2 Regulatory authorities

You may send digital or paper copies to the regulatory authorities in any jurisdiction. You may also send them to external regulatory advisers in connection with an application or regulatory advice.

6.3.3 Legal proceedings

You may send digital or paper copies to external advisers in connection with the preparation or prosecution of legal proceedings.

6.3.4 Patent Applications

You may send digital or paper copies to patent authorities in support of a patent application in any jurisdiction.

7.0 Local storage

You may store Digital Copies in a local product-, project- or function- specific indexed and searchable literature database (such as a product literature database) for access by Authorised Persons within the company. From time to time, you will be required to report the total number of items from each Participating Publisher's publication stored on such a local store; this information is used by CLA to help distribute the licence fee fairly. The method of reporting will be agreed with each Licensee company as and when reporting is required by Licensor.

You may also store Digital Copies informally in a personal or work-group folder, not generally accessible beyond an immediate work-group or indexed for wider access. It is only an indexed and searchable database accessible to the whole company through the secure network that will require reporting on a regular basis. These copies may also be stored within a dim archive (one not accessible for normal regular use, but providing facility to monitor which copies have been sent to the Regulatory Authorities, in response to unsolicited Medical Information requests, Patent Authorities or the Courts).

8.0 Reporting and distribution

The company pays an annual licence fee to CLA, which (after deduction of CLA's costs) is distributed to the authors, artists and publishers concerned.

CLA uses a number of means to distribute the licence fee as fairly as practical without imposing an undue burden of reporting on licensees. From time to time you may be asked to provide CLA with information about your use of publications, including the publications you have purchased and the number of items you have stored in a Local Store. CLA's survey department may also ask you to answer a questionnaire.

You will not be required to provide information about specific titles or articles.

9.0 Related documents

CLA produces a number of other documents to support the licence and its interpretation. The latest versions of these documents available on the CLA website at : <http://www.cla.co.uk/>

9.1 The list of excluded works and excluded categories

If you need to copy any work on this list, or a work in any of the categories on the list, you must make alternative arrangements to obtain the consent of the copyright holder.

9.2 The list of participating digital material publishers

http://www.cla.co.uk/dev/list_included_digital_works.php

9.3 The list of mandating territories

See http://www.cla.co.uk/dev/Mandating_overseas_terr.php

The Copyright Licensing Agency Ltd

Head Office

Saffron House, 6-10 Kirby Street, London, EC1N 8TS

Tel 0207 400 3100 Fax 0207 400 3101 Email cla@cla.co.uk www.cla.co.uk

CLA in Scotland

CBC House, 24 Canning Street, Edinburgh, EH3 8EG

Tel 0131 272 2711 Fax 0131 272 2811 Email clascotland@cla.co.uk