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Background

Currently more than 33,650,000 copyrighted works¹ are registered through the United States Copyright Office with 550,000 new copyright claims registered annually.² Pharmaceutical industry employees routinely disseminate copyrighted materials (e.g. journals, articles, images, posters and slides) internally to colleagues and externally to customers, with the rate of information forwarding on the rise.² It is essential for companies to establish policies and procedures regarding intellectual property (copyright) to ensure compliance with the law.

Without proper training and an understanding of copyright regulations, employees working closely with copyrighted materials may be at risk of committing infringement. In 2003 an investment firm Legg Mason was cited for copyright infringement because of their internal distribution of a newsletter published by Lowry's Reports.³ This copyright infringement led to a \$13 million settlement against Legg Mason.

To our knowledge, employee training and corporate procedures in the pharmaceutical industry relating to copyright compliance has not been assessed.

Objective

To describe copyright related practices in the pharmaceutical industry.

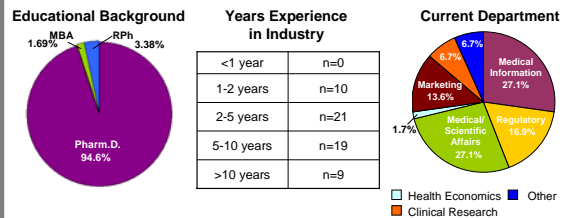
Methodology

Survey Design

A web-based, anonymous survey consisting of 42 questions (created through SurveyMonkey™) was distributed to individuals employed at 34 pharmaceutical and biopharmaceutical companies. The survey investigated current copyright practices including policies and training, awareness of copyright regulations, and general perceptions on copyright in the industry. The survey included multiple choice, multiple choice with short answer, true or false and open ended questions.

Evaluation of Survey Respondents

A total of 175 industry representatives were contacted. Of the 59 individuals that started the survey, 55 individuals (31.4%) completed the entire survey.



Results

Current Practice

Figure 1. Companies with a policy regulating the use of intellectual property (copyright) (n=30)

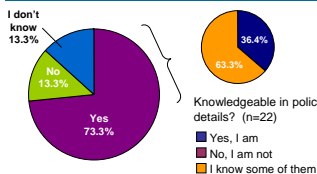


Figure 2. Perception of department's adherence to copyright policy (n=11)

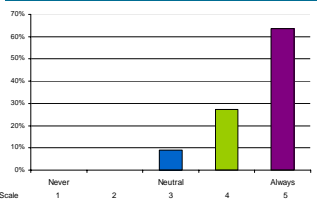


Figure 3. Procedure set in place to ensure copyright law and/or policy is followed (n=11)

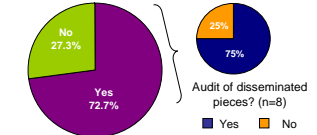


Figure 4. Different ways to obtain copyright clearance (n=29) Individually or through department personnel

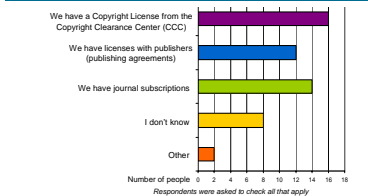


Figure 5. Channels used to distribute publications (n=27)

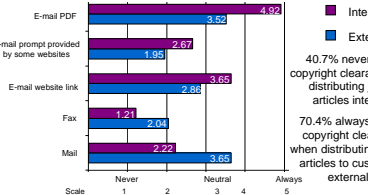
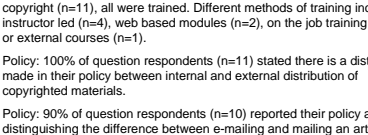


Figure 6. Working in the current copyright environment (n=27)



Opinion

Figure 7. What does the word 'copyright' mean to you? (n=56)

Respondents were asked to check all that apply	Response
If I use it improperly, I could get fined	69.6%
Copyright is simply a formality	1.8%
Registration is the key principle; if a work is registered then the owner has the ability to sue for copyright infringement	62.5%
All works are copyrighted automatically once created	19.6%
Other:	
1) Need permission to use	3.6%
2) Works are copyrighted if imprinted as such	

Discussion

Routine activities of pharmaceutical industry employees often involve the dissemination of copyrighted materials, both internally to colleagues and externally to customers. The majority of survey respondents reported copyright as being a topic of conversation in their office, although only half believe it affects them on a daily basis.

To ensure compliance, it is essential for companies to establish policies and procedures regarding copyright. The majority of companies surveyed have a policy regulating the use of intellectual property with respondents reporting their department as always adhering to the policy. Despite having a policy in place, few respondents reported themselves as being knowledgeable in its details. This finding is similar to a report by Outsell Inc.², which stated employees are typically aware of their organization's copyright policies but do not know the details.

Licensing agreements with the Copyright Clearance Center and journal subscriptions are the most common channels used to obtain copyright clearance. Journals and articles followed by images rate most likely to get routinely cleared. The most common channel to distribute publications internally and externally was reported as emailing PDFs of an article.

Additional survey results found that respondents were unfamiliar with copyright infringement cases, specifically those that involve pharmaceutical companies. Also, there is not a clear understanding of who enforces the law when copyright infringement is committed. Respondents reported enforcement as the responsibility of publishers or authors with others believing the United States Food and Drug Administration (FDA) or Division of Drug Marketing Advertising and Communications (DDMAC) are involved. A January 2011 literature search failed to identify any copyright infringement cases in the pharmaceutical industry.

Inconvenience was cited as the most prevalent obstacle in gaining copyright clearance followed by not knowing what is protected by copyright. Companies should provide guidance on these two areas plus additional training on the seriousness behind copyright infringement.

Limitations

- Sample size (N=55, 31.4%) makes it difficult to generalize findings to all pharmaceutical/biopharmaceutical companies.
- Survey questions were not validated.
- Survey was sent to more than one employee in each company.
- Role in current department may reflect respondents' knowledge of copyright.

Conclusions

The majority of survey respondents believe their companies have the appropriate policies and procedures in place to ensure copyright compliance. Responses indicate that most understand how to work in the current copyright environment despite being unfamiliar with previous copyright infringement cases or the extent of fines associated with settlements.

References

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2. The risky business of information sharing: why you need to care about copyright, White Paper - Copyright Clearance Center, 2010. <http://www.copyright.com/media/pdf/WhitePaper-Risky-Business-Information-Sharing.pdf> (Accessed 18 October 2010)
3. Legg Mason Quality of Work Copyright Infringement, \$20 Million Jury Verdict, Lowry Research Corporation, 2003. <http://www.lowryreports.com/complaint.cfm> (Accessed 21 January 2011)