

# copy at your peril

Are you aware of the legislation that protects intellectual property? Siobhan Sherry provides a timely reminder.

■ **In the same way that most lawyers prefer not to think about tax matters until they have to, the protection of intellectual property by copyright has hardly registered on the list of priorities for accountancy firms.**

Photocopying and now electronic communication has become so universal that most people would be surprised to learn that, apart from certain very restricted circumstances, it is actually illegal and can result in prosecution.

At present only a handful of the largest accountancy firms comply with the legal obligation to pay for the use of copyright material. Research suggests that the vast majority of firms in breach of the law are almost certainly unaware of the true position. This is a serious anomaly in an industry where ethical business practice and public confidence are so closely linked.

In UK law, the only copying permitted is for research or private study and is limited by strict conditions. All other copying, by whatever means – including the use of scanners and OCR (optical character recognition), is totally illegal. Legal action against named employees and directors for infringement of the intellectual property laws has been taken both in this country and the United States.

## protection

Authors and publishers are protected by the laws of copyright, in particular the 1988 Copyright Designs and Patents Act, which enables them to receive fees for legitimate uses of their work and allows them to forbid unauthorised use. In reality, the universal practice of photocopying and the current explosion of electronic media have eroded awareness of the true position to the extent that there is a widespread assumption that these activities are exempt from copyright law.



Unless the legal rights of authors are defended by the whole professional community, there is a danger that these rights will eventually be undermined, as the assumption grows that any published work can be copied for use in any way, by anyone, for any purpose.

## copyright licensing agency

The whole issue is now being raised with accountants by the Copyright Licensing Agency (CLA). CLA is a non-profit making company owned by authors and publishers through the Authors' Licensing and Collecting Society and the Publishers Licensing Society to facilitate access to copyright materials and represent the rights of UK authors and publishers. CLA does this by developing and selling licences, and collecting and distributing licence fee revenue.

CLA offers a variety of different licence structures and charges are commensurate with the size of the organisation and the scale of its use of copyright material. A CLA licence will permit multiple copying of extracts from books, journals and periodicals in the UK, and from publications in 22 other countries where CLA has reciprocal agreements. The fees are then distributed back to owners of intellectual property in return for the use of their work on the basis of sound statistical surveys and transactional usage.

In the current climate, there is increasing pressure for firms to behave in accordance with principles of fair-trading throughout their business. High profile organisations know the damage bad publicity can cause and it is no surprise that prosecutions under copyright law involving larger corporations have tended to be settled out of court. It is worth noting that the CLA always prefers to achieve its aims by negotiating voluntary agreements rather than by litigation.

For more information visit [www.cla.co.uk](http://www.cla.co.uk). ■

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