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***INDUSTRIA FARMACEUTICA E COPYRIGHT :
SOLUZIONI DIVERSE PER UN UNICO PROBLEMA***

La legge negli Stati Uniti d'America

The Copyright Act of october 19, 1976

Title 17, United States Code, Public Law 94-553, 90 Stat 2541

The Copyright Law of the United States governs the making of photocopies or other reproductions of copyrighted material.

The copyright law asserts the exclusive right of copyright owners to reproduce and distribute their printed works

Copyright protection provides the owner with the exclusive right to make “derivative works”. Therefore, even if you are licensed to make a copy of a copyrighted work, it does not mean you can create own work based on the other work



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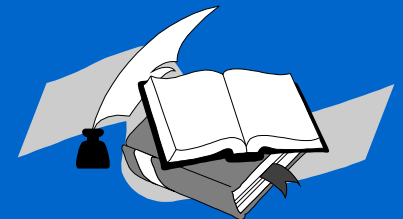
Section 108 - Limitations on exclusive right: Reproduction by libraries and archives

Notwithstanding the provisions of section 106 (exclusive rights in copyrighted works) it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment to reproduce no more than one copy or phonorecord of a work, or to distribute such copy or phonorecord, under the condition specified by this section, if :

..... without any purpose of direct or indirect commercial advantage

..... library or archives open to the public or available not only to researchers affiliated.... but also to other persons doing research in a specialised field

.... the reproduction or distribution of the work includes a notice of copyright



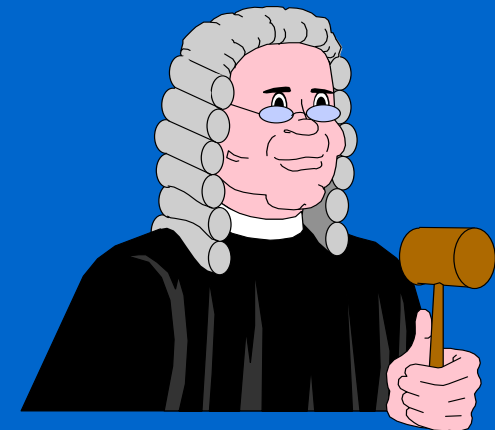
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The Copyright Act of october 19, 1976
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If a user makes a request for uses a photocopy or reproduction for purposes in excess of "fair use", that user may be liable for copyright infringement.

Liability for copyright infringement shall not be imposed upon a library or its employees for the unsupervised use of reproducing equipment located on its premises; provided that such equipment displays a notice that making of a copy may be subject to the copyright law

Copyright infringement is a federal crime

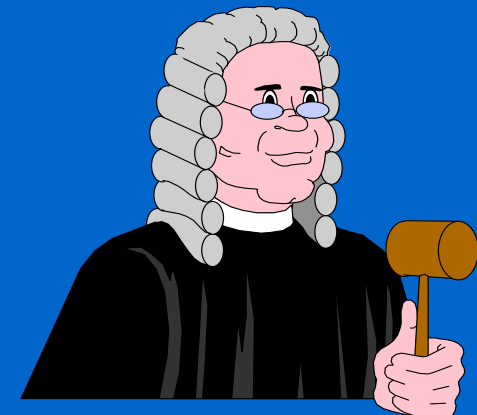


La legge in Inghilterra

Copyright, Designs and Patents Act, 1988

Unauthorised copying for private purposes is a civil offence (injunction to prevent further infringement and/or the award of damages)

Unauthorised copying with the intention to distribute them, even without charge, are a criminal offence, the penalties are severe (fines and/or imprisonment)



La legge in Inghilterra

Copyright, Designs and Patents Act, 1988

The Copyright Act protects the economic and moral rights of authors of all printed, written or recorded materials, including: books, journals, artistic works, sound recordings, databases and electronic materials.

In general you must not copy, distribute, or alter any text or images to which a third party holds an intellectual property right, without the express written permission of the rightholder.

Thus copyrighted material, such as, books, letters, memoranda, directories, e-mail messages, photographs, paintings, films, video, sound recordings, cartoons, etc. should be used only where you are sure that copyright has expired, or that you have explicit permission to use them.



La legge in Inghilterra *Copyright, Designs and Patents Act, 1988*

Sections 37-43 - The library privileges

Certain libraries (not-for profit library) and archives get special privileges under copyright law. The main privilege is make copies for readers requiring them for purposes of research or private study. The person requiring the copy must :

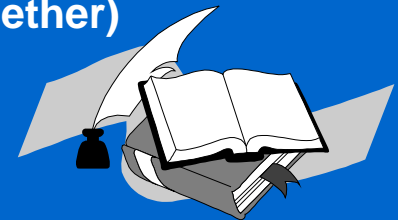
pay to the library the cost of making copy

sign a declaration form

no more than one copy of one article may be made

no one else with similar or related requirement may have received a copy of the same

material (students on the same course or colleagues working together)



The Copyright Licensing Agency (UK)

The COPYRIGHT LICENSING AGENCY (CLA) is the main Licensing Body for UK books and periodicals

CLA has reciprocal agreements with similar agencies in a most of the Western World

The 1988 Act encourages the setting up of licensing scheme which will place photocopying on a contractual basis.

There is a licensing scheme run on behalf of the rights holders by the Copyright Licensing Agency.



Different industry sectors have substantially different terms and conditions.

The Copyright Licensing Agency (UK)

To start and/or to renew the licence :

conduct an audit and submit results to CLA within 60 days

providing a list of journals including all current library subscriptions

all free titles

personal subscription paid by the Company

journals received via Company paid professional membership

a declaration of the number of professional employees

The Copyright Licensing Agency (UK)

The pharmaceutical industry generally pays :

about £ 22.00 per professional employee per annum

for the right to make up to 9 copies of any original copyrighted work
at any one time for any one purpose

it is not possible use copies made under this licence for marketing
purposes

copies from photocopies are not allowed

copy a substantial amount of a book or journal issues is not allowed

The Copyright Licensing Agency (UK)

The CLA's Rapid Clearance Service (CLARCS copies)

CLARCS gives CLA licensees a quick way of obtaining permission to copy in amounts which exceed the limits of their basic licence.

- for any copying outside the scope of the licence

you have access to a telephone hotline to obtain clearance, on payment of an additional fee per copy

you must inform CLA of names of individuals authorised to contact CLARCS

Permission Reference Number to be recorded on copies

monthly invoicing

La legge in Francia Loi du 3 janvier 1995 sur le droit de copie

La loi définit la reprographie comme la reproduction sous forme de copie sur papier ou support assimilé par une technique photographique ou d'effet équivalent permettant la lecture directe (photocopie, télécopie...)

L'auteur, le journaliste, le créateur est seul maître de l'exploitation de son œuvre. Lui seul, ses ayants-droit ou ses ayants-cause (l'éditeur auquel les droits ont été cédés, les héritiers...) peuvent en autoriser les différentes formes de reproduction ou de représentation (art. L111-1, L 122-1, L 122-4 et L 123-1 du Code de la propriété intellectuelle).

Le Code de la propriété intellectuelle protège toute œuvre de l'esprit originale, c'est-à-dire portant l'empreinte de la personnalité de son auteur, quels que soient son genre, sa forme d'expression, son mérite ou sa destination (Art. L. 112-1 du Code de la propriété intellectuelle).



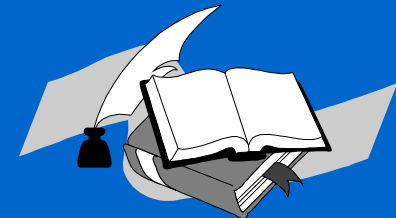
La legge in Francia

Loi du 3 janvier 1995 sur le droit de reprographie

Copies autorisées:

*Les copies ou reproduction..... strictement réservées à l'usage privées du copiste et non destinées a une utilisation collective
..sous réserve que soient indiqués clairement le nom de l'auteur et la source..
(Art. 125-5 du CPI)*

*Les articles de loi, les jugements et les arrêts sont de libre reproduction.
En revanche, leurs commentaires ou analyses constituent des œuvres protégées.*

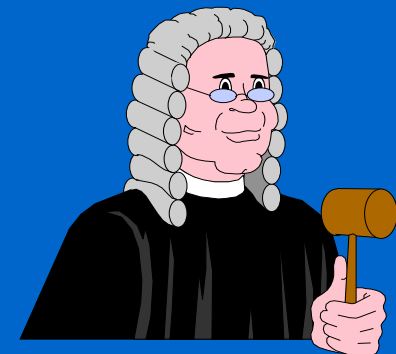


La legge in Francia

Loi du 3 janvier 1995 sur le droit de reprographie

Photocopier peut-être un délit passible :

- *d'une amende d'un million de francs*
- *de 24 mois d'emprisonnement*
- *du versement de dommages et intérêts suotocopierbstantiels*



Le Centre Français d'exploitation du droit de copie

Le Centre Français d'exploitation du droit de copie (CFC) est la seule société habilitée à délivrer les autorisations de reproduction par reprographie d'articles de presse et de pages de livres en France

Le CFC est un organisme privé, constitué en société civile à capital variable.

Ses statuts reposent sur une organisation tripartite et égalitaire
Auteurs, éditeurs de presse et éditeurs de livre gèrent paritairement le CFC

Sa mission est de conclure avec l'ensemble des organismes, publics ou privés, des conventions visant à la perception de redevances au titre des droits d'auteur.

Le CFC représente tous les auteurs/éditeurs qu'ils soient français ou étrangers sans que ceux-ci n'aient à faire acte d'adhésion pour recevoir des redevances

Le Centre Français d'exploitation du droit de copie

Les Tarifs du CFC

livre F/page	presse F/page
0.28 F pour le scolaire	0.15 F politique et générale
0.45 F pour le juridique	1.10 F presse scientifique
0.65 F pour le scientifique et technique	

CFC è membro della International Federation of Reproduction Rights Organisations (IFRRO) ed ha un "bilateral rights / fee conveyance agreements" con altre organizzazioni quali CCC (USA), CLA (UK), CANCOPY/COPYBAC (Canada) SR (Netherlands) e altri

L'association "Légitime Copie" (France)

Est une association née de l'hiver 1995/1996

Regroupe nombreux utilisateurs et centre de documentation

Constituée afin d'entamer des négociations avec les sociétés de gestion des droits de copie. Essentiellement à ce jour avec le CFC

Ses objectifs principaux :

- obtenir une bonne appréciation du calcul des droits exigés (œuvres de domaine public et des articles et/ou livres qui ne sont plus édités)

- ramener les prétentions des éditeurs à leur juste valeur économique (exemples des tarifs pratiqués dans les pays nordiques)

- refuser le paiement des droits lorsque les auteurs sont bénévoles et/ou pas liés aux éditeurs par un contrat d'édition (articles des revues scientifiques et/ou juridiques)

- obtenir une large exemption à des fins d'éducation et de diffusion de la connaissance

L'Association Légitime Copie est intervenue (octobre 1997) pour la première fois en justice en soutenant volontairement l'Association Française des Banques assignée en justice par le CFC pour contrefaçon

La legge in Ungheria

E' stata approvata in questo periodo ed è stata numerata come legge n. 76

E' molto lunga e complessa (87 pagine)

Non esiste al momento una organizzazione incaricata di rappresentare i diritti d'autore (è prevista per Settembre 2000)

A cominciare dal settembre 2000 si aspettano anche una "tassa copyright" inclusa nel prezzo delle fotocopiatrici



La legge in Italia

Legge 22 aprile 1941, N° 633

Legge 22 maggio 1993, N° 159

L'ufficio studi della Associazione Italiana Editori (AIE) ha stimato in circa 380 miliardi/anno il danno causato dalla fotocopiatura abusiva.

Questa cifra è pari o addirittura superiore all'intero mercato del libro scientifico.



AIDRO

Associazione Italiana per i diritti di Riproduzione delle Opere dell'Ingegno

Tutela gli interessi degli autori nel campo dell'editoria libraria

E' una Associazione apolitica e senza scopo di lucro

Lo scopo principale dell'Associazione consiste nell'assistenza e consulenza ad autori ed editori ai fini della prevenzione e della repressione della pirateria delle opere dell'ingegno con particolare riferimento alla reprografia

L'Associazione potrà gestire i diritti sulla composizione delle opere tutelate dal diritto d'Autore ed i diritti di riproduzione a mezzo fotocopia o altri sistemi di riproduzione di opere tutelate dal diritto d'autore



AIDRO

Associazione Italiana per i diritti di Riproduzione delle Opere dell'Ingegno

AIDRO è membro della International Federation of Reproduction Rights Organisations (IFRRO) ed ha un “bilateral rights/fee conveyance agreements” con altre organizzazioni quali CANCEOPY (Canada) e CFC (Francia)

costo di una copia Lit. 80 + IVA