

# **Copyright Q&A For Healthcare Industry** **(Chinese Version)**

EMD is the 1st in China to educate industry about ‘copyright’ since 2001. Over 30 million reprint pages had been sold to industry during 2001 to 2004 March. Nowadays, EMD is the largest Chinese-language reprint provider in China. For our reputation, EMD is now selling reprints of +4000 medical periodicals and conference publications published by well-known publishers and medical societies.

## **QUESTION: What activities are considered a violation of copyright?**

**ANSWER:** Translating, reprinting, and distributing any copyrighted content without written permission from and financial compensation to the copyright holder. This includes, but is not limited to, photocopying or printing the following items.

- a. Journal articles, *in full or parts thereof*, including abstracts, illustrations, tables, charts, or individual paragraphs.
- b. Books, *in full or parts thereof*, including illustrations, tables, charts, individual chapters, paragraphs, appendices, etc.

## **QUESTION: Can we rewrite copyrighted content or change scientific values or results for use in corporate marketing literature?**

**ANSWER:** No, this is both unethical and a violation of copyright. To do so places your company at risk of legal action from the copyright holder, in most cases a major medical society. You cannot translate or use entire paragraphs of content from journal articles or books in any marketing literature.

You may hire a professional literature service company to produce a review article based on various content sources. This avoids using the entire paragraphs by simply copy-and-paste.

Saving costs on literature can lead to overall decrease in cost effectiveness:

- Credibility is significantly decreased if the original contents are possessed and distorted
- An original literature (with journal cover) can ensure a higher level of credibility and deliver a more effective selling during an expansive sales call
- Unlike the past, doctors are nowadays very alert with what they read and to believe

## **QUESTION: Can we distribute copyrighted content electronically without written permission from and financial compensation to the copyright holder?**

**ANSWER:** Distributing copyrighted content electronically, without first securing rights and compensating the



copyright holder, is a severe violation of international copyright standards. Companies cannot distribute copyrighted content via a corporate web site, a company-sponsored CD-ROM, or via a corporate intranet unless permission has been secured. Companies that support web sites that illegally distribute copyrighted content risk damaging their corporate image.

**QUESTION: Our head office has purchased original English-language reprints or rights to translate the content into another language. Does this mean we can reprint, photocopy, or translate the content into Chinese?**

**ANSWER:** No, when your headquarters office purchases reprints of articles or books, they only have the right to distribute the number of copies purchased. If more copies are needed, additional quantities must be purchased from publishers. Companies cannot produce additional copies themselves or translate the content into other languages.

**QUESTION: We can basically freely download abstracts for free because they are available on public domain like Medline. Does this mean we can reprint, photocopy, or translate the content into Chinese?**

**ANSWER:** No. Translating, reprinting, and distributing any copyrighted content without written permission from and financial compensation to the copyright holder is considered violation of copyright. US Library Of Medicine (Medline/PubMed) has signed agreements with publishers, which allow it to do so. US Library Of Medicine is a non-profit organization which supplies medical information for research studies use.

**QUESTION: We can basically freely use the lecture recordings, posters, proceedings as published in medical congresses. Does this mean we can reprint, photocopy, or translate the content into Chinese?**

**ANSWER:** No. Medical societies own the copyright of all these contents as published and distributed (announced) in these congresses, with the exception of the satellite symposia as organized by the pharmaceutical companies themselves. Translating, reprinting, and distributing any copyrighted content without written permission from and financial compensation to the copyright holder is considered violation of copyright.

**QUESTION: We are distributing the reprints purely for educational purpose. Does this mean we can reprint, photocopy, or translate the content into Chinese?**

**ANSWER:** No. Translating, reprinting, and distributing any copyrighted content without written permission from and financial compensation to the copyright holder is considered violation of copyright.

**QUESTION: Can we use tables, illustrations, and charts from journal articles or books in our marketing materials?**

**ANSWER:** Tables, illustrations, and charts are copyrighted and cannot be used in materials intended for commercial use is considered violation of copyright. No part of a table or chart can be translated without permission from publishers. Again, saving costs on literature can lead to overall decrease in cost effectiveness.

**QUESTION: Can we or one of our key opinion leaders use an illustration, chart, or table in a slide or PowerPoint presentation for educational purposes?**

**ANSWER:** This is generally considered acceptable. However, the doctor or your company may not reproduce and distribute these images to a wide audience without seeking permission from publishers.



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**QUESTION: We are not liable to sponsoring a doctor/3rd party who publish an article or a book which infringe the copyright of its owner.**

**ANSWER:** This can potentially lead to a litigation of negligence. It is unwise to associate your company with any parties who violate copyright. Corporate image is important for success. Don't risk yours.

**QUESTION: The content we want to use was written by a researcher employed by our company. Can this be translated or reprinted without first seeking permission from publishers?**

**ANSWER:** No, in almost all cases the author does not have the copyright. If the copyright is not owned by the society, it belongs to the publisher.

**QUESTION: Our company has sponsored the clinical trial or research published in a journal or book. Can we reproduce or translate this content without securing permission?**

**ANSWER:** Unless your company owns the copyright, you cannot translate or reproduce this content. Even though your company sponsored the research, in most cases the societies or publishers own the copyright.

**QUESTION: Has China signed the Berne Convention for the Protection of Literary and Artistic Works?**

**ANSWER:** Yes. The Berne Convention for the Protection of Literary and Artistic Works (1886) governs the international protection of "copyright and neighboring rights". Originally subscribed to by only 10 countries, there are now over 121 signatory countries, including China.

**QUESTION: Don't we only have to follow Chinese copyright law?**

**ANSWER:** Chinese government has signed the international protection of "copyright and neighboring rights". On the other hand, whether or not your company follows Chinese or international copyright law is irrelevant, violating copyright is unethical and dangerous to your company's corporate image, and will jeopardize the relationship with medical societies.

**QUESTION: What are the consequences of violating copyright?**

**ANSWER:** You will damage your company's corporate image with the worldwide medical community, with local and international medical societies, and among industry peers. The authors of publication content are all noted medical researchers and clinicians who have devoted their careers to furthering the advance of medicine. Many of our authors are the very same persons who research and develop new drugs for pharmaceutical companies. Their research is dependent upon funding from such sources as royalty payments received from the distribution of their published works. As mentioned earlier, publishers publish for many of the world's leading medical. Pirating of society content results in lost revenue to fund educational and research activities.

**QUESTION: What will publishers do if samples of copyright violations are discovered?**

**ANSWER:** We will first warn the violating company and request immediate cessation of unauthorized translation, reprinting, and distribution of copyrighted content. If the problem continues, we will then alert the headquarters office and the relevant medical society or authors. Further violations will be reviewed and could be subject to formal legal action.

## **FAQ By Healthcare Industry**

- Ad/Advertorial placement (Depends on publishers)
- Text highlights (Usually OK)
- Additional of brand name (Unfavorable)
- Compilation of multiple reprints copyrighted by various publishers (Usually declined)
- Compilation of abstract and full text copyrighted by same publishers (Usually OK)
- Bilingual (Usually OK)
- Alternation of cover and layout (Usually declined)
- Printing excluded (Usually declined)
- Final layout requires approval publishers.
- The distribution of this reprint is restricted to named professions with no intention to sale or exposed to public.
- Can I buy 1,000 copies and make duplication of 4,000 copies? NO.
- EMD's role: The licensed distributor and publisher of local reprints.

## **Myths To Charges**

- Buy off the copyright and make many copies as wished (rarely publishers do that!)
- Copyright is not transferable, and it never get sold off to sponsor with the exception that the entire publication is transferred by sales
  - Different publisher charge different pricing scheme (no rules!)
  - Some publishers allow local reprints in different non-English languages; Some publishers ship out the finished goods and they don't have local reprint

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