

Copyright and conditions of fair use: issues to consider when developing reporting guidelines

PLEASE NOTE that while this document has been consulted with the copyright experts it is not a legal advice; it is intended to outline issues that need to be thought through when developing a reporting guideline.

Reporting guidelines are intended for wide use and so are often made freely available for unrestricted use by others. While we strongly support the free distribution of guidelines, we are concerned that sometimes they are modified and republished without proper attribution and without providing indications of the changes that were made. We recommend that a copyright statement and brief version of conditions of use accompany publication of all guidelines.

This article outlines some problems encountered in the past by several guideline development groups and provides advice on how to (hopefully) prevent those issues.

Background

The most common form of a reporting guideline is a checklist. Possible 'third party' activities based on checklists include

1. Republication of whole checklist 'as is'
2. Republication of whole checklist with extra items added, or extra text added to existing items within the checklist
3. Republication of part, embedded in a longer checklist
4. Some mixture of selection, addition, and rewording
5. Translation into another language

For example, the CONSORT Group has itself generated several extensions to CONSORT that fall under category 2.) However, some guidelines have been modified in various ways by other people, and this can cause problems. One consequence of the success of CONSORT is that other groups have developed related recommendations based on CONSORT, under categories 3 to 5. Other successful guidelines are liable to be similarly affected in the future.

The development of reporting guidelines generally involves much time and effort from many individuals. The choice of items in a checklist and the exact wording of each item may reflect numerous discussions and final consensus agreement of dozens of individuals. In this respect reporting guideline checklists resemble instruments for assessments of health, quality of life, or personality.

The content of a guideline should rarely, if ever, be manipulated, and certainly not without considerable care and discussion with the RG authors. But there have been instances of some CONSORT items being reworded or extended without it being

made clear what was changed and what was added, nor why. It is advisable to pre-empt such problems. We recommend that any publication introducing a reporting guideline should include a brief statement on copyright and conditions of use with a reference to a fuller version on the web site. Suggested wordings are given at the end of this document.

Copyright

Please note that authors automatically hold the moral right to the copyright of the work but it is important to establish copyright ownership by taking account of policies of funders, who financially supported this work directly and indirectly, and policies of institutions employing the authors. This is especially important when you are planning commercial application of your reporting guideline. Most institutions have special departments dealing with knowledge transfer that will be able to provide specific advice.

In most countries of the world it is not necessary to formally register copyright but it might be advisable to do so (one off procedure with affordable fees) if you envisage the possible need to defend your rights formally in the future (e.g. by taking a court action or making a commercial use of your work).

For more details please consult websites of your national patent or copyright offices (e.g. UK: <http://www.ipo.gov.uk/copy.htm>; US: <http://www.copyright.gov/>)

Wording copyright statement and conditions of use

It is important to always include a statement about who owns copyright, and the conditions of use of the content. The following notes may be helpful.

Alternatively, Creative Commons, <http://www.creativecommons.org>, has initiated a freely available system for clearly announcing what use may be made of published content. They provide a simple system whereby authors/publisher can select from a choice of standard licences (for example: use with attribution (i.e. mention the author/copyright holder), with no modification, for non-commercial use), which can then be inserted into a website, or printed on a set of guidelines. Many journals have adopted one of these types of copyright protection for use by their authors.

Recommendations for text in published articles

(a) State that the checklist (and other material if relevant) is copyrighted.

Suggested wording:

The *[reporting guideline]* copyright © *[name of copyright owner]* and year of publication

(b) Include a statement that indicates that use is restricted and directs people to the web site where full conditions can be found. As an example:

The checklist and flow diagram are also available on the CONSORT website (www.consort-statement.org). They can be freely used and copied for non-commercial purposes without any modifications as long as an exact citation is provided. Full details of conditions of use are specified on the CONSORT website.

Suggested text on website

We welcome and encourage the use of *[reporting guideline]* for reporting research studies. The checklist can be freely used and copied for non-commercial purposes without any modifications as long as an exact citation is provided.

Reference publications:

List all references that can be used for correct citation of the reporting guideline

However, if you wish to use *[reporting guideline]* as a basis for your own guideline, in which the original guideline is subjected to modification, translation or republication please adhere to the following terms and conditions:

A. Copyright ownership

- Copyright of all material available at this site is owned by *[XXX]*.

B. Republication without modification

- The whole checklist can be used or republished exactly (i.e. with no changes or additions) without seeking permission, as long as it is accompanied by an exact citation (a journal publication, a web address, or both). *[Option: include here the citation in the desired format]*
- Parts of the checklist can be reproduced exactly without permission as long as it is clear that only part and not the whole checklist is being reproduced. If the borrowed parts are incorporated into a new checklist, it must be made clear which parts are new. The checklist must be accompanied by an exact citation as indicated above.

C. Republication with modifications

- If the guidelines are modified in any way then this must be made clear so that the users know that they are not reading the original guidelines. Suggested wording: "These guidelines have been adapted, with permission, from the CONSORT guidelines <full reference of original guidelines, or link to website>"

- Modifications to the text of the checklist or parts thereof are not sanctioned without written agreement from the guideline developers.
- Additions to the checklist to handle particular circumstances are not sanctioned without written agreement from the guideline developers.
- It must not be implied that any version which differs from the published version is formally approved by the guideline developers, unless such approval has been given.

C. Translations

- Translation is permitted only after signature of a translation agreement with copyright owners (or authors).
- All translations must carry copyright information of the original version in addition to the translated version:
 <reporting guideline in original language> © <owner>name
 Translation copyright: <reporting guideline title in translated language> © <owner>name
 e.g.
 SMART Guide © P.Smart, 2008
 Translation copyright SMART Gids © C.Legroscollard, 2009

D. Commercial use

- The commercial use of the checklist is not permitted without prior written agreement from the copyright owners.

Written by: The EQUATOR group

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