

Copyright and how it applies to medical articles, marketing and reprints

What pharma brand and marketing managers need to know

**Medical and Scientific
Articles are legally
protected the moment
they are created**
(as are other works)



**The legal owner is the
author**
(or author's institution), however
**ownership generally passes
to the publisher**



**In the UK copyright
lasts for 70 years**
(following the death of
the author)

**Anyone wanting to copy, share, show, use, store or send articles to
colleagues, peers, prospects, customers, KOLs, MSLs, HCPs, etc.**

– internally or externally –

needs permission from the copyright owner – ‘in advance’

Failure to get permission is **copyright infringement**
(potential fines of \$150,000 per infringement
...plus reputational damage)

How do pharma companies get permission?

Two ways to get permission / acquire rights

1.

From **direct licenses between your company** (generally the library) and **each individual publisher**



Around 100 publishers provide the content a typical pharma company 'uses' for research and marketing purposes and the rights vary from publisher to publisher

2.

From **blanket licenses** such as the **CLA** (Copyright Licensing Agency) or **CCC** (Copyright Clearance Center)



These provide **extended rights** (for most relevant publishers' content) including rights relating to Medical Information, Legal Proceedings and Regulatory

However...

these licenses **do not provide the rights to use medical content for marketing purposes**

Medical Information Right – what this means

Most direct licenses, and also the CLA and CCC's blanket licenses, provide the "**right to supply print or electronic copies of individual articles taken from Licensed Materials to individual third parties for Medical Information purposes**"

What this means

A pharma company may send one copy of an article to e.g. a HCP or patient in order for the pharma company to **answer an incoming enquiry** from that HCP or patient

This right covers **ad hoc requests only**, which are **initiated by the HCP or patient**

What this does **not** mean

This is **NOT** a right to use articles for marketing or sales purposes

It does **NOT** provide the rights for the **systematic sharing or storing** of content

It does **NOT** provide the right to **upload medical articles into CLM systems** such as **Veeva Vault** or to create a library of content

Acquiring medical marketing rights

How to acquire marketing rights for medical articles:

1. Ad hoc permission requests directly to publishers
This can be a time-consuming and costly
2. The most common and cost-effective way is by purchasing Reprints or digital ePrints – however it is essential to agree all necessary rights (such as uploading to CLM systems) at the time of purchase

Tangent 90 can support you with

- Enterprise queries relating to published information and rights management
- Copyright training
- Determining which rights are needed for each marketing campaign
- Support with Activity Based Marketing
- Creating SOPs for using medical content within pharma marketing

Trustrack, our SaaS solution

- Helps you manage and distribute medical publications, articles and promotional materials
- Is an open platform that works with any publisher's content as a standalone solution or integrated with CRM systems such as Veeva