GUIDANCE TO HELP YOU DECIDE IF YOUR REQUEST IS FOR A COMMERCIAL PURPOSE

The terms *commercial research or private study for a direct or indirect commercial purpose* are not clearly defined in the legislation. However, the British Library and Copyright Licensing Agency (CLA) have advised that copying for any of the following purposes may be deemed to be for a commercial purpose:

- An article or book chapter to help in treating a private patient
- Researching material for a journal article, book or book chapter that will be published commercially and for which you will receive payment or royalties
- Researching information for a presentation for which you will receive a speaker’s fee
- Research for a training course that you hope to sell to others
- Material to support a research project, PhD or MSc that is funded by a commercial organisation

More examples can be found in the following document, jointly written by the CLA and British Library:

http://www.cla.co.uk/assets/91/bl_cla_faq.pdf

Please note that this guidance applies when the primary purpose at the time of copying material or requesting a photocopy is for a commercial purpose. You will not need to pay retrospective copyright fees should you request or copy material for a non-commercial purpose and then later use it for a commercial purpose.

If you are in any doubt, please discuss your request with a member of library staff.
WHAT IS THE INTER-LIBRARY LOAN AND DOCUMENT SUPPLY SERVICE?

The inter-library loan and document supply service is used when you need to request copies of articles or to obtain books, journals, videos, reports or theses not held by Buckinghamshire Healthcare NHS Trust library service.

HOW DO I MAKE A REQUEST?

Complete an inter-library loan form, copies of which are available at each library site or they can be downloaded from the library web pages. Remember to sign the copyright declaration on the form if your request is for private study or non-commercial research. This is a legal requirement and must be signed by the person making the request. Library staff must receive a signed copyright declaration before we can supply a photocopy to you. If you do not sign the copyright declaration, then your request will be deemed to be for a commercial purpose and additional copyright fees must be paid.

WHAT IS COMMERCIAL PURPOSE AND WHY DO EXTRA COPYRIGHT FEES APPLY?

On 31 October 2003, a number of changes were introduced to the UK copyright laws so as to comply with the EU copyright directive. The most important change is that copying for a direct or indirect commercial purpose is no longer allowed under the fair dealing or library privilege exceptions of the Copyright Act. A fee will be payable to the copyright holder and this fee varies from a few pence to £100 per article, depending on the publisher. Library staff can advise you on the fee payable. Check the guidance at the back of this leaflet if you need help deciding whether your request would be deemed to be for a commercial purpose.

IS THERE ANY LIMIT TO THE NUMBER OF PHOTOCOPY ITEMS THAT I CAN REQUEST AT ONE TIME?

Yes, the copyright legislation states that the library may obtain one article from a single journal issue or request a photocopy of a single chapter of a book on your behalf. Where your requests exceed these limits, a loan of the book or journal issue may be requested from the British Library.

NHS staff may request additional copies under the NHS CLA licence which is currently in effect until 31 March 2010. The licence covers copying for internal NHS purposes only. Up to two articles, or any number of articles from a themed journal issue, may be requested from certain books and journals. Please contact library staff for details or check the list of excluded items on the CLA website at http://www.cla.co.uk/support/excluded.html

Multiple copies of articles are allowed under the NHS CLA licence provided that the copies are taken from the paper original owned by the NHS. If you need multiple copies, eg for a journal club or meeting, please discuss your requirements with library staff when you place your request.

HOW LONG WILL IT TAKE?

Most requests are routinely filled within 5 – 8 working days. Requests will take longer if the supplying library does not have the requested item in stock and we then have to approach another library. If you need your requests by a certain date, please tell us this at the time you make your request. We will do our best to ensure your requests arrive by the required date but this cannot be guaranteed.

HOW MUCH WILL IT COST?

Most requests made for work related purposes by NHS staff working in the South Central SHA are sponsored by library services funding from the SHA. Requests should be made via your usual home library. For employees of Buckinghamshire hospitals and NHS Buckinghamshire, your home library is Buckinghamshire Healthcare NHS Trust Library Service. Funding from the SHA covers the cost of up to 30 inter-library loan requests per staff member each year (April – March). Requests in excess of these limits are charged at £5.00 per item.

All other requests, including those from staff for a personal or non-work related purpose, those on a clinical attachment or student placement, other NHS staff not employed by Buckinghamshire hospitals or NHS Buckinghamshire, and members of the public, are charged at £15.00 per item, payable at the time you place the request. VAT is also payable on requests from non NHS staff.

All photocopies supplied from library stock or print copies from our electronic collections (if allowed under licence) are charged at £5.00 per item, plus VAT where appropriate (photocopy requests can be included within your 30 free items if applicable).

Students are advised to make requests for books or articles via their university.

WHAT CAN I DO IF I NEED SOMETHING URGENTLY?

Articles required urgently may often be obtained the same day so please ask if you require our Urgent Action Service. Urgent Action requests may incur additional costs and these will be passed to the person making the request. Details are available on request.

HOW CAN I FIND OUT MORE ABOUT THE DOCUMENT SUPPLY SERVICE OR COPYRIGHT LEGISLATION?

Contact your local library or check the library web pages for more information and links to other web sites.

Chiltern Medical Library, Wycombe Hospital 01494 426364
Wilfred Stokes Library, Stoke Mandeville Hospital 01296 315428