



Intellectual Property Rights Policy

**Market House
14 Market Street
Lerwick**

A charitable company limited by guarantee registered in Scotland No. 165677

Registered Office Market House, 14 Market Street, Lerwick, Shetland ZE1 0JP

Company Secretary Catherine Hughson

Recognised by the Inland Revenue as a Scottish Charity - No. SCO 17286

Voluntary Action Shetland

INTELLECTUAL PROPERTY RIGHTS POLICY ('IPR')

1) Scope

The aim of this policy is to ensure all VAS staff are aware of their responsibilities and obligations in relation to IPR in order to minimise risk of infringement.

3) Definitions

Intellectual Property Rights are a group of legal rights relating to 'intangible' property. The IPRs most immediately relevant to VAS are as follows:

Copyright is the exclusive legal right to control reproduction of certain specified categories of creative work for a given period of time (currently for the creator's lifetime plus 70 years after the end of the calendar year they die).

Database right arises from the investment involved in obtaining, verifying and presenting the contents of a database. Duration is 15 years from the end of the calendar year in which the making of the database was completed.

Moral rights relate to the individual creator's honour or reputation and the principal ones are concerned with the right to be identified as a work's creator; the right to object to derogatory treatment of a work; and the right to object to false attribution.

Publication right is a right equivalent to copyright, acquired by the first person to publish a previously unpublished literary, dramatic, musical or artistic work or film after copyright has expired. The duration of publication right is 25 years from the end of the year in which the work is first published.

A trade mark is a word, name, symbol or device used to identify and distinguish the source of goods or services.

4) Legal Basis

- Copyright, Designs and Patents Act 1988 (as amended), effective from 01 August 1989;
- Earlier Copyright Acts, such as those of 1911 and 1956, may still be relevant in certain situations;
- Case history in this field is vast; many cases have established precedent in accordance with usual common law principles;
- Berne Convention (1886);
- Universal Copyright Convention (signed in 1952 and amended in 1971);
- World Intellectual Property Organisation (WIPO) Treaty (1996).
- Trade Marks Act 1994

- Other statutes such as the Data Protection Act 1998 and the Human Rights Act 1998 also have a significant bearing, particularly in the areas of confidentiality and privacy.

5) Statement of principles

Voluntary Action Shetland

- is committed to complying with all relevant IPR legislation;
- is committed to driving and promoting best practice in IPR administration within VAS
- aims to facilitate, appropriately, the use of its own and others' IPR assets;

6) Responsibilities

Voluntary Action Shetland is the legal entity which owns VAS's IPR and the body ultimately required to ensure compliance with the Act and other legislation.

The Executive Officer is responsible for recommending policy to the Management Board, for implementing policy and for setting and supervising procedures in relation to IPR.

Individual members of staff are responsible for ensuring they act within the scope of the law, and seek further advice firstly from the Executive Officer where necessary.

7) Procedures

This policy document is available to all staff and to the general public on the website.

IPR provisions are written into VAS's contracts with staff.

All records created by VAS staff in the course of their official role as employees of VAS including writing, photographs, videos, slides and electronic data, are Public Records according to the Public Records Acts of 1958 and 1967. As such they belong to VAS and VAS owns copyright. In instances where the boundaries of what constitutes an individual's official role may be slightly unclear, the onus is upon employees to agree with their line manager any rights they wish to reserve, in order to avoid confusion of ownership at a later date. The Executive Officer will advise further, if appropriate.