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Consortium



*e*Content*plus*

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1. Introduction:

The eViP project adopted the following definition for sustainability, taken from The Handbook on Sustainability, DG Education and Culture:

"A project is sustainable when it continues to deliver benefits to the project beneficiaries and/or other constituencies for an extended period after the Commission's financial assistance has been terminated."

To this effect, 'the benefits to the project beneficiaries and/or authors' after the end of the project, may well follow a triple bottom line approach:

- 1. Financial benefit to sustain future VP development initiatives
- 2. Social benefit as a recognised community of VP practice
- 3. Environmental benefit as a leader in cross European collaboration

The eViP consortium continues to investigate all of the above approaches and will update the final report with a comprehensive sustainability plan. In the meantime, the consortium has agreed on the following three high level models:

2. Model 1 - Cooperative business and licensing model

The sustained provision of 320 repurposed VPs to the community of medical educators and students in Europe and the rest of the world is a key goal of the eViP project to contribute to the improvement of medical education.

Access to all 320 VPs is granted via the eViP website (http://www.virtualpatients.eu/referatory/) free of charge for at least 3 years.



Fig. 1: eViP Virtual Patients referatory screen.

Users will need to register with their name and e-mail address before they can access the VPs due to IPR protection and due diligence necessities. Furthermore, registration allows for communication with users and supports community building.

Access to the corresponding 320 VP content packages will also be provided via the eViP website. All ready to use VPs and downloadable content packages from the eViP website will comply with the MedBiquitous VP Standard and contain adequate metadata to allow for identification and search functionality, by the end of the eViP project (i.e. August 2010).

Users will be able to follow the provided links via the eViP website to access the 320 VPs through the respective VP systems of the eViP project partners or download content packages from the website directly for import in a MedBiquitous standard compliant VP system of their choice. This dual approach allows for maximal flexibility of users with respect to the VP system at different educational institutions. VP systems for the educational use of eViP content packages are either open source or require licensing agreements with the providing institution or company.

Further funding will also be explored for the update of VP content, for the provision of tutorial and technical support services an the further technical development of the eViP website, VPs, and VP content packages. All partners are determined to contribute to the generation of further funds with grant writing activities and with networking activities like pairing up with European content matter expert (e.g. EURACT) and research networks.

The sustained central management of the eViP web pages, referatory and repository will be coordinated by the entire consortium.

3. Model 2 - Copyright and intellectual property right (IPR) model

The copyright and IPR model was continuously discussed and developed over the duration of the entire project. It was a key prerequisite to include virtual patients (VPs) from partners and allow for copyright clearance of all different routes of repurposing.

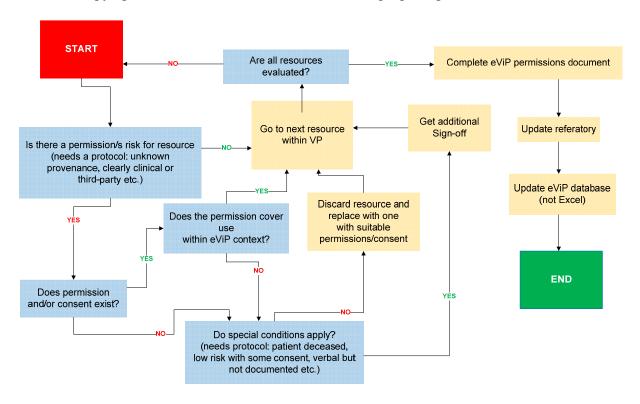


Fig. 2: Workflow for VP copyright clearance.

The national legal copyright regulations of the participating partner countries were collected and critically reviewed (see appendix a - f). The workflow of copyright clearance is summarized in Fig. 2.

An eViP Consent Form Information Sheet and a Performer Consent and Release Form for Virtual Patient Digital Content (see appendix g - h) were jointly developed. The work process for the copyright clearance to include new digital resources is summarized in Fig. 3.

The legal framework for the use of VPs from eViP is indicated in the eViP website and complies with the Creative Commons approach (see http://creativecommons.org/).

Process flow to ensure 'new' digital content is appropriately cleared



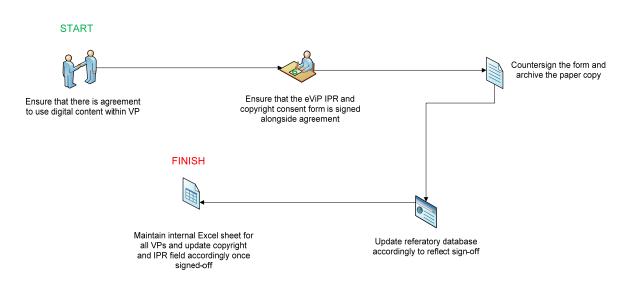


Fig. 3: Process for the inclusion of new digital resources.

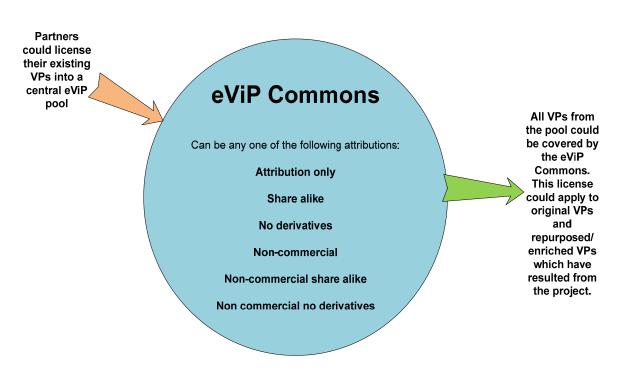


Fig. 4: eViP Commons: VP attributions

4. Model 3 - Awareness and dissemination model

Finally, the awareness and dissemination strategy for eViP project results is centred around the eViP website (see www.virtualpatients.eu). Access numbers were significantly increased since the redesign and re-launch of the website. Cross-linking to the eViP website from as many educational organizations and institutions across Europe will be increased through networking activities of eViP partners.

National mirroring efforts of the eViP VP collection (via Jorum Open by the JISC in the UK, see http://www.jisc.ac.uk/) in the partner countries and cross-linking (e.g. MedEdPortal, see www.aamc.org/mededportal and SimShare: http://www.simshare.org.uk/project.php?id=55) has already begun and should contribute to the visibility and use of the VPs for the eViP project.

Another option for sustainability via awareness and dissemination will be to partner with recognised ministries of health who are willing to endorse the eViP VPs, thereby carrying clinical weighting to the quality of the eViP collection. By doing so, this potentially opens up another avenue for future work in continuing medical education with practitioners.

5. Conclusion:

It is envisaged that the eViP project outputs will be sustained as a combination of all the aforementioned models. However, it is also worth noting that due to the ever changing landscape of medical and healthcare e-learning, the consortium will also explore other opportunities for sustaining the project as new sustainability solutions arise over the next 3 years.

6. Appendices

a.) Copyright definitions and applications for the UK:

What is copyright?

Copyright arises automatically as soon as a literary, dramatic, musical or artistic work is put into a tangible form. Items which are protected by copyright include computer software, drawings, formulae, designs, text, letters, music and books. There is no requirement for registration (although registration can be useful in proving date of authorship) and protection currently lasts for the lifetime of the author plus 70 years. Copyright provides the owner with the rights to prevent others from copying the work without permission.

What does copyright cover?

- copying;
- adapting;
- distributing;
- communicating to the public by electronic transmission (including by broadcasting and in an on demand service);
- renting or lending copies to the public; and,
- performing in public

What are 'original works'?

A work can only be original if it is the result of independent creative effort. It will not be original if it has been copied from something that already exists. If it is similar to something that already exists but there has been no copying from the existing work either directly or indirectly, then it may be original.

The term "original" also involves a test of substantiality - literary, dramatic, musical and artistic works will not be original if there has not been sufficient skill and labour expended in their creation. But, sometimes significant investment of resources without significant intellectual input can still count as sufficient skill and labour.

Ultimately, only the courts can decide whether something is original.

There is much case law indicating, for example, that names and titles do not have sufficient substantiality to be original and that, where an existing work is widely known, it will be difficult to convince a court that there has been no copying if your work is very similar or identical.

Copyright applies to computing and the internet in the same way as material in other media. For example, any photographs you place on the internet will be protected in the same way as other artistic works; any original written work will be protected as a literary work, and so on.

How is copyright handled with computer programs?

Conversion of a program into or between computer languages and codes corresponds to adapting a work. Storing any work in a computer amounts to copying the work. In addition, running a computer program or displaying work on a video display unit (VDU) will usually involve copying and thus require the consent of the copyright owner.

How to determine copyright ownership?

The general rule is that the author is the first owner of copyright in a literary, dramatic, musical or artistic work. In the case of films, the principal director and the film producer are joint authors and first owners of copyright. The main exception is where a work or film is made in the course of employment, in which case the employer owns the copyright.

Can copyright be transferred to someone else?

Yes. Copyright is a form of intellectual property and, like physical property, can be bought and sold, inherited or otherwise transferred. A transfer of ownership may cover all or only some of the rights to which a copyright owner is entitled. First or subsequent copyright owners can choose to license others to use their works whilst retaining ownership themselves.

What is the distinction between owning a possession and owning the copyright?

Copyright exists independently of the medium on which a work is recorded. So if, say, you have bought or inherited a painting, you only own any copyright in it if that also has been transferred to you.

How long does UK copyright last?

Copyright in a literary, dramatic, musical or artistic work (including a photograph) lasts until 70 years after the death of the author. The duration of copyright in a film is 70 years after the death of the last to survive of the principal director, the authors of the screenplay and dialogue, and the composer of any music specially created for the film. Sound recordings are generally protected for 50 years from the year of publication. Broadcasts are protected for 50 years and published editions are protected for 25 years.

For copyright works created outside the UK or another country of the European Economic Area, the term of protection may be shorter. There may also be differences for works created before 1 January 1996.

Is material on the Internet protected by copyright?

Yes. Under UK law (the position in other countries may differ) copyright material sent over the Internet or stored on web servers will generally be protected in the same way as material in other media. So anyone wishing to put copyright material on the Internet, or further distribute or download such material that others have placed on the Internet, should ensure that they have the permission of the owners of rights in the material.

b.) Copyright definitions and applications for Sweden:

What is copyright? In Sweden, there is a special law regulating this in many aspects. It cowers among other things: copying; adapting; distributing; communicating to the public by electric transmission (including by broadcasting and in an on demand service); renting or lending copies to the public; performing in public; and selling

What does copyright cover? All types of "immaterial" material (Images, texts, photos, videos etc) that a single person, or legal entity, has developed. However this requires a certain "level of quality" ("verkshöjd" in Swedish) to be copyrighted.

What are 'original works'? Anything that a person or legal entity creates

How is copyright handled with computer programs? As any other type of artistic material lika a painting, photo or else. However, computer programs can normally not be patented.

How to determine copyright ownership? A personal that has created something claims the copyright But please note: 1. A person employed (a programmer for example) to create for example computer programs (or a VP), can usually NOT claim copyright. Thus, that copyright belongs to the employer. 2. A teacher at a Swedish university owns ALL rights of a inventions that are patentable. However, since a program cannot be patented, this does not apply here. So normally, the university claims copyright for teaching materials. 3. A teacher at a Swedish university might claim that he/she owns the commercial rights as well as the copyright to a computer program, if the construction of that system can be seen as not belonging to his/her normal duties at the university. However, that is hard to prove. Thus, normally, all Swedish university teachers share their rights in such a way that the university freely could use ANY type of systems the teacher has created, but the teacher can sell the system to another university or to a company.

Can copyright be transferred to someone else? Yes

Is material on the Internet protected by copyright? Yes indeed.

c) Copyright definitions and applications for Germany:

What is copyright?

In Germany the copyright is defined in the "Urheberrecht und verwandte Schutzrechte" (http://www.gesetze-im-internet.de/urhg/index.html) Works of literature, science and art are protected by Copyright. Precondition is that the work is an individual intellectual creation and one of the following: works of speech, like compositions, speeches, computer programs, pieces of music, pantomimic works, works of fine arts, photographic works, cinematic works, scientific or technical presentations like charts, tables, plans, and drafts.

The copyright gives the author the right to decide about right of use of his work freely and exclusively. The Copyright in Germany is not transferable, but inheritable. Transferable by the author are only rights of use and industrial property rights. The copyright owner has the right to decide that his name has to be mentioned when his work is used somewhere.

What does copyright cover?

- copying
- distributing
- exhibition/exposition
- presentation, publication, reproduction, communication and distribution
- editing, translating and reorganization
- communicating to the public by electronic transmission (including by broadcasting and in an on demand service)
- renting or lending copies to the public

What are 'original works'?

A work can only be original if it is the result of independent creative effort. It will not be original if it has been copied from something that already exists. E.g. answers to test questions are normally not regarded as original, but may be in case of inventive freetext answers. Translation and adaption of a work is protected by copyright as an individual work.

How is copyright handled with computer programs?

Computer programs are all programs including draft material, copyright protection includes interfaces, ideas and concepts. Computer programs are protected like works of speech if they are a result of individual intellectual creation. Other criteria like quality or aesthetics are not relevant.

For a computer program designed by an employee (as part of his work) only the employer is authorized for copyright. Only the copyright owner may copy, translate, edit or distribute the program or allow others to do so.

How to determine copyright ownership?

The owner of the copyright is the creator of the work. If more than one author has contributed to the work and it is not possible to make use of the parts, all contributing authors are as well authors of the work. A contributing author can dispense with his exploitation rights.

Can copyright be transferred to someone else?

The Copyright in Germany is not transferable, but inheritable. Transferable by the author are only rights of use and industrial property rights. The right of use can be transferred exclusively or limited (concerning time, content or area).

Maybe interesting in this context is the following about the communication to the public for teaching and science (§52a): If someone has obtained the right of use from someone else and wants to use this for example to teach his students, there is a a duty to pay remuneration (this is in effect until the end of 2008, but may be extended). For universities the fee is 0.125 € per page and user/member of staff. Communication to the public is prohibited if the copyright owner presents his work reasonably in digital form to the public.

What is the distinction between owning a possession and owning the copyright? You cannot sell the copyright or give it away like something you own.

How long does German copyright last?

Copyright lasts until 70 years after the death of the author or the last remaining author (if more than one are involved). For scientific articles the copyright lasts until 25 years after the publication of the article.

Is material on the Internet protected by copyright?

Yes, web pages can be seen as works of applied arts (but they are not listed explicitly in the law) and are therefore protected like any other material. Transient copying of content (like for example in a cache or Proxy) is allowed, but content change is not permitted.

d) Copyright definitions and applications for Netherlands

What is copyright?

Copyright arises automatically as soon as a literary, scientific, dramatic, musical or artistic work is put into a tangible form. Items that are protected by copyright include computer software, drawings, formulae, designs, texts (except laws), letters, music, movies, pictures books, journalistic work (except news) and statues. Copyright arises from a creative action. There is no requirement for registration, no need for using the copyright sign © and the protection lasts for the lifetime of the author plus 70 years. Copyright provides the owner with the rights to prevent others from copying the work without permission. Violation of copyright is a penal offence.

What does copyright cover?

- copying;
- adapting;
- distributing;
- communicating to the public by electric transmission (including by broadcasting and in an on demand service);
- renting or lending copies to the public;
- performing in public; and
- selling

What are 'original works'?

A work can only be original "oorspronkelijk" if it is the result of independent creative effort. It will not be original if it has been copied from something that already exists. If it is similar to something that already exists but there has been no copying from the existing work either directly or indirectly, then it may be original.

The term "original" also involves a test of substantiality –literary, dramatic scientific, musical and artistic works will not be original if there has not been sufficient skill and labour expended in their creation.

Ultimately, only the courts can decide whether something is original.

There is law indicating, for example, that names and titles do not have sufficient substantiality to be original and that, where existing work is widely known, it will be difficult to convince a court that there has been no copying if your work is very similar or identical.

Copyright applies to computing and internet in the same way as material in other media. For example, any photographs you place on the internet will be protected as a literary work, and so on.

How is copyright handled with computer programs?

Conversion of a program into or between computer languages and codes corresponds to adapting a work. Storing any work in a computer amounts to copying the work. In addition, running a computer program or displaying work on a video display unit will usually involve copying and thus require the consent of the copyright owner.

How to determine copyright ownership?

The general rule is that the author is the first owner of copyright in a literary, dramatic, musical, scientific or artistic work. In the case of films, the principal director and the film

producer are joint authors and first owners of copyright. The main exception is where a work is made in the course of employment, in which case the employer owns the copyright.

Can copyright be transferred to someone else?

Yes and no. Yes. Copyright is a form of intellectual property and, like physical property, can be bought and sold, inherited or otherwise transferred. A transfer of ownership may cover some of the rights to which a copyright owner is entitled. First or subsequent copyright owners can choose to license others to use their works whilst retaining ownership themselves. No. Not transferable is the 'droit moral' (the moral rights) as a part of the copyright.

What is the distinction between owning a possession and owning the copyright?

Copyright exists independently of the medium on which a work is recorded.

How long does Netherlands copyright last?

Copyright in a literary, scientific, dramatical, musical or artistic work (including a photograph) lasts until 70 years after the death of the author (post mortem auctoris). In The Netherlands also for authors who died between 1923 and 1995.

The duration of copyright in a film is 70 years after the death of the last to survive of the principal director, the authors of the screenplay and dialogue, and the composer of any music specially created for the film. For copyright works created outside The Netherlands or another country of the European Economic Area the term of protection may be shorter: i.e. the term of the Berner Convention: 50 years.

Is material on the Internet protected by copyright?

Yes. Under Dutch law copyright material sent over the Internet or stored on Web servers will be protected in the same way as material in other media. So anyone wishing to put copyright materials on the Internet, or further distribute or download such material that others have placed on the Internet, should ensure that they have the permission of the owners of rights in the material.

e) Copyright definitions and applications for Poland:

What is copyright?

Set of rights which protect interests of authors. Those rights permit the author to decide about using of his original work. We may distinguish:

- author's personal rights, author's moral rights ("autorskie prawa osobiste")— author's rights to associate his name (or alias) with his work; right to keep the content and form of his work unmodified; these rights never expire and are untransferable; it is not allowed to relinquish them and to transfer them to another person; The author may decide not to execute his personal right.
- *author's copyright ownership, author's economic rights* ("autorskie prawa majątkowe") monopoly of property rights which are given to the author or publisher/producer or owner of license; only author's copyright owners are authorized to exploit it; authors may cease/sell their copyright ownership rights.

Copyright may regard a wide range of creative, intellectual, or artistic forms or works. These include: poems, theses, plays, and other literary works, movies, choreographic works (dances, ballets, etc.), musical compositions, audio recordings, paintings, drawings, sculptures, photographs, computer software, formulae, designs, radio and television broadcasts of live and other performances.

What does copyright cover?

- copying
- adapting
- distributing
- communicating to the public by electronic transmission (including by broadcasting and in an on demand service)
- renting or lending copies to the public
- performing in public
- elaborating of somebody's work
- translating
- recast

The name of the author and original title of work should be put on copies.

What are 'original works'?

These are effects of human action which are characterized by creativity and individuality. In practice it is difficult to define these terms. Creative character means that work includes new values based on author's mental abilities. Individuality of work express oneself in its uniqueness; It could be understood as a mark of author's personality.

How is copyright handled with computer programs?

Legal protection given to computer programs includes every form of its expression. Ideas and rules, which are fundamental to every element of computer program, are not protected by copyright. Property rights to computer program created by employees in result of doing their duty are given to employers, unless the contract has changed it.

Author's copyright ownership to computer programs include rights to:

- permanent or temporary multiplication of computer programs
- translating, adapting, different changes in computer programs
- distribution

It is not required to have permission to: do backups, test computer program's function (learn about their idea and rules), copy and translate code as far as it is required for the interoperability of the computer programs.

It is punishable to use legally protected computer programs without license.

How to determine copyright ownership?

Author's personal rights are given exclusively to the work's author. It never expires and is untransferable. It is not allowed to relinquish them and to transfer them to another person; the author may decide not to execute his personal right. Author's copyright ownership belongs initially to the author or in some cases – to the publisher/producer. This right may be purchased by others.

Can copyright be transferred to someone else?

Author's personal rights are untransferable. It is not allowed to relinquish them and to transfer them to another person; the author may decide not to execute his personal rights. Author's copyright ownership can be transferred to others by inheritance or by a written contract.

What is the distinction between owning a possession and owning the copyright?

Copyright exists independently of the medium on which a work is recorded. To be owner of a copy doesn't mean to be owner of copyright.

How long does Polish copyright last?

Author's personal rights never expire.

Author's copyright ownership lasts for all author's life and until 70 years after his death. If author is unknown – 70 years since the work had been published for the time. If author's property rights are transferred to another person (not the creator): 50-70 years since creation/distribution of work.

Is material on the Internet protected by copyright?

Yes, lot of material on the Internet is acknowledged as original work and it is protected in the same way as material on other media. Illegal copy and publication of this content on internet pages is treated as a breach of author's rights

f) Copyright definitions and applications for Romania:

What is copyright? Copyright arises automatically as soon as a literary, scientific, dramatic, musical or artistic work is made public for the first time. The author is the person who create the original work. Co-authors are the persons who collaborate to the creation of the original work. Copyright provides the owner with the rights to prevent others from copying the work without permission.

What does copyright cover? Items which are protected by copyright include computer software, drawings, formulae, designs, text, letters, music and books.

What are 'original works'? The first piece of work produced in a specific form / the result of a work process /creative activity.

How is copyright handled with computer programs? Copyright applies to computing and the internet in the same way as material in other media. The selling of the right to use a computer program doesn't imply the transfer of the copyright.

How to determine copyright ownership? The author is the first owner of copyright / the person who first make public a piece of work.

Can copyright be transferred to someone else? The author can sell the copyright (patrimonial), can sell to an editor the reproduction and distribution rights or can rent a copy of the work (program) for a determinate period.

What is the distinction between owning a possession and owning the copyright? The two are independent.

How long does Romanian copyright last?Copyright protection currently lasts for the lifetime of the author plus 70 years (including computer programs)

Is material on the Internet protected by copyright? Yes, they are.

g) eViP Consent Form Information Sheet

You are being invited to take part in the eViP programme. Before you decide whether or not to take part, it is important for you to understand why this programme is being conducted and what it will involve. Please take time to read the following information carefully

What is the purpose of this programme?

The aim of the eViP programme is to create a collection of multilingual and multicultural electronic virtual patients to be used across Europe to improve the quality and efficiency of medical education.

Do I have to take part?

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep and be asked to sign the eViP consent form. If you decide to take part you are still free to withdraw at any time and without giving reason. If you decide to withdraw attempts will be made to remove all information relating to you where possible. However, it is worth noting that this may not be possible for some material.

How will my information be used?

The information, in the form of digital content, provided will be used to create virtual patient scenarios that will be used as educational tools for improved medical and healthcare education. The creation of virtual patients will involve the use of provided information, digital content, including x-rays, images, photographs, films, and recordings, for the purpose of developing digital teaching and educational tools in concordance with the Creative Commons licensing model. This information will appear as found. Where possible any unique identifiable mark (e.g. tattoo or birthmark) will be removed upon request.

What is Creative Commons?

Creative Commons (CC) is a non-profit organisation devoted to expanding the range of creative works available for others to build upon legally and to share. The organisation has released several copyright-licenses known as Creative Commons licenses. These licenses allow creators to communicate which rights they reserve, and which rights they waive for the benefit of recipients or other creators. For more information visit http://creativecommons.org/

Will my information be kept confidential?

All information provided will be kept confidential; at no point will personal information be distributed to others.

Contact for further information:

[Contact name, telephone number and email-to be inserted for the institution]

h) Performer Consent and Release Form for Virtual Patient Digital Content

Background:

- A. The aim of the eViP programme is to create a collection of multilingual and multicultural virtual patients to improve the quality and efficiency of medical and healthcare education across the world.
- B. [The e-Learning Unit at St George's Hospital Medical School (trading as St George's, University of London)], is working as part of this collaboration with other International medical and healthcare education establishments to repurpose and share existing virtual patients with the wider online community as part of the eViP programme.
- C. [St George's University of London] intends to allow other medical, healthcare and educational collaborative establishments to use, re-use, store and distribute the digital content, including x-rays, images, photographs, films, and recordings, for the purpose of developing digital teaching and educational tools in concordance with the Creative Commons licensing model.
- D. All personal information supplied will remain confidential and will not be made publically available.
- E. The undersigned have agreed to appear/perform on the digital content

Agreement:

- 1. The undersigned individuals, or the parent or guardian of any one or more of the undersigned who are 18 years of age, do assign to [St Georges, University of London] and the eViP programme all rights, whether or not known in and to all motion picture or still photographs of my or my child's likeness, poses, acts and appearances or the sound records made by [St George's, University of London] or my or my child's voice.
- The foregoing permission is given for the benefit of [St George's, University of London], the eViP consortium and any of its successors, assignees or corporations, to use, re-use, store, distribute present, assign and/or exploit any digital content involving the Undersigned, including photography, videos, recordings information and names.
 I do not consent to any of the the above photographs videos or recordings revealing my face.

(tick box if above applicable)

- 3. I understand that my participation is voluntary and that I have the right to withdraw permission at anytime, by providing written notice to the address above, without any penalties. In the case of withdrawal it may not be possible to recall any multimedia items that have already been shared or disseminated.
- 4. I have read this performer release and consent form carefully and fully understand its meaning and implications. I have had the opportunity to ask questions.

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Name of Participant	Date	Signature	
*Name of Person giving consent (if different from participant, e.g. Pare	Date	Signature	
Signed at the [e-Learning Unit at St G	eorge's, Universi	ty of London]:	
Name of staff	 Date	Signature	