







# Copyright

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## Legal Opinion

08.02.2016: Email from Louise Mansfield (Louise.Mansfield@pinsentmasons.com)

I have spoken to one of my IP lawyer colleagues about the copyright issue.

Essentially, anything produced by a third party will have copyright in it belonging to that third party. It doesn't actually have to say "copyright of ...." on it.

Given the email below, it seems that BHSEA can re-publish information from the HSE so long as it attributes it as being from the HSE.

It is possible, albeit perhaps unlikely, that if BHSEA published any other material belonging to a third party on the website, that third party could take action against BHSEA. The third party could sue for damages but is more likely to just ask for it to be taken down.

The only complete way to avoid any breach of copyright is to ask the third party to consent to BHSEA publishing the materials. If they agree, they can't then take any action for breach of copyright. This may however be unrealistic. BHSEA could put links to third party websites / documents – this would still technically breach copyright but is less likely to result in any action being taken than actually putting the entire document on the BHSEA website.

In terms of copying across images (such as the one from the Australian blog), the same rules above would apply. Obtaining consent is again likely to be unrealistic and given the risk of any action is low, I would say that using HSE (or other government or public sector) images may be better (given the email below) but if you really want to use others, the source should be named and we would just have to take the risk of action.

It is worth adding a clause to the website along the following terms to ensure BHSEA is not liable if any of the information is incorrect:

The content on our site is provided for general information only. It is not intended to amount to advice on which you should rely. You must obtain professional or specialist advice before taking, or refraining from, any action on the basis of the content on our site. Although we make reasonable efforts to update the information on our site, we make no representations, warranties or guarantees, whether express or implied, that the content on our site is accurate, complete or up-to-date. We will not be liable to any user for any loss or damage, whether in contract, tort (including negligence), breach of statutory duty, or otherwise, even if foreseeable, arising under or in connection with the use of, or inability to use, our site; or the use of or reliance on any content displayed on our site. Where our site contains links to other sites and resources provided by third parties, these links are provided for your information only. We have no control over the contents of those sites or resources.

Let me know if you need further information. Thanks Louise Mansfield, Associate for Pinsent Masons LLP

## 08.02.2016: Email from David Price, Starkey Safety Services Ltd.

starkeysafetyservices@virginmedia.com

..... at our local Church we have been advised to be very careful about using photographs and cartoons. Apparently other Churches have been using things taken from the internet on their Facebook, and Web Sites, and this has been noticed by the copyright holders/copyright enforcement lawyers, who then successfully took legal action. Charitable status was no defence, because charities have assets and are therefore worth suing.

The advice which we have received is essentially:

Check the copyright status of anything that is on the internet. There are some sites offering genuine copyright free materials.

- Check the Meta data that is attached to an image. Because it is through meta data that most owners assert both ownership and copyright.
- Just because it does not have a water mark, does not mean that it is 'free to use'. Because water marks can put potential purchasers off an image, they are often not used by vendors. Hence the importance of the legal warnings on the website and the meta data.
- The recent legal cases have had quite an impact, and our Diocese has instructed it's Churches to not use any internet images and in fact we now have a 'NAS box' and a set of volunteer photographers who take photos, give the copyright to the Charity/Church and place the photos in the NAS Box. The people who run the website, Facebook pages, magazines, etc., take images from the NAS Box first. If they can't find something suitable, then they contact the volunteer photographers and request a photograph.

I would suggest that, when it comes to copyright, legal advice is a good idea, as is keeping records of when copyright owners have given permission for you to use one of their images.



**07.02.2016: Email from George Allcock to The Office of Public Sector Information,  
Information Policy Team (PSI@nationalarchives.gsi.gov.uk)**

We are seeking permission to reproduce forms (and possibly other material) from HSE publication L23 - 'Manual Handling' for the benefit of our members and others who wish to improve the health and safety at work of their employees. The front cover and part of one of the forms are shown below.

We would also like to reproduce material from other HSE publications as and when suitable material is identified although we don't have any specifics in mind right now.

We are Birmingham Health, Safety and Environment Association (BHSEA) a registered charity whose 'objective' is:

**To promote the health, safety, welfare and wellbeing of working people and the organisations they work for by networking, sharing and learning, the adoption of good practice and continuous improvement.**

We aim to give our members and others not only information via talks and presentations - telling them 'what' - but also checklists, tools, techniques, forms and visual material to 'show them how'.

We try to make things simple, visual and practical since that is what people find most useful, particularly those in SMEs.

We seek to obtain such material by encouraging our members and others to freely sharing what they do and how they do it, and also from other sources such as the HSE and HSE publications.

I was recently at a presentation by the HSE, and Safety Groups such as BHSEA, what it seeks to achieve and how, appears very much in line with the new HSE Strategy and vision.

I look forward to hearing from you but if you require any further information please let me know.

Sincerely

George Allcock

Chair - Birmingham Health, Safety and Environment Association

Email: [george.allock@hotmail.co.uk](mailto:george.allock@hotmail.co.uk) Tel. 01564 703664 Mob. 07591518898

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**08.02.2016: Email from George Allcock to  
info@riskex.com.au, admin@safetyrisk.net**

I/we recently subscribed to Risk Safety Blog in order to join your health and safety sharing community and have access to what appears to be an excellent website / excellent material.

However at the bottom of an email / blog received today I see "**Copyright © 2016 Riskex, All rights reserved**" - see below.

We would like to be able to download some of the excellent articles, tools, techniques, forms etc etc from the website but are unsure whether and to what extent this is permissible. **Could you please advise.** We are Birmingham Health, Safety and Environment Association (BHSEA) a registered charity (not for profit) covering employers in Birmingham and surrounding areas in the UK. Our 'objective' is: **To promote the health, safety, welfare and wellbeing of working people and the organisations they work for by networking, sharing and learning, the adoption of good practice and continuous improvement.**

We aim to give our members and others not only information via talks and presentations - telling them 'what' - but also checklists, tools, techniques, forms and visual material to 'show them how' - the sort of things on '[Safetyrisk.net](http://Safetyrisk.net)'.

We try to make things simple, visual and practical since that is what people find most useful, particularly those in SMEs.

We seek to obtain such material by encouraging our members and others to freely share what they do and how they do it, and also from other sources such as the Uk Health and Safety Executive. In turn we freely share what we have.

I look forward to hearing from you but if you require any further information please let me know.

Sincerely

George Allcock Chair - Birmingham Health, Safety and Environment Association - etc



## Draft 'Copyright' email seeking permission to use material found on the internet

We are seeking your permission to download and use some of the excellent material we have seen on your website. In particular we would like to be able to use the item(s) shown below. If you are not the copyright owner perhaps you are able to tell us who is.

We are a charity (not for profit) based in Birmingham (UK) with the aim *'To promote the health, safety, welfare and wellbeing of working people and the organisations they work for by networking, sharing and learning, the adoption of good practice and continuous improvement'*.

We provide regular talks and organise health and safety events but have limited resources and rely on volunteers.

We obtain most of our material from members and others who freely share information including tools, techniques, forms, photos, examples of accidents, hazard spotting pictures etc.

We are also happy to share anything we have in the interests of improving the health and safety of working people wherever they may be. Our website: <http://www.bhsea.org.uk/>

We look forward to hearing from you but if you require any further information please let me know.

Yours sincerely

George Allcock, Chair - Birmingham Health, Safety and Environment Association

## Copyright request – wording for email

We believe you are or may be the copyright owner of ..... (*state what & / or attach an inline 'picture' immediately below the email*)

We would like to be able to download and include (*'this' or state what*) on our website and / or circulate via email (*state or what or say as shown below*) but are unsure whether and to what extent this is permissible. **Could you please advise.**

We are Birmingham Health, Safety and Environment Association (BHSEA) a registered charity (not for profit) covering employers in Birmingham and surrounding areas in the UK. Our 'objective' is: **To promote the health, safety, welfare and wellbeing of working people and the organisations they work for by networking, sharing and learning, the adoption of good practice and continuous improvement.**

We aim to give our members and others not only information via talks and presentations - telling them 'what' - but also checklists, tools, techniques, forms and visual material to 'show them how'.

We try to make things simple, visual and practical since that is what people find most useful, particularly those in SMEs / small businesses.

We seek to obtain such material by encouraging our members and others to freely share what they do and how they do it.

We have limited resources to produce material ourselves so rely heavily on what is available from others. We are more than happy to give recognition of the source for anything we 'use'. In turn we freely share what we have..

I look forward to hearing from you but if you require any further information please let me know.

Sincerely

Chair - Birmingham Health, Safety and Environment Association





## **Email to OSHA**

We are seeking permission to download some of the excellent articles, tools, techniques, forms etc etc from the OSHA website and include it in our own website, extract content from it and / or circulate via email but are unsure whether and to what extent this is permissible. Could you please advise.

We are Birmingham Health, Safety and Environment Association (BHSEA) a registered charity (not for profit) covering employers, employees and others in Birmingham and surrounding areas in the UK. Our 'objective' is: To promote the health, safety, welfare and wellbeing of working people and the organisations they work for by networking, sharing and learning, the adoption of good practice and continuous improvement.

We aim to give our members and others not only information via talks and presentations - telling them 'what' - but also checklists, tools, techniques, forms and visual material to 'show them how'.

We try to make things simple, visual and practical since that is what people find most useful, particularly those in SMEs.

We seek to obtain such material by encouraging our members and others to freely share what they do and how they do it, and also from other sources in the UK and elsewhere.

I look forward to hearing from you but if you require any further information please let me know.

Sincerely

George Allcock

Chair - Birmingham Health, Safety and Environment Association.

Email: [george.allock@hotmail.co.uk](mailto:george.allock@hotmail.co.uk)

Tel. 01564 703664 Mob. 07591518898

Website: <http://www.bhsea.org.uk/>

## Reply from OSHA (12/02/2016)

Mr. Allcock,

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OSHA developed these publications to keep employees safe at work, and they typically provide a general overview of a particular topic related to OSHA standards. We invite you to download the publications and share them with colleagues. When reproducing an excerpt or quote from an OSHA publication, source credit is requested (for example, "Information courtesy of the Occupational Safety and Health Administration (OSHA).")

We appreciate your inquiry.

## ***DRAFT Disclaimer for website etc***

(Louise Mansfield / Pinsent Masons – Feb 2016)

The content on our site is provided for general information only. It is not intended to amount to advice on which you should rely. You must obtain professional or specialist advice before taking, or refraining from, any action on the basis of the content on our site. Although we make reasonable efforts to update the information on our site, we make no representations, warranties or guarantees, whether express or implied, that the content on our site is accurate, complete or up-to-date. We will not be liable to any user for any loss or damage, whether in contract, tort (including negligence), breach of statutory duty, or otherwise, even if foreseeable, arising under or in connection with the use of, or inability to use, our site; or the use of or reliance on any content displayed on our site. Where our site contains links to other sites and resources provided by third parties, these links are provided for your information only. We have no control over the contents of those sites or resources.

*Need to add third-party copyright clause – see email from The Office of Public Sector Information*

## HSE: Copyright <http://www.hse.gov.uk/copyright.htm>

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