

# CONSTRUCT Policy on Copyright Infringement

## 1. Purpose

The purpose of this policy is to provide guidelines for our Trade Association (hereinafter referred to as "CONSTRUCT") regarding copyright infringement issues. This policy aims to protect the intellectual property rights of members, ensure compliance with copyright laws, and establish procedures for addressing and resolving copyright infringement claims.

CONSTRUCT is a trade association founded and funded by businesses operating in the concrete frame and groundworks industry. We work for the collective interest of our members and the industry, dedicating ourselves to fostering collaboration to improve health & safety, sustainability, and training in our sector. Through lectures, meetings, educational materials, and standards, we encourage collaboration. We also organise networking events such as golf days and our flagship event, CONSTRUCT Day. As a non-profit organisation, our primary goal is to support concrete frame and groundwork organisations, including contractors, suppliers, consultants, and industry associations, in conducting their business while meeting social and environmental objectives.

Membership in our trade association recognises you as a top professional in the concrete frame and groundwork sector. By joining CONSTRUCT, you demonstrate that you are a trustworthy organisation with a proven track record in the industry.

The membership of CONSTRUCT Concrete Structures Group is integral to our trade association and members must comply with established rules and procedures. As CONSTRUCT members, you are expected to uphold the highest standards, including compliance with copyright legislation as outlined in the Copyright, Designs and Patents Act 1988.

## 2. Scope

This policy applies to all members, employees, contractors, and affiliates of CONSTRUCT. It covers the use, reproduction, and distribution of copyrighted materials within the context of Association activities, including publications, events, and online platforms.

## 3. Definitions

- **Copyright:** The legal right granted to the creator of original works of authorship, including literary, artistic, musical, and other intellectual creations.
- **Copyright Infringement:** Unauthorized use, reproduction, distribution, or display of copyrighted materials that violates the copyright holder's rights.
- **Member:** Any individual or entity that is formally recognised as part of CONSTRUCT.

Copyright infringement occurs when a person or organisation uses, reproduces or distributes copyright-protected material without obtaining permission from the copyright holder. This includes but is not limited to technical designs, proprietary products, training materials and the like. This violates the exclusive rights granted to the copyright owner, which typically include the right to control the reproduction, distribution, and use of their work for a specified period.

## 4. Policy Statement

CONSTRUCT is committed to upholding copyright laws and respecting the intellectual property rights of creators. All members and affiliates are required to adhere to the following principles:

- **Respect for Copyright:** Members must ensure that any use of copyrighted materials complies with copyright laws and does not infringe on the rights of copyright holders.
- **Obtaining Permissions:** Prior written permission must be obtained from copyright holders before using copyrighted materials for Association-related activities.
- **Attribution:** Proper credit must be given to authors, creators, and copyright holders for their works when used by CONSTRUCT.

## 5. Procedures for Addressing Copyright Infringement

### 5.1 Reporting Infringement

- **Notification:** Any person who suspects copyright infringement has occurred within the scope of CONSTRUCT's activities should report the issue to the CONSTRUCT Council.
- **Information Required:** Reports should include detailed information about the alleged infringement, including the nature of the work, the location of the infringement, and any evidence supporting the claim.

### 5.2 Investigation

- **Initial Review:** The COUNCIL will conduct an initial review of the report to determine if there is a reasonable basis for the claim of infringement.
- **Resolution:** If the initial review indicates potential infringement, the COUNCIL will investigate further and may consult legal counsel to assess the validity of the claim and appropriate actions. The CONSTRUCT Council will work with the parties involved to resolve the matter, which may include negotiating a settlement, removing infringing content, or other remedies as appropriate.

### 5.3 Appeals

- **Appeal Process:** If any party is dissatisfied with the resolution, they may appeal the decision to CONSTRUCT's Executive Board. The Board will review the appeal and make a final determination.

## 6. Education and Training

- **Training:** CONSTRUCT will provide regular training to members, employees, and affiliates on copyright law and the importance of compliance.
- **Resources:** Educational resources on copyright issues will be made available through CONSTRUCT's website and other communication channels.

## 7. Compliance and Enforcement

- **Member Responsibilities:** Members are expected to comply with this policy and cooperate with CONSTRUCT's efforts to address copyright infringement.

- **Disciplinary Action:** Violations of this policy may result in disciplinary action, up to and including suspension or termination of membership, depending on the severity of the infringement.

### **7.1 How is copyright infringement usually dealt with?**

When copyright infringement is alleged or identified, the copyright holder can take legal action. This often involves seeking a court order to stop the unauthorised use (an injunction) and requesting monetary compensation for damages caused by the infringement. In addition, the copyright holder may be able to confiscate or destroy any infringing items. In some cases, a settlement may be reached outside of court, but formal legal proceedings are common when substantial harm is done.

### **7.2 What are the other consequences of violating copyright law?**

In cases where the infringement is criminal in nature and the severity of it justifies a custodian term, a copyright infringement can be treated as a criminal offence, leading to fines, legal fees, and even imprisonment, depending on the severity and nature of the infringement. Where the infringement is perpetrated by a “corporate body” any director, manager, secretary or other officer who consented to or connived in the committing of the offence will be guilty of the offence in addition to the body corporate itself.

## **8. Expectations for CONSTRUCT members**

CONSTRUCT members are expected to uphold the highest professional standards and ensure full compliance with the Copyright, Designs and Patents Act 1988. This includes respecting the intellectual property rights of others and ensuring all materials used in their work are either licensed to or owned by them.

## **9. What are the repercussions of noncompliance with the Copyright, Designs and Patents Act 1988 for CONSTRUCT members under the Articles of Association?**

Section 21 (page 13) of the [Articles of Association 2017](#) explains the criteria for the expulsion of a member, in brief, the Articles of Association state:

21.1 The Construct Council can terminate the Membership of any Member without their consent if:

- (a) They are guilty of conduct which has or is likely to have a serious adverse effect on CONSTRUCT or
- (b) They have acted or have threatened to act in a manner which is contrary to the interests of CONSTRUCT or
- (c) has failed to observe the terms of these Articles or the Rules.

Following such termination, the Member shall be removed from the Register of Members.

21.2 The notice to the Member must allow the Member to be heard in writing or in person as to why his membership should not be terminated.

21.3 A Member whose Membership is terminated under this Article shall not be entitled to a refund of any subscription or Membership fee.

## 10. Policy Review

This policy will be reviewed annually by CONSTRUCT's Co-Chairs to ensure its effectiveness and relevance. Any necessary updates or revisions will be made based on changes in copyright law or CONSTRUCT's needs.

## 11. Contact Information

For questions or concerns regarding this policy or to report copyright infringement, please contact COUNCIL via the General Manager Ian Burnett [ian.burnett@construct.org.uk](mailto:ian.burnett@construct.org.uk)