SCSC Working Groups Policy Rationale

1 Introduction

The SCSC supports and facilitates the Safety Community in the creation and operation of Working Groups (WG) to address areas of special interest to Club members. The purpose of these groups can be to share industry best practice, establish suitable work and research programmes, develop industry guidance documents and influence the development of standards.

The SCSC Working Groups Policy and Terms of Reference defines how SCSC Working Groups are expected to operate. This policy addresses three topics that may require further explanation in order for them to be fully appreciated.

It is important that future disagreements are avoided by each WG having a clear understanding about how it will operate and what agreements form the basis of WG member participation. The individual WG ToR record these details and the leader of each WG should get confirmation from the WG members that they, and their employers (if appropriate), agree to the ToR.

This rational provides explanation of the policy on Copyright, Licensing of IP and Liability that should be reflected in WG ToR.

1.1 Context

Working groups are loosely constituted groups of individuals who share an interest about a technical topic related to safety-critical systems. The SCSC provides an identity under which a WG can operate and mechanisms by which the outputs from a WG can be disseminated.

Although WG members are individuals many of them will also be employees of a company or members of another organisation. Most WG members are therefore representing both themselves and their employers and there is a need to ensure that the WGs operate in a way that does not create unreasonable risk for any party.

2 Copyright

The SCSC CIC is now a legal entity but does not hold the copyright of works produced by the WG. There should be no statement of copyright in WG outputs, so that by default the copyright in works produced by a WG belongs jointly to the authors or their employers[1].

[1] Although it might be possible to transfer the copyright to a single person or other legal entity this would be a difficult and tortuous process requiring agreement between each individual or employer and the copyright holder. This could also lead to having different agreements for different parts of, or contributions to, a WG output.

Legal advice has been received indicating that the best and least problematic approach is to 'say nothing about copyright' and for each WG output to be classed as a joint work with each WG member being considered to have had an equal contribution. Under this approach:

- Each WG member or company has equal shared rights over the work.
- Providing the WG operates under a ToR that defines how the outputs are to be used, and each member agrees to the ToR, no party can prevent the WG from publishing its work.
- Each WG member or company automatically retains rights to use and adapt the published work.
- No part of any work is attributable to a single author or subset of authors.

Although this approach means that the outputs from WG activities would not carry an explicit copyright statement it is recommended that each significant output contains list of WG members and their employers or sponsors. This listing may contain text indicating that these authors are also joint copyright holders. Also, any individual or company should have the right to be removed from the list if they wish.

3 Licencing

One of the purposes of the WG is to share best practice. This is most successfully achieved by making the outputs from WG freely available for use and reuse. The SCSC policy is to not place restrictions on the Intellectual Property created by the WGs.

The SCSC and WGs have no desire to restrict use of the outputs but where they are used or reused the SCSC and the WG should be identified as the source.

It would be possible for the SCSC or a WG to write an informal licencing agreement covering use of WG outputs but existing 'open software' licences exist that will meet the requirement. It is therefore recommended that all significant WG outputs are released under the Creative Commons Attribution licence (CC BY 2.0 UK).

Licencing use and reuse in this way does not prevent the authors from using the material in any way they wish but it does prevent the work from being 'stolen' and passed off as the work of others.

4 Liability

The outputs from WG activities have the potential to create opportunities for liability claims.

Whilst it is unlikely that such a claim could be made, all WG outputs should be covered by a liability disclaimer. Legal advisers have provided the liability disclaimer text that is given in the WG policy document but this may not satisfy the requirements of all WG members or, more likely, their employers.

The members of a WG may feel that their work is of great value and worth presenting as something more authoritative than guidance on best practice. However it is important that any decision by a system developer or operator is based on their own evaluation of the relevant issues. Guidance produced by a WG should always be presented as advisory as an aid to decision making.