Proprietary Names and Works

This section considers scope as it relates to the incorporation of proprietary names (e.g. brand names of drugs, devices, clinical forms or tools) into SNOMED CT.

Brand name of drugs and devices

Proprietary names are the names that have been assigned to products, usually drugs and devices, by their corporate producers. They do not require a license from the producer. It is both necessary and useful to include proprietary names in a health terminology. SNOMED International does not need to obtain the permission of the trademark owner simply to include a reference to the brand name drug in SNOMED CT. However, they should not be included in the International Release but instead in National Extensions. This is because proprietary names may refer to different products depending on the country and the meaning of these names are dependent on the country or jurisdiction in which the product is approved.

Clinical forms, tools, or assessment scales

The owner of a form or tool may be an individual or organization that created it; the healthcare organization that employed the individual; or it may be a commercial organization to whom the creators assigned their intellectual property rights. In incorporating the name of a clinical form or tool (e.g. the XYZ Test (staging scale) or the name of the score generated by a form or tool (e.g. the XYZ Test Score (observable entity))) into SNOMED CT does not require a license from the owner. Reference to the owner of a clinical form or tool loosely refers to the person or organization that owns the intellectual property rights of the form or tool. This may be the individual or group that originally created the form or tool, the organization that employed the creators, or a commercial organization to whom the creators assigned their intellectual property rights. It is possible that the owner holds a trademark (which may be registered or unregistered) representing the name or score, but simply incorporating that word into SNOMED CT does not infringe on the trademark.

Concepts representing questions, answers, or scores

A concept may be introduced into SNOMED CT that represents the text of questions, answers, or scores. For example, a form may include a question about a person’s ability to dress and a range of possible answers. SNOMED CT may incorporate neither the text of the question nor any of the possible answers, but instead may incorporate a concept such as ability to dress. Similarly, if the form contains 20 questions, SNOMED CT may want introduce 20 concepts, for XYZTest_Result1, XYZTest_Result2, etc. to XYZTest_Result20.

The incorporation of a single concept into SNOMED CT, based on a question, answer, or score on a clinical form is highly unlikely to infringe on the copyright. However, if SNOMED CT systematically introduces a concept for every single question on a clinical form, it is likely to infringe on the copyright.

These concepts (e.g. ability to dress) may already exist in SNOMED CT, or they may be added in other contexts (This does not apply to concepts that represent specific questions within a form). This is unlikely to result in a copyright infringement.

Questions

A clinical form or tool, including the wording of the individual questions within the form or tool, is generally a literary work and qualifies for copyright protection (except in the case of the simplest of forms). The copying of all or any substantial part of a literary work, without a license from the owner, infringes on the copyright.

Answers

Certain questions may have a range of pre-determined answers. This could be as simple as Yes/No or a number within a specific range, but may also be more substantial (e.g. needs help cutting, spreading butter, etc., or requires modified diet). Incorporating very simple answers into SNOMED CT does not require permission. However, incorporating more substantial textual answers into SNOMED CT generally infringes on the copyright. This usually does not apply to individual answers, but it almost always applies when entire sets of answers are incorporated.

Scores

The principles that apply to individual answers also apply to the overall score generated by a clinical form or tool. The incorporation of numbers does not infringe on the copyright. However, when each possible score has an associated textual description and all possible scores and descriptions are incorporated into SNOMED CT, a license is required.
For example,

- 443807003 | EuroQoL five dimension questionnaire (assessment scale) is a SNOMED CT concept. However, these scores are subject to copyright protection, therefore cannot be added to SNOMED CT:
  - EuroQol Five Dimension (youth) doing usual activities score
  - EuroQol Five Dimension (youth) feeling worried, sad or unhappy score