

## Steve Kopko

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**From:** Dana Booth  
**Sent:** Monday, December 14, 2020 12:42 PM  
**To:** Amy Palmer  
**Cc:** Steve Kopko; Diane Corey  
**Subject:** Can we move forward? HAMD 17

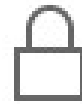
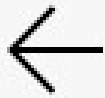
Hi Amy,

I believe we can still move forward with our public domain version of the HAMD 17, but I would like to get your input.

We found out the other day that Wiley has a copyrighted HAM-D, but I believe that it is a copyright for their version, not all versions. (Just like British Association of Dermatology has a copyrighted version of the PASI, but there is still the public domain version out there. They're not the only ones to take a public domain instrument, modify as they want and slap their copyright on it.) Here's what I've done to check the Wiley version out. I purchased on-line access to what I thought was the CRF, but the Wiley access that I purchased gave me on-line access to a 1-page article, not the instrument:



Mail - Dana Booth -



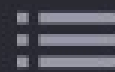
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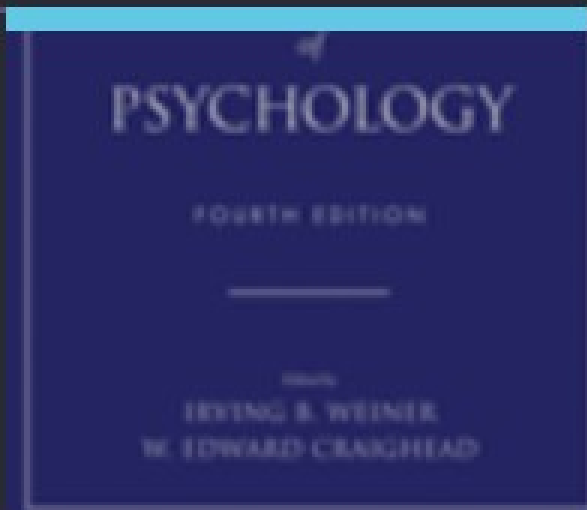
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**INFO**



**OUTLINE**



The good news is that I see two things of use:

1. It notes that each item is rated 0-4 or 0-2 and the 0-2 items are rated as either probably or definitely present.
2. "Hamilton provided brief descriptors of the anchor points, but no probe questions, in the expectation that the information would be gathered during the normal course of an unstructured clinical interview."

To the first point, our HAMD 17 does not score the 0-2 items with probably or definitely present. To the second point, it does confirm what we've seen, that there are many versions out there, and it shows no indication that Wiley now has exclusive copyright to all HAMDs. I think they've just made their own which is copyrighted and that we're still ok to go forward with what we have. Steve and I also both checked the US Copyright Office registration of copyrights after 1978 and there isn't one for the HAMD; anything prior to that would have to have the copyright symbol on it.

I think we should document the concern when we found out there was a Wiley copyright for a HAMD and document that we have used due diligence and don't believe our version is infringing upon their version. As long as we document this, we should be ok.

Can we move forward? We've had terminology out there for years; we're just trying to get the supplement done and to the FDA to look at.

Thanks,

**Dana Booth | Project Manager, Foundational Standards | QRS Co-lead**



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