

Copyright Handbook for *Educational Sessions*

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All ASHP presenters must agree to the following statement:

"I have the full authority to enter into this agreement and will obtain all necessary copyright permission or licenses from any individuals or organizations whose material is included or used in my presentation. I agree to indemnify and hold harmless ASHP against any claims, losses, expenses or damages that may be incurred by ASHP as a result of my presentation. In particular, I agree that the use of any materials prepared by me will not expose ASHP to liability for breach of confidence for infringement of copyright or similar liability."

COPYRIGHT PERMISSION

What's all this about copyright permissions?

Copyright is complicated and many people do not understand its legal ramifications. In fact, many people violate copyright law almost daily in their work.

If you use someone else's work by photocopying and distributing journal articles in your office, use charts and graphs in slides and handouts, and use photos, logos, music and video clips without permission, you are probably violating copyright law.

So, what is copyright?

Copyright is protection provided by the U.S. government to the authors of original works. It is unlawful for anyone to violate any of the rights provided by copyright law to the owner of the copyright.

As a presenter, you have a **personal, legal, and ethical responsibility** to the copyright holder to be

compliant with copyright law. By complying with copyright law, you are demonstrating respect for other's property, ensuring the integrity of their work will be maintained, and ensuring that you are not subjecting yourself and others to potential legal action.

Aren't ASHP meetings considered "Fair Use"?

Fair use recognizes that certain uses of other people's copyright-protected works do not require the copyright holder's authorization. In these instances, it is presumed the use is minimal and it does not interfere with the copyright holder's exclusive rights.

Fair use is primarily designed to allow the use of the copyright protected work for commentary, parody, news reporting, research, and education. However, fair use is a "legal defense." For example, if you use a copyright-protected work and the copyright owner claims copyright infringement, you might claim a fair-use defense, but you would have to prove it.

ASHP uses the generally recognized rule of thumb regarding copyright:

"When in doubt, obtain permission."

JUST BECAUSE CONTENT IS MADE AVAILABLE PUBLICLY DOES NOT MEAN THAT IT IS IN THE PUBLIC DOMAIN.

I want to use a photo from a website (e.g. Google Images) and don't see any copyright mark-does that mean it is in the public domain and I can use it?

The public domain comprises only those works that are either no longer protected by copyright or never were.

Public domain materials generally fall into one of four categories:

1. Generic information, such as facts, numbers, and ideas.
2. Works whose copyrights have lapsed due to the passage of time or the failure of the copyright holder to renew a registration (a requirement that applies to works created before 1978).
3. Works created prior to March 1989 that failed to include a proper notice of copyright.
4. Works created by the U.S. federal government.

Also, in some cases, works may be "dedicated" (donated) to the public domain.

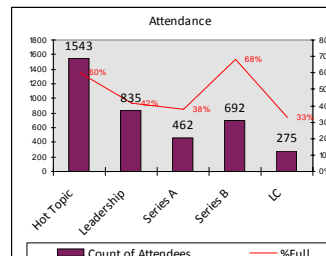
You also do not need to obtain copyright releases from ASHP -- since the information is being used in another publication of the society

In addition, you must also consider other forms of legal protection, such as trademark or patent protection, before reusing third-party content.

What are some other examples of when I may not need to obtain permission?

1. Is the information considered common knowledge or standard of care from multiple sources? If so, copyright release does not need to be obtained.

Example: a particular therapeutic regimen plus dosage adjustments that appears in multiple sources and is considered standard of care. However, **if a table/chart is used** to demonstrate/illustrate such information and is easily recognizable as coming from a particular source, then a copyright release needs to be obtained.



Adapted with permission, M. Abalos – ASHP – 2009

Most tables / charts from studies require copyright permission.

2. If you have combined tables from multiple sources, cite the particular sources with the phrase "Adapted from _____."
3. If you excerpt information from a table, chart, or graph, it is generally acceptable to cite the particular source with the phrase "Adapted from _____." However, **if the table is still easily recognizable as coming from a particular source**, then a copyright release needs to be obtained and the citation should say "Adapted with permission _____."

Where can I find images that do NOT require copyright permission?

Most images appearing on government websites (those ending in ".gov") are within the public domain and therefore royalty-free. Of note, NOAA has many images within its website.

Another way is to by searching the web using a search engine and keywords "royalty-free images".

The bottom line:

Almost all content produced today is protected by copyright law.

From both a legal and ethical standpoint, you need permission of the copyright holder before you use copyright-protected material.

OBTAINING PERMISSION

How can I get permission to use something?

Getting permission is not necessarily a Herculean task. All journals have permissions departments; contact information is usually provided on the inside cover of journals or texts. On websites, look for the Terms and Conditions. There are also copyright clearance centers which can assist you.

You may be able to get permission to use the work for free; just be sure to accurately explain how the work will be used. In some cases, there will be a fee for permission to use.

At this time, ASHP cannot reimburse presenters for copyright permission costs.

Dear Sir/Madam:

I am writing to request permission to use the following material:

[list citation here]

These materials will be used in my presentation slides at the American Society of Health-System Pharmacists 2009 Midyear Clinical Meeting & Exhibition. This educational meeting is expected to draw approximately 20,000 pharmacists; my presentation is expected to draw under 1000 participants.

My slides will be reproduced on handouts available for download online to registered attendees. In addition, an audio-synched version of my presentation will be made available for download following the meeting for a fee.

Please indicate below your willingness to allow me to use this work. In concert with the educational nature of the intended use, I respectfully request that copyright permission fees be waived. I would appreciate hearing your response by _____. You may reply to _____@_____ or contact me by phone at _____. Thank you in advance for your consideration of this request.

Sincerely,
John Doe, Pharm.D.

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