

ASHP Presentations and Copyright Law Frequently Asked Questions

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."

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

Just because content is made available publicly does not mean that it is in the public domain.

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.

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

How can I get permission to use something?

Getting permission is not necessarily a Herculean task. On websites, look for the Terms and Conditions. All journals have permissions departments. 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. More information can be found in the **ASHP Presenter's Handbook on Copyright Permission**, along with a sample copyright permission request letter. In some cases, there will be a fee for permission to use. At this time, ASHP cannot reimburse presenters for copyright permission costs.

The bottom line is that almost all of the content produced today is protected by copyright law. From both a legal and an ethical standpoint, you need the permission of the copyright holder before you re-use copyright-protected material.

For more information:

United States Copyright Office
<http://www.copyright.gov/>

(Note: providing this link is not a violation of copyright law, since this is a government link and is in the public domain.)

Copyright Clearance Center

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