

## APTA Basic Copyright Information

### Tip Sheet on How to Properly Secure Copyright Permission from a Publisher

- 1) Identify the copyright owner.
- 2) Identify the publisher's method of requesting permission (electronic form, email).
- 3) Identify material being used (publication, article title, authors, year, volume, page numbers, figure/table numbers, if applicable).
  - a) Many publishers outsource permissions to companies like RightsLink, Science Direct, or Copyright Clearance Center—electronic or they manage permissions in-house.
  - b) Requestor will find the article online and click on the permissions request which will go to the permissions office or vendor.
- 4) Identify specific use (print, online, seminar, presentation, classroom education, personal - is a fee going to be charged for use).
- 5) Identify intended audience and demographics. Include the approximate number of people that will be viewing the material and, in the case of Web use, how long the material will be posted online. Note that some electronic forms don't require this, but be prepared in case they do. Always include it in an email or letter request.
- 6) Don't wait until the 11<sup>th</sup> hour to request permission—it could take many weeks or more to hear back.
- 7) Be prepared to pay fees (most publishers require credit card payment but some will invoice).
- 8) Read the copyright disclaimer and comply with it.
- 9) Make sure proper attribution is given to the copyright owner.
- 10) Keep and file copyright letter or statement from publisher as proof in case there is a question later on.

## Copyright Do's and Don'ts:

- 1) **Do** familiarize yourself with US Copyright Law (17 United States Code), <http://www.copyright.gov/title17>.
  - a) Note Section 107: Fair Use; Section 109: First Sale Doctrine; Section 110(1): Performance and Displays in Face-to-Face Teaching; Sections 110(2) and 112(f): Distance Learning.

Additional information may be found in Copyright Basics (Appendix A).
- 2) **Do** investigate the copyright status of each item you plan to digitize, duplicate, or use. If you determine that you do have the rights to make the reproduction, such as a document in the Public Domain (see # 3 below), keep a record of your analysis in case your decision is questioned or challenged later.
- 3) **Do** feel free to digitize or duplicate materials in the Public Domain, i.e., works not protected by copyright. Such materials include works of the US Government; works published before 1923; and, works for which an original term of copyright was not renewed.
- 4) **Do** keep current on developments and changes to US Copyright law, including congressional acts and new court cases.
- 5) **Don't** ignore copyright law. If you commit copyright infringement, you could be liable for statutory damages ranging upwards to hundreds of thousands of dollars.
- 6) **Don't** assume that all reproduction or reuse is permissible because the use is "educational" or "not-for-profit".
- 7) **Don't** confuse copyright with other types of rights that can also be restricted including intellectual property rights such as trademarks and patents, privacy rights, and rights protected under contract law such as trade secrets.
- 8) **Don't** assume that permission for one set of circumstances applies to everything you want to do. Permission is granted for one-time use only and you must request it again for another use.
- 9) Include copyright permissions at end of presentation for any specific materials you need to gain permissions for. On all slides referencing copyrighted material, include a note stating you have permission to reuse the material.

**When in doubt, always ask!**

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## Author Worksheet: Copyright Permissions Checklist

Use this form as a checklist to secure permission for use of articles in your course. Duplicate it as many times as you need to track all of the material you will have to obtain permissions for. Refer to the contract you signed with APTA to determine the terms of use needed for obtaining permissions for creative works used in the course.

Presentation Title:

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Material:

Source (Location):

Cost to obtain article:

Owner (s):

Territory:

Cost of copyright permission:

Written approval obtained:

License/release obtained:

Copyright permission statement to Learning Center for posting:

**Notes**