

		<div>American Pediatric Surgical Nurses Association Inc. <i>Safety and Excellence in the Surgical Care of Children</i></div>	
		POLICY AND PROCEDURE	
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STATEMENT OF POLICY: The American Pediatric Surgical Nurses Association, Inc. (APSNA) respects intellectual property and has made it a priority to ensure all members and users respect the copyrights of others. APSNA encourages the creation and publication of scholarly, technical, literary and artistic works as part of its mission and vision.

Purpose: The purpose of this policy is to provide good administrative guidance on copyrightable works and ownership and to comply with the copyright laws. Copyright infringement through inappropriate copying or distribution of copyrighted content is a personal as well as an organizational liability and may subject the infringer to civil and criminal penalties.

Defined: These guidelines answer some of the most common questions about copyright. They are not intended to be comprehensive, nor are they intended as legal advice or as a substitute for legal advice. Additional information about copyright can be found at the United States Copyright Office:
<http://www.copyright.gov/circs/circ01.pdf>

What Works May Be Copyrighted?

Most people associate copyright protection with books, articles, poems, and other written materials, but copyright laws also protect all other “original works of authorship,” including music, lyrics, sound recordings, photographs, sculpture, artwork, graphics, cartoons, charts, movies, web site information, and videos.

A common misconception is that material posted on the Internet is “public property” and may be downloaded, printed, and reused by anyone who chooses to do so. This is not true. Copyright laws cover web sites, web pages, and web content. Unless the notices posted on the web site clearly provide otherwise, you must obtain permission from the copyright holder before using any material obtained from the Internet in your presentation or handouts.

What Is A Copyright?

The term “copyright” actually refers to five rights that, by law, belong exclusively to the copyright owner. The copyright owner has the exclusive right to

- **Copy** the work;
- **Adapt** or **modify** the work (for example, to prepare a translation or an abridged version);
- **Distribute** the work to others;

- **Perform** the work publicly (for example, to read a poem or perform a piece of music for an audience); and
- **Display** the work publicly (for example, as part of a PowerPoint® presentation).

If There Is No Copyright Notice, Can I Assume Material Is Not Copyrighted?

No. You should assume that any material you did not create is copyrighted, even if you do not see a copyright notice.

A common misconception is that material is copyrighted only if the author includes a copyright notice. In fact, the copyright notice has nothing to do with creating the copyright. Copyrights are created by law—automatically. As soon as an original work is fixed in a “tangible form,” it is copyrighted. In other words, as soon as a work is written down, keyed in, drawn, painted, recorded, videotaped, or captured by some other means, copyright law protects it. If you doodle on a piece of paper, you will own the copyright in your doodles before you put down your pen.

Copyright notices do serve many functions. Among other things, they identify the copyright owner so that no one has any excuse for using the copyrighted material without permission.

How to Seek Permission

The first step is to find out who owns the copyright in the material you want to use. This is not as easy as it sounds, because often more than one person owns rights to the material. For example, if the item is a song, one person may have written the music and another person may have written the words.

Fortunately, most of the material you will want to use will be taken from books, magazines, newspapers, and web sites. Books, magazines, and newspapers will usually have copyright notices, and the notice itself will probably tell you whom to contact. If there is no notice, you should contact the publisher, or if there is no publisher, the author or illustrator identified on the work. If you want to use material that is posted on the Internet, you should look for a publisher’s or owner’s name in a copyright statement on the corresponding web page, and if none exists, read the on-line legal notices to find out who owns the content published on the web site and how to contact them. Often, there is a specific section within the “terms of use” or behind the copyright notice on the home page that will tell you whom to contact. If you can’t find the information you need, contact the owner of the web site. Most web sites have a “contact us” e-mail link that you can use for this purpose.

If you intend to use the copyrighted material in connection with a presentation or other material prepared for APSNA, you must obtain permission (also known as a “license”) sufficient to allow APSNA to use the copyrighted material in the manner contemplated under your agreement with

APSNA. Please review your agreement carefully and use the [consents/forms](#) found on the APSNA Website when you request the license. Finally, you need to be aware that special rules apply to photographs. In addition to getting permission from the photographer or the current owner of the copyright, you must get permission from any models who appear in the photograph (unless the photographer has already done so and has the right to pass their permission on to you) and from any private individuals who appear in the photograph, even if they are members of your staff. If you cannot find the individuals in the photograph, you should consult with counsel or alter the photograph (but only with the copyright owner’s permission) so that the individuals cannot be identified.

Exception to Exclusive Rights: Fair Use

In certain limited situations, you may not need to seek an author or owner's permission to use copyrighted work because the "fair use" exception applies.

"Fair use" is a concept created under the Copyright Act. It provides an exception to the exclusive rights granted to copyright owners. Fair use allows the copying of a work, if the purpose of the copying is for criticism, comment, news reporting, teaching, scholarship, or research.

PROCEDURE:

I. Website Copyright

Unless otherwise noted, all content on the APSNA web site, including images, text, graphics, video and audio, is the property of APSNA. Redistribution or commercial use without the expressed, written permission of APSNA is prohibited. For information on usage rights, contact the [APSNA Secretary](#).

II. Publication Copyright

For information regarding copyrighted materials related to the *Journal of Pediatric Surgical Nursing*, please refer to the JPSN website under [Journal Information and Rights and Permissions](#).

All content in [archived Sutureline and JPSN publications](#) is the property of APSNA and redistribution or commercial use without the expressed, written permission of APSNA is prohibited.

III. Annual Conference Presentations

Keep these guidelines in mind when preparing PowerPoint® presentations, visual aids, or handouts for any speeches or presentations on behalf of APSNA. In particular, always obtain permission before using material created by other people, even if you do not see a copyright notice on the material. If you copy, display, or distribute copyrighted material without permission, you will be violating United States copyright laws, and you may be liable for significant damages. Any questions regarding this are to be submitted to info@apsna.org

IV. Patient and Family Teaching Sheets on the APSNA Website

- A. The APSNA Patient and Family Information Sheets can be made available to patients without any need to obtain copyright permission.
- B. Requests for reprinting, revisions, additions, and or usage outside of reproducing and distributing the current, revised or new APSNA Patient and Family information teaching sheets to your surgery families requires copyright permission from the APSNA Director of Education at info@apsna.org.
- C. Any additional questions regarding these sheets, including the revision of or addition to them, should be addressed to the Director of Education: info@apsna.org
- D. The APSNA Patient and Family Information Sheets should be labeled "Copyright American Pediatric Surgical Nurses Association, Inc. 20XX."
- E. The original teaching sheets produced in conjunction with Jones & Bartlett Learning, LLC were retired in 2017. Any information regarding copyright of these sheets need to

be referred to Jones & Bartlett Learning, LLC. APSNA no longer supports the continued use of these retired and outdated sheets.

V. Educational Web-Series

- A. Authors are to follow these guidelines when preparing Webinar PowerPoint® presentations on behalf of APSNA. In particular, always obtain permission before using material created by other people, even if you do not see a copyright notice on the material. If you copy, display, or distribute copyrighted material without permission, you will be violating United States copyright laws, and you may be liable for significant damages. Any questions regarding this are to be submitted to the Director of Education at info@apsna.org
- B. Educational content is for the consumption of the purchaser only.
- C. All content in the Web-Series is the property of APSNA and redistribution or commercial use of any portion of the Presentation without the expressed, written permission of APSNA is prohibited.

VI. Position Statements

- A. Authors are to follow these guidelines when preparing Position Statements on behalf of APSNA. In particular, always obtain permission before using material created by other people, even if you do not see a copyright notice on the material. If you copy, display, or distribute copyrighted material without permission, you will be violating United States copyright laws, and you may be liable for significant damages. Any questions regarding this are to be submitted to the Director of Practice and Quality info@apsna.org. More information can be found in the [Policy for Position Statement](#) Approval.
- B. Informational content is for the consumption of the APSNA member only.
- C. All content in the Position Statement is the property of APSNA and redistribution or commercial use of any portion of the Presentation without the expressed, written permission of APSNA is prohibited.