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.

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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.

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