DEFINITIONS

What Is Intellectual Property and Copyright?

Intellectual property (IP) is a category of property that is used to refer to “intangible creations of the mind” commonly called “creative works” or “ideas” (e.g., copyright and patent laws).

Copyright is a legal protection that protects the ownership of a creative work.

- The holder of the copyright has the exclusive right to produce, publish, sell, or distribute (i.e., share a re-creation of) the content.
- Copyright is applied automatically to new creative works, including those published in print or online.
- The copyright is often owned by the “original creator” of the content. The original creator is the person or group that first produced or created the content.
- If you wish to use copyrighted content, you must obtain permission from the party who owns the copyrights. Often, this party is the original creator. See the Permissions section of this document for more detail.

A creative work is any original content, including, but not limited to, the written word (e.g., news articles, blog posts, and social media posts), images (e.g., photographs, stock images, images found via an internet search engine), artwork, videos (e.g., commercials and news segments), and infographics (e.g., charts and/or graphic representations of data or statistics).

What Is Fair Use?

Fair use is a legal defense against copyright infringement under the laws of the United States that permits limited use of copyrighted material without the copyright owner’s permission. It applies commonly to news, parody, and public education. It does not apply in commercial settings.

AIHA will be selling the materials you provide to us. Therefore, fair use does not apply to any of the content you provide to us unless otherwise stated.

What Is the Public Domain?

The public domain consists of the creative work to which no exclusive intellectual property rights apply. Those rights may have expired, been forfeited, expressly waived, or may be inapplicable. There are many sources of public domain content. For example, works created by the United States government are considered public domain by default.

You do not need to obtain permission to use or share public domain content. However, it is always best practice to cite any content that you use.

Note: The public domain is part of United States law. If using the same content in other countries, different permissions may be required. Always check your local law.
Copyright Guidance

GUIDELINES

Best Practices

1. Assume anything you find on the internet is copyrighted, unless otherwise stated.
2. Use public domain content whenever possible.
   - See Sources for Content in the Public Domain
3. Gain permission to “use and distribute” copyrighted works “in perpetuity” from the original creator. You may need to pay for this permission.
   - See How To Obtain Permissions
4. Cite sources clearly and carefully in addition to obtaining permission or using public domain content.
   - See Correct Citation Practices.
5. You are not required to obtain permission to link to copyrighted material as long as the following rules are also followed:
   - The link must be directly to the original creator and copyright holder and not framed in your own website or linked through a third party.
   - You may not display the work itself in any way without obtaining permission.
   - The citation guidelines are also followed.

Permissions

If you wish to use copyrighted content, you must obtain permission from the party who owns the copyrights. Often this party is the original creator.

Sometimes the original creator can assign the copyright to a third party or has created a work for their employer in their official capacity as an employee. In these cases, it will be necessary to obtain copyright permission from those third parties or employers.

When to Obtain Permissions

- If you helped create the content, but it was published by someone else, you may not have permission to redistribute the content. Obtain permission from the publisher.
- If you are using any copyright-protected creative work, including an image or video, that you do not own, you must obtain permission from the original creator or copyright holder before using it.
- If you cannot obtain permission to use content because the copyright holder was unresponsive or you cannot find the original source, you must find a rights cleared alternative to that content (e.g., content in the creative commons, public domain, or content to which you can obtain permission from the copyright holder).

How to Obtain Permissions

Many organizations have processes you can go through to obtain or pay for permission to use and distribute copyrighted works. Look for a section of their website called licensing, copyright, terms of use or service, or their legal department. If none of these are available, use whatever “contact us” feature is available.

All permission must be obtained in writing (i.e., email, contract, letter, etc.). Keep written records of any permissions you obtain and provide those records to AIHA.
Copyright Guidance

Your request should include, in writing:

- How the work will be used (e.g., in a webinar, book, recorded video, etc.).
- How many people it will be distributed to (provide a rough estimate, rounding up).
- A request to grant AIHA the right to use and distribute the content in perpetuity in order to prepare your materials for resale.

Citations

AIHA requires that you cite all content, including copyrighted works, works in the public domain, and any works you are the legal copyright holder of.

- Always cite the source of your content in addition to obtaining permission.
- The citation must be clear and legible the entire time, every time the creative work is shown.
- If you are the copyright holder, cite the content as if it were from a third party source.
  - Include the publication where it was published, if relevant.
- Cite public domain materials the same way you would cite copyrighted materials.
- Provide a resources page at the end of your presentation with links to all your sources.

Correct Citations:

A correct citation should provide as much information as is necessary for others to find the material on their own. Therefore, you should include as much of the following as is relevant:

- A copyright disclaimer indicating you do not own the content.
  - E.g., “this image used courtesy of...,” “this copyright belongs to...,” etc.
- URLs for resources that are freely available online.
  - This URL should be a link to the original source, not a recreation.
- The title and/or name of the content (where available).
- The name(s) of any individual(s) that contributed significantly to this work: authors, artists, etc.
- The name of the publisher, source, or publication, whichever is the most relevant.
- The date the item was published or copyrighted.
  - If not available, provide the date you last accessed the content.

When obtaining permissions or using works under Creative Commons licenses, the original source may tell you how to cite their content. Always follow the source’s guidelines, when provided.
Public Domain Resources

You do not need permission to use public domain content. Remember, this is a U.S. law.

A few resources for public domain content are listed here for your reference:

- Most content produced by the federal government of the United States is public domain. The U.K. has a similar law called the “open government license.”
- Every book and tale published prior to 1926 is in the public domain.
- Microsoft PowerPoint Icons are all in the public domain.
- Project Gutenberg is a library of over 60,000 free ebooks, all in the U.S. public domain.
- Unsplash provides public domain stock images and icons.
- Internet Archive is a nonprofit library of millions of free books, movies, software, music, websites, and more. Always check the copyright info on these resources.
- Wikimedia Commons images and graphics are either public domain or will tell you how to credit the original creator. Check the “licensing” section of the image page.