

## Copyright Guidelines and Patient Protected Health Information

### Copyright Guidelines

It is not uncommon that copyrighted materials be included in educational materials. Although selected use of limited portions of copyrighted materials of others may be permissible under copyright law, it is the policy of The Doctors Company to exercise the utmost effort to respect the proprietary rights of researchers, authors, creators, and artists in our continuing professional education sponsored activities. Therefore, the following guidelines apply to all educational materials:

- The materials will be used for educational purposes only
- There will be no commercial use or commercial reproduction of the educational materials
- All intellectual property and copyrights are retained by the author and/or copyright owner and are not transferred to The Doctors Company
- All copyrighted material (including photos and illustrations) used in educational materials must be appropriately cited and referenced
- Proper citation, referencing, copyright permission (including associated costs) are the responsibility of the faculty member and planners

### Fair Use Provision of the Copyright Law

The copyright fair use provision explicitly provides for educational use of copyrighted material in a live educational setting. Additionally, fair use allows for inclusion of copyrighted materials in enduring materials (on-demand programs, handouts, syllabi, etc.) *when such materials are being used to support the educational process and distribution is restricted to the learner audience as long as the original work is appropriately cited and referenced.*

The copyright fair use provision explicitly provides for educational use of copyrighted material in a live teaching or classroom setting. Additionally, fair use allows for inclusion of copyrighted materials in enduring materials (handouts, website, flash drive, syllabi, etc.) *when such materials are being used to support the educational process and distribution is restricted to the learner audience.*

### Permissions to Include Copyrighted Materials

Faculty and planners are responsible for assessing whether fair use applies. If it does not, it is the faculty and planners' responsibility to acquire and document the necessary permissions. Additionally, non-published or preliminary data (not owned by the presenter) cannot be presented without written permission of the primary investigator who owns that data. Although not required at submission of materials, the faculty or planners must be able to produce the written permissions upon request.

### Patient Protected Health Information

Faculty and planners are responsible for ensuring that no patient Protected Health Information is included in the submitted educational materials without the patient's written permission, or that such materials have been thoroughly de-identified. Although not required at submission of materials, the faculty or planner must be able to produce the written permissions upon request.