**Copyright Guidelines**

It is not uncommon that copyrighted materials be included in educational materials. Although limited use of limited portions of copyrighted materials of others may be permissible under applicable copyright law, it is the policy of Boston Children’s to exercise the utmost effort to respect the proprietary rights of authors and other creators of medical education works in Boston Children’s 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
* Access to materials will be restricted to meeting participants and Boston Children’s organizational staff only
* All intellectual property and copyrights are retained by the author and/or copyright owner and are not transferred to Boston Children’s or any third party
* All copyrighted material used in educational support materials must be appropriately cited and referenced
* Proper citation, referencing, copyright permission (including associated costs) are the responsibility of the faculty member

**Fair Use Provision of the Copyright Law**

In most cases, fair use provisions of the copyright law allow for limited copying or distribution of published works without the author’s permission. There are no explicit, predefined, legal specifications of how much and when one can copy. However, if the following are true, then fair use will likely apply:

* Purpose is criticism, comment, parody, news reporting, teaching, scholarship or research
* The original work is mostly fact (not fiction or opinion)
* The original work is rightfully published
* Presenter including only a small portion of the original work
* The use of the original work is in accordance with the generally accepted standards and the work is only cited to the extent necessary
* Presenter is contributing substantial new content
* Inclusion of the copyrighted work in the educational materials does not negatively affect profits for the copyright owner (use is non-commercial and does not displace potential sales)
* The original work shall be 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**

It is the faculty member’s responsibility to assess whether fair use applies. If it does not, it is the faculty member’s 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 member must be able to produce the written permissions upon request.

**Patient Protected Health Information**

The faculty member is responsible for ensuring that no patient Protected Health Information is included in the submitted 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 member must be able to produce the written permissions upon request.

**Format and Accessibility**

*Website Accessibility*

All submitted educational support materials will be provided to learners in PDF format on the Boston Children’s CloudCME website. Materials will be available online for up to one year after the event. Printed handouts will be used only in limited circumstances when necessary to support the live learning experience. The website with the educational content will include the following wording on the top of the page:

“Educational support materials are available to meeting participants online prior to, during, and after the meeting (up to one year) for educational purposes only. Access to particular content is provided based on meeting registration and is password protected. Distribution is limited and none of the materials should be further distributed or reproduced.”

*General Meeting Sessions*

Refresher Course Lectures, General Sessions, Parallel Sessions, Pro-Con Debates, and any other sessions that fall under the umbrella of the meeting as a whole will be made available to all meeting attendees.

*Additional Sessions*

Workshops, Special Sessions, and any other sessions that require an additional fee will be made available only to registrants who have paid for the session. They will receive a separate password for access to this material.