

# Los Niños Training, LLC Copyright Policy

## **A. Statement of General Principles**

*We at Los Niños Training, LLC recognize and respect intellectual property rights and are committed to fulfilling our moral and legal obligations with respect to our use of copyright-protected works.*

Los Niños Training, LLC respects intellectual property and has made it a priority to ensure all presenters at the Young Child Expo & Conference respect the copyrights of others. Every presenter of the Young Child Expo & Conference is required to comply with copyright law and to adhere to Los Niños Training LLC's copyright policy and guidelines. Copyright infringement through inappropriate copying or distribution of copyrighted content is a personal liability and could result in disciplinary action.

Los Niños Training, LLC's copyright policy provides a brief summary of U.S. copyright law, particularly as it relates to the use of others' copyright-protected materials, including published materials, and to provide procedures for obtaining copyright permission that should be used consistently throughout the Young Child Expo & Conference.

## **B. Goal of the Copyright Compliance Policy**

The goal of this policy is meant to fulfill our obligations under copyright law and to acknowledge our respect for the rights of others. Los Niños Training, LLC provides the following rules and procedures relating to copyright compliance when using copyrighted materials and it is our expectation that all presenters at the Young Child Expo & Conference will adhere to these policies and procedures.

## **C. Important Information about Copyright**

### **What is Copyright?**

The purpose of copyright law is to provide authors and other creators (and those who obtain rights through such persons) with an incentive to create and share creative works by granting them exclusive rights to control how their works may be used. Among the exclusive rights granted to those authors are the rights to reproduce, distribute, publicly perform and publicly display a work. These rights provide copyright holders control over the use of their creations, and an ability to benefit, monetarily and otherwise, from the exploitation of their works. Copyright also protects the right to "make a derivative work," such as a movie from a book; the right to include a piece in a collective work, such as publishing an article in a book or journal; and the rights of attribution and integrity for "authors" of certain works of visual art. If you are not the copyright holder, you must ordinarily obtain permission prior to re-using or reproducing someone else's copyrighted work. Acknowledging the source of a work, for instance, is not a

substitute for obtaining permission. However, permission generally is not necessary for actions that do not implicate the exclusive rights of the copyright holder, such as reviewing, reading or borrowing a book or photograph.

### **What is Protected by Copyright?**

The rights granted under the U.S. Copyright Act (embodied in Title 17 of the U.S. Code) are intended to benefit “authors” of “original works of authorship,” including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural and audiovisual creations. This means that virtually any creative work that you may come across in readable or viewable format, including books, magazines, journals, newsletters, maps, charts, photographs, graphic materials; unpublished materials, such as analysts' reports and consultants' advice; and non-print materials, including Web sites, computer programs and other software, databases, sound recordings, motion pictures, video files, sculptures and other artistic works are almost certainly protected by copyright.

### **What is NOT Protected by Copyright?**

Not everything is protected by copyright. This includes: works that are not fixed; titles, names, slogans; ideas, facts and data; listings of ingredients or contents; natural or self-evident facts; and public domain works (more on this below). Some of these things may, however, be protected under other areas of law, such as patent or trademark law, or by contract. It is important to be sure that no other form of protection restricts the use of such materials before using them.

### **Fair Use**

Fair use is a defense under U.S. law that may be raised by the defendant in a copyright infringement case. Fair use recognizes that certain types of use of other people's copyright protected works do not require the copyright holder's authorization. The fair use doctrine is codified in Section 107 of the U.S. Copyright Act. See: [www.copyright.gov/title17/](http://www.copyright.gov/title17/). Although there are no absolute rules around fair use, generally the reproduction (photocopy or digital) or use of someone else's copyright-protected work is more likely to be found to be a fair use if it is for one of the following purposes: criticism, comment, news reporting, teaching, scholarship or academic research.

To determine whether a particular use qualifies as fair use, the statute requires a fact-specific analysis of the use, based upon four factors:

1. The purpose and character of the use (for example, whether for commercial or nonprofit educational use).
2. The nature of the copyright-protected work (is it primarily factual or highly creative?).
3. The amount and substantiality of the portion used.
4. The effect of the use upon the potential market for or value of the copyright-protected work.

All four factors must be considered and balanced against the other factors as part of each fair use analysis. Although some see fair use as a solution to many of their reproduction activities, the scope of the fair use doctrine is much narrower than most people assume. Further, fair use

is an ambiguous notion and the law does not state exactly how, or how much of, a work may be used without obtaining permission. As a consequence, even copyright law experts often have a difficult time predicting the outcome in cases involving fair use.

The bottom line is that fair use requires an appropriate risk assessment as to whether re-use under certain circumstances may be considered fair use. ***In order to avoid any copyright risk, Los Niños Training, LLC permits use of short quotes from works in presentations at the Young Child Expo & Conference as long as the presenter attributes the quote to the source text so proper recognition is given. Otherwise, if a presenter wants to use longer portions of a written work, permission procedures as set out in this policy should be followed and the advice of the U.S. Copyright Office should be sought in instances where a fair use determination may be necessary. Note that even when permission is given to use copyrighted materials, the presenter must still attribute to the source of the text for proper recognition.***

### **Copyright and Foreign Works**

The U.S. is a member of two major copyright treaties, the Berne Convention and the Universal Copyright Convention. As such, when or if any presenters at the Young Child Expo & Conference use a copyright-protected work from almost any other country, U.S. copyright law applies to the use of that work, assuming the use takes place in the United States. Similarly, the copyright laws of other participating countries apply to the use of U.S. works in those countries. While these treaties establish certain conventions that render the laws of participating countries consistent to some degree, there are differences in each country's law and the U.S. Copyright Office should be consulted if there are questions regarding the use of materials by presenters or others outside the U.S. Licensing intermediaries such as Copyright Clearance Center offer agreements that allow the use of materials from other countries as well as the use of materials across borders, which can simplify the permission process a great deal.

### **Copyright and Digital Works**

Any non-digital content that is protected by copyright is also protected in a digital form. For example, print books are protected by copyright law, as are electronic books. A print letter is protected by copyright law, as is an e-mail letter. In both cases, the copyright is generally owned by the author, regardless of who has received the letter. Whenever you wish to use material found on a website, it is always important to review and understand the terms of use for that site because those terms will tell you what use, if any, you can make of the materials you find there. When obtaining permission to use works on the Web, always attempt to obtain worldwide rights, as most Web uses of content are on a global basis.

## **D. Guidelines for the Appropriate Use of Copyrighted Materials**

### **Young Child Expo & Conference Presenter Obligations under Copyright Law**

No presenter at the Young Child Expo & Conference may reproduce any copyrighted work in print, video or digital form in violation of the law. Works are considered protected even if they are not registered with the U.S. Copyright Office presenters at the Young Child Expo & Conference must assume that most materials used are copyrighted until proven otherwise.

If a presenter wants to use material that is not covered by copyright, he or she should confirm that the material is not protected by any other area of law, such as trademark or trade secret law. If there is any doubt whether a work is covered by copyright it is best to be cautious and to follow the procedures established for the use of copyrighted works.

When a work is copyrighted, you must seek out and receive through a license or the express written permission of the copyright holder, the right to reuse the copyrighted work in order to avoid an infringement of copyright, unless it is determined in consultation with the U.S. Copyright Office and, if appropriate, legal counsel, that the use would constitute a fair use.

## **E. Los Niños Training, LLC Copyright Compliance Procedures**

### **How to Obtain Copyright Permission**

#### **Fact Finding Questions**

Once you have identified the materials you want to use, ask yourself the following questions: Is the work the type of work protected by copyright? If so, are you using the work in a manner that implicates the exclusive rights of the copyright holder? Is it likely that the work is still protected? If the answer is YES to these questions, then you must locate the copyright holder. Is the name of the copyright owner on the materials? Does Copyright Clearance Center represent that work? Locating the copyright holder may take some investigative and creative work. Consult with the Copyright Officer to see if she or he can offer any guidance or point you in the direction of someone within the company who can. The U.S. Copyright Office at the Library of Congress ([www.loc.gov](http://www.loc.gov)) may be of assistance in locating a copyright owner.

#### **Requesting Permission**

Permission to use copyright-protected materials should be obtained prior to using those materials. It is best to obtain permission in writing, which may be by e-mail, and to ensure that the Copyright Officer has a copy of each permission form or letter. The time needed to obtain permission may vary. When possible, it is recommended to start the permission procedure well in advance of the time that you wish to use the materials. If you need fast turnaround on a permission request, let the copyright owner know this and he/she may get back to you faster. The copyright owner, his/her representative and/or the licensing intermediary that represents the kind of permission you are seeking, will require certain specific information in order to provide you with that permission.

Each permission request should include the following information:

- Title of the material
- Creator/author of the material
- Description of material
- ISBN or ISSN, if applicable (standard numbers used on most published text material)
- Date of publication, if applicable

- Purpose for which you wish to reproduce the item (research, commercial, educational, etc.)
- How the material is to be reproduced (e.g., photocopied, digitized)
- Where the reproduced material will appear (including internal vs. external use) and for how long

The Copyright Office at the Library of Congress ([www.loc.gov](http://www.loc.gov)) may be of assistance in locating a copyright owner.

### **Handling Copyright Infringement**

Los Niños Training, LLC expects presenters of the Young Child Expo & Conference to be responsible consumers of copyright-protected materials. We also encourage these presenters to educate their peers on copyright compliance. If any presenter or consumer witnesses a potential copyright infringement, please bring the matter to the attention of the individual as well as to Nancy Evangelista, Conference Coordinator of the Young Child Expo & Conference. Presenters who illegally reproduce copyright-protected works may be subject to disciplinary action.

***The Los Niños Training, LLC copyright compliance policy has been most recently updated on February 19, 2016.***