

# Copyright Guidelines for Presentation Preparation

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*NAPO Education, Conference, Research and other committees prepare presentations routinely for our members. In doing so, NAPO wants to ensure that our members fully understand copyright guidelines and intellectual property. This document, prepared by NAPO lawyer Nathan J. Breen, will help our members use images, information and other data appropriately.*

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## What is Copyright & What is Covered?

**Copyright covers “original expression fixed in tangible form.”** Articles, presentations, books, movies, videos, and music are all covered.

**Assume that every work is protected unless you know otherwise.** The duration of copyright protection is either the life of the author plus 70 years or can be 95 years or 120 years for “works for hire” which are works created within the scope of an employee’s employment or works “specially commissioned” in writing.

**There is no bright line (percentage or otherwise) as to what constitutes infringement.** The issue is whether there is substantial similarity between the original work and the work into which it has been placed.

**“Fair use” is a defense to a claim of infringement but is more narrowly defined than commonly thought.** The fact that a use is “educational” is one factor, but there are other more important factors. Consider first and foremost the impact on the market for the work that is being used. If the subsequent use serves as a replacement for the original, fair use will almost never be found.

**Just because something is freely available or does not bear a copyright notice (©) does not mean it is free to use.**

## Presentation Preparation Tips

**Use links whenever feasible.** Copying something can lead to an infringement claim; linking to it won’t.

**NAPO’s not-for-profit status will not help much.** There’s a widespread myth that nonprofit organizations aren’t subjected to the same standards as other individuals or organizations. While this may form part of the fair use analysis, other factors will have far more weight.

**Only use as much of the source material as is needed.** The less of the material that’s used, the less likely it is that the use will infringe. Remember, however, that there is no certainty in this regard.

**Paraphrase whenever possible.** Rephrase the content presented into your own words. Mindless copying and pasting is asking for an infringement claim.

**Attribution is not a defense to an infringement claim.** Just because you’re honest about where the material came from doesn’t mean you are free to infringe.