



Speaker Copyright Resources

In an effort to assist speakers, the information provided in this resource packet is to aid with creating a professional presentation, free of copyright infringement (and risk of legal ramifications).

Speakers are asked to obtain permission for—any and all—work that is not their own. **All original work is copyright protected**, even if there is not a copyright symbol, and permission to use it must be granted by the owner and be given proper attribution. **Attribution is not a substitute for permissions.**

Copyright is a form of protection grounded in the U.S. Constitution ([Title 17](#)) and granted by law for original works of authorship fixed in a tangible medium of expression. Copyright covers both published and unpublished works (in forms including, but not limited to; texts, videos, music, comics, graphic arts, data, figures, photographs, book covers, logos, videogames, and other software). For basic copyright information, a [short video](#), provided by the Copyright Clearance Center can be viewed.

What Is Not Protected by Copyright?

- Ideas, procedures, methods, systems, processes, concepts, principles, or discoveries
- Works that are not fixed in a tangible form (such as a choreographic work that has not been notated or recorded or an improvisational speech that has not been written down)
- Titles, names, short phrases, and slogans (unless specified otherwise)
- Familiar symbols or designs (e.g., images of most chemical structures)
- Mere variations of typographic ornamentation, lettering, or coloring
- Mere listings of ingredients or contents

For more information, see *Works Not Protected by Copyright* ([Circular 33](#)) and [University of Michigan's Copyright ability of Tables, Charts, and Graphs](#)

Fair Use: Copyright law includes a “fair use” defense that can allow parties to use limited portions of copyrighted work without permission. Unfortunately, the law and subsequent court cases do not provide a lot of guidance on which uses are fair and which are infringing.

Accordingly, ACT does not permit its presenters to rely on the fair use defense to use copyrighted materials without permission.

Some categories for potential fair use are teaching, scholarship, research, criticism, commentary, news reporting, and parody. There is no formula, percentage, or amount of a work that is automatically deemed to be fair use. However, when presenting at ACT, it is clear that even though ACT is a not-for-profit organization, it does not qualify as a fair use “teaching activity” as stipulated under the [U.S. Code Title 17 § 107](#).



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Royalty Free, Public Domain, and Open-Source Images: A common misconception is that if an image is on the internet and found by doing a “free image” search that the image can be used, without copyright permissions. To ensure you are not using a copyrighted image, you should use these steps.

1. Look for an image credit or contact details. If you find an image online, look carefully for a caption that includes the name of the image creator or copyright owner.
2. Look for a watermark.
3. Check the image's metadata.
4. Do a Google reverse image search.
5. Document and give proper attribution to the source, as outlined in the terms of use.
6. If in doubt, don't use it, or seek proper permission.

Graphs, Diagrams, and Charts: To protect ACT and its speakers/presenters, **ACT requires that its speakers/presenters do not use pre-existing graphs, charts, or diagrams without permission from the copyright holders.** If a presenter cannot obtain permission from the copyright holder, the presenter can re-create their own graph, diagram, or chart to illustrate the underlying data without including any copyrightable artwork or text that was present in the original.

U.S. courts have consistently held that graphs, charts, and diagrams that simply represent data – *i.e.*, that do not include copyrightable materials or creative choices beyond representing the data – are not copyrightable. In practice, however, this requires a case-by-case review of graphs, charts, diagrams, and other illustrations of data to ensure that they are not copyrightable or contain copyrightable material. Journals and institutions that publish graphs, diagrams, and charts in copyrightable articles at times insist on enforcing copyright protections on those items, which can result in legal fees for ACT, possible litigation, and delays or holds on ACT materials.

Using Copyrighted Works

If a work is copyrighted, ACT requires you to obtain permission for its use in ACT presentations and/or materials.

Creative Commons: Another common misconception is that “Creative Commons” licenses always allow use of the work if it is attributed to the creator. In fact, there are various types of Creative Commons licenses creators can use, and some of them include terms (*i.e.*, non-commercial use only, ShareAlike) that are not compatible with ACT presentations. To ensure that you have permission to use a Creative Commons licensed work, you should use these steps.



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1. Note the type of Creative Commons license being used.
2. Click on the Creative Commons license icon/hyperlink to read the terms of the license applicable to the work.
3. If the Creative Commons license includes “non-commercial use only” (NC) or “ShareAlike” (SA) terms, you would need to obtain further permission from the creator before using it in an ACT presentation.
4. If the license has “Non-Derivative” (ND) terms, make sure you are using the whole work in the presentation without any modifications.
5. If the license is compatible with use in an ACT presentation, review the attribution instructions, which may differ based on the creator’s preferences. Keep in mind that the attribution blurb often requires information on the creator as well as the applicable Creative Commons license.
6. Include proper attribution for the work in your presentation.

Resources to Help Acquire Copyright Permission:

- [Copyright Clearance Center](#)
- [US Copyright Office](#)
- [SAGE Publishing \(Rights and Permissions\)](#)
- [Wiley \(Rights and Permissions\)](#)
- [Creative Commons \(About CC Licenses\)](#)

General ACT Guidelines for Slide Presentations: [Speaker Slide Presentation Guideline](#)

Example Formats for Providing Attribution:

ACT suggests that speakers ensure that images in presentations can be accessed by those viewing the presentation. This might be accomplished by providing a short citation on the slide containing the image or by providing bibliography slides at the end of the presentation. Suggested formats are included below.

- A) Use attribution, as specified by permission source, on the slide containing the image.
- B) In-text reference, example:
 1. Keng, Lin, and Orazem. *Int J Toxicol.*, 2017(4): 213-220.
- C) Bibliography slide reference, examples:
 - Popp J.A., Hardisty J.F., Gopinath C. CRC Press. *Toxicologic Pathology: Nonclinical Safety Assessment*. 2017. ISBN: 978-1-4398-7210-9.



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- Brock W.J., Soms C.J., Torti V., Render J.A., Jamison J., Rivera M.I. 2016. Ocular Toxicity Assessment from Systemically Administered Xenobiotics: Considerations in Drug Development. *Int J Toxicol*. 2013 May-Jun; 32(3):171-88.

For Creative Commons licenses, follow the attribution instructions provided in the license terms or by the creator.

Modifying Copyrighted Material: If a presenter has permission to use copyrighted material and makes any modifications to it, the presenter's materials should make it clear that the modifications are the work of the presenter and not the creator. For example, if a presenter adds arrows to a properly cited Figure, the presenter should note this in the citation/attribution. There is no strict format for how this information should be communicated, but here are some basic guidelines:

- If the presenter only uses the copyrighted material once (e.g., on one slide) and it is cited, then this information can be added to the end of the cite/attribution.
- If the presenter uses the copyrighted material multiple times, sometimes with different modifications, and the material is cited each time, then information on the modification can be included in the citation.
- If the presenter uses the copyrighted material multiple times, sometimes with different modifications, and the material was only cited on the first slide/page, then the presenter should include a footnote on subsequent slides/pages noting what modifications the presenter has added.
 - (E.g., a figure is used and cited on Slide 1 with no changes.) On Slide 2, the figure is used again but this time the presenter added arrows pointing to a particular part of the figure. The presenter can add an asterisk or footnote stating: "The arrows were added by me and not part of the original work."

Using Trademarks

In addition to copyrights, certain images, symbols, slogans, phrases, or words may be trademarked and protected from certain unauthorized use. A trademark is a word, phrase, or design that identifies goods and/or services, distinguishes those goods and/or services from competitors, and indicates the source of the goods and/or services. Trademarks may or may not be registered with the U.S. Patent and Trademark Office.

Trademarks are protected when they are registered or after developing sufficient public recognition to distinguish the source of one product from another. In practice, companies tend to act quickly to register their trademarks and public recognition is often generated from advertising or branding campaigns. As a rule of thumb, if you recognize a brand, slogan, or logo belonging to another party then it likely qualifies for trademark protections.



ACT

American College
of Toxicology

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Fair Use: Trademark laws have clearer “fair use” categories than copyright law, and those categories are easier to rely upon when using a trademark without permission. A “fair use” defense does not apply in situations where the use of the trademark can cause confusion regarding the owner of the trademark or the trademark’s association with unrelated goods or services. ACT prefers that its speakers avoid using trademarks without permission but understands that there may be compelling reasons to do so in certain situations.

Trademarks, logos, and slogans can be used without permission under the following “fair use” situations:

1. **Description/Nominative Fair Use:** The trademark is used to talk about the trademark or the products or services it represents.
2. **Comparative Advertising Fair Use:** The trademark is used to refer to a competitor’s goods or services.
3. **Parody Fair Use:** The trademark is used for humorous forms of commentary.

Again, it is not “fair use” if the use of the trademark causes any confusion about the owner of the trademark or the trademark’s association with unrelated goods or services. This includes situations where the use of a trademark erroneously suggests that the trademark owner supports your research, presentation, or ACT.