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July 26, 2012

Mr. Ronald S. Moen  
Society for Academic Emergency Medicine  
2340 S. River Road Suite 200  
Des Plaines, IL 60018

Dear Ron:

You have asked me about how to protect written material owned by academies of SAEM.

### **General Copyright Law**

United States copyright law governs the ownership of written material, including words and images. Copyright law was changed within the last two decades so that the creator of the work automatically owns copyright.

Prior to the change, Federal registration was required to secure copyright. Even if a work does not show a copyright notice and is not registered, the creator still owns copyright.

There is an exception to this rule which affects employees. Copyright and work prepared by employees automatically belongs to the employer.

### **Legal Entities**

Another legal principle is relevant here. Only legal entities own property and may enter into contracts. The academies of SAEM are not, technically, legal entities. They are internal units of SAEM. This means that SAEM is, technically and legally, the owner of the copyright in works belonging to its academies.

### **Copyright Notice**

If copyright is automatically owned by the creator of a work, or the employer, why is it necessary or useful to show a copyright notice? It is helpful to put others on notice that the work is subject to copyright. Many Americans are not familiar with copyright law. Indeed, many Americans believe that everything displayed on the internet is in "the public domain," and can be copied without permission. This is not true. It is useful, therefore, to show a copyright notice on any work of importance to SAEM and its academies, including their websites.

To emphasize the importance of the academy, SAEM may prefer a copyright notice as follows:

Copyright 2012 [Name of Academy], an Academy of  
The Society of Academic Emergency Medicine.  
All rights reserved.

### **Registration**

Although it is not necessary to register a work with the United States Copyright Office in order to own copyright, a copyright holder cannot sue for infringement unless and until Federal registration occurs. SAEM may wish to consider registering works which are more likely to be infringed upon with the United States Copyright Office. Our office can assist SAEM staff to learn the process, so that staff can conduct registrations on their own in the future.

### **Volunteer Work Product**

Volunteers own the work product which they create. In order for SAEM and its academies to own the work product, a copyright assignment must be obtained from the volunteers. A simple sentence along the following lines will do:

I hereby assign copyright in my work entitled "ABCD" to  
[Name of Academy], an Academy of The Society of Academic  
Emergency Medicine.

This assignment should be in writing and signed by the creator of the work.

### **Infringement by Volunteers**

In addition to obtaining copyright assignment from volunteers, it is important to educate volunteers on importance of not infringing on the works of others. No works should be copied without permission. A sentence or two may be taken from shorter works, in quotes with attribution, and a paragraph or two taken from longer works, in quotes, with attribution, under the fair use principle, but anything beyond this narrow exception requires permission.

If SAEM or its academies permit volunteers to copy work without permission, which is published under an SAEM or an academy banner, or in one of their publications, SAEM could be liable for the infringement.

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**Summary**

Copyright law and the powers and authorities of legal entities are complicated topics, the basics of which are summarized here. As specific questions arise, do not hesitate to call.

Sincerely,

BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Paula Cozzi Goedert". The signature is fluid and cursive, with the first name "Paula" and last name "Goedert" being clearly legible.

Paula Cozzi Goedert

PCG:jlw