Adtalem Global Education Inc. Copyright Guidelines

The following are general guidelines for the creation and use of copyrighted works by the Adtalem organizations. If you have questions about these guidelines or about copyright rules in general, please contact Legal.

Copyright Basics

- Copyright protects the expression of ideas, not ideas themselves. It protects original works of authorship fixed in a tangible form – originality is key.

- Titles, names, short phrases, slogans, mere listing of ingredients/contents, ideas, concepts, principles, and blank forms are not protected by copyright. While works that are not tangibly-fixed, such as a dance recital, are not protected by copyright, a video of that dance recital is fixed in a tangible medium of expression and is protected by copyright.

- Copyright provides the owner with the exclusive right to reproduce/distribute/perform/display the work and to prepare derivative works (new versions incorporating substantial and creative changes) based thereupon.

- In general, for works created after January 1, 1978, copyrights last until 70 years after the author’s death. For works made for hire, copyrights last, 95 years from first publication or 120 years from creation, whichever is shorter.

- For works published before January 1, 1978, contact Legal as the copyright term will depend on when the work was published and whether a federal copyright was obtained at the time.

- Copyrights vest at creation, and federal registration is not required unless and until we may want to initiate an infringement suit, but does provide certain benefits:
  - establishes a public record;
  - permits the victim of infringement to recover statutory damages and attorney’s fees (rather than just actual damages and profits) in some circumstances;
  - provides prima facie evidence of a copyright’s validity if it is registered within 5 years of publication; and
  - can be recorded with U.S. Customs for protection against importation of infringing copies.

- The complete work must be deposited with the copyright office within 3 months of publication. If copyrighted source code for computer programs is longer than 50 pages, only the first and last 25 pages must be deposited. You can also block out certain trade secret portions of source code.

- Works prepared by employees in the scope of their employment and are “works made for hire” that are owned by the employer.

- The following works can be works made for hire if specially ordered or commissioned for use and if the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire:
1. as a contribution to a collective work,
2. as a part of a motion picture or other audiovisual work,
3. as a translation,
4. as a supplementary work,
5. as a compilation,
6. as an instructional text,
7. as a test,
8. as answer material for a test, or
9. as an atlas

• If a copyrightable work does not qualify as a work for hire, you will need a written agreement transferring the copyright to Adtalem or granting Adtalem a license to use the copyrightable work. In general, you should not rely on oral permissions or agreements.

• Please note that music has several copyrights. There is a copyright in the underlying musical composition (i.e. the song and the lyrics) as well as a copyright in the sound recording of the performance of the musical composition. In general, if you want to incorporate music into any audiovisual work, you will need to obtain a license to both the musical composition and the sound recording. If you want to play music at any event or in any public location, you will need to obtain public performance rights to the musical composition from Performing Rights Organizations such as ASCAP, BMI and SESAC. Please check with the Legal before using any music.

• Do not download or use photos or other content from the Internet or World Wide Web without ensuring that you have rights to use such photos or content. The fact that such material appears on the Internet or the Web does not mean that it is not protected by copyright. In addition, the website from which you accessed and obtain the material likely have terms of use that prohibit any unauthorized use of content contained on that website.

• In the context of copyright, “public domain” means the copyright has expired or is not claimed. A work is NOT in the public domain simply because it is available to the public without charge, such as being on the Internet. The fact that a work can be viewed or downloaded by the public does not mean that the work can be used without permission. In fact, most content on the Internet IS copyright protected. For example, the works of Mark Twain are in the public domain, because the copyrights in those works have expired. Works created by the U.S. government, such as National Park Guides, government pamphlets and photographs of Elvis Presley shaking hands with President Nixon that are downloadable from the National Archives website, are in the public domain, because the U.S. government does not have any copyrights in its works. If you would like to use a work that you believe is in the public domain, please contact Legal if the copyright status of the work is not clear.

Use of the Copyright Notice

• Copyright notices should be used by all Adtalem entities for any works in which Adtalem owns the copyright. Adtalem automatically owns the copyright in works created by its employees, such as course handouts, shells, course curricula in all formats and websites, and in works made for hire by independent contractors. If you have any questions about copyright ownership, please contact Legal.

• A proper copyright notice includes the word “copyright” or ©, the date of first publication,
Use of Works Created By Third-parties

Independent Contractors and Copyright Ownership

- Absent a written agreement, an independent contractor owns the copyright in his works.
- Adtalem expects to own the copyright in all works created for it by independent contractors. Therefore, it is important that there be an executed written agreement between the Adtalem entity and any independent contractor in place before creation of the work commences, and it should clearly state that the Adtalem entity will own the copyright in that work. If you need such an agreement or have questions regarding the use of one, please contact Legal.

Use of Works Created By Third-parties

- A copyright grants its owner the exclusive right to make and distribute copies of the work protected by the copyright. That means that any unauthorized copying and distribution of the work could constitute copyright infringement.
- However, the “fair use” doctrine permits various educational uses of many works protected by copyright. The fair use rules are very complex, so you should not assume that your proposed use constitutes a “fair use” without first obtaining approval from Legal.
• There are no clear rules governing how much of a work you may use without infringing. There is NO 10% rule (i.e. – you’re okay if you copy less than 10% of the work) – this is a myth. Contact Legal if you think your proposed use may be a “fair use.”

• Listing the author or source of the copyrighted material is NOT a substitute for getting permission.

• Unless you first obtain prior approval from Legal, you must follow the following rules when using material (text, image, graphic, chart, photo, music, etc.) created by third-parties:
  o If the work was not created 100% by a Adtalem entity, assume that permission from the copyright owner is required. In the educational field, there are certain copyright clearinghouses that will expedite the necessary license/permission, such as Copyright Clearance Center and www.copyright.com.
  o Unless material on the Internet specifically states that it can be copied or used license-free or that it is not protected by copyright, you should assume that it is protected by copyright and requires permission for use. If you cannot determine who owns the copyright so that you can obtain permission, do not use the material.
  o When you do obtain permission to use a copyrighted work, be careful to adhere to the terms, restrictions, and limitations on use contained in that license/permission. Make sure to obtain a written permission that covers all intended uses and users of the copyrighted work. Do not agree to any written permission that requires payment of money or royalties without consulting with Legal.
  o Copyrighted materials owned by a third-party can never be marked with a Adtalem entity copyright notice; the actual copyright owner must be identified in the manner specified in the license.
  o Never remove any copyright notices, watermarks or copyright management information from any third party work or circumvent any access controls or technical control measures with respect to any copyrighted work.
  o You need to fully disclose any restrictions/limitations regarding the use of third-party copyrighted materials to anyone using the materials, such as instructors and staff. For example, if the license states that no hardcopies can be distributed, then you must inform the instructor that he/she cannot do so.

Avoiding Copyright Concerns - Images

• DeVry University maintains a library of DeVry-created images that are available for use by any of the Adtalem entities. DeVry University's library of commissioned/proprietary images resides in our central repository (Digital Asset Library) within our Marketing Resource Management Solution, Teradata. For access to the system and our library, please contact Andrea Passas, apassas@devry.edu
• DeVry University also has a subscription to iStock (istockphotos.com). See the University’s stock photo process for details.