

SUBJECT: Respecting the Rights of Copyright Owners

PURPOSE: Provide information of a recent copyright infringement claim asserted against AMC and provide guidance on preventing copyright infringement.

FACTS:

Army policy is to respect the rights of private copyright owners. Army Regulation 27-60 states that copyrighted works will not be reproduced, distributed, or publicly performed without the permission of the copyright owner. Exceptions to this policy are allowed only if use is permitted under the copyright laws or the use is required to meet an immediate mission-essential need for which nonconforming alternatives are unavailable or unsatisfactory.

Recently, an AMC MSC used a copyrighted poem on several brochures and posters without the copyright owner's permission. Although the use was without knowledge that the poem was copyrighted, AMC has received a claim for \$70,000 in damages from the author of the poem and has been the object of unnecessary public criticism.

Caution must be exercised to ensure that AMC brochures, posters, videos, software, and Internet homepages do not include copyrighted material unless advanced permission has been obtained from the copyright owner. Identifying copyrighted material is not always easy--a work may be copyrighted even though it does not contain a copyright notice. Accordingly it is imperative to know the source of all materials before they are used.

Questions concerning copyright law should be referred to your supporting legal office or the HQ AMC Office of the Command Counsel, DSN 767-2556.

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