Welcome aboard! This section of the Handbook contains important information and specific instructions that will help you prepare your manuscript and images for publication in our books. Please contact us if you have any questions while writing or submitting your manuscript.

Length
You may have been given a manuscript page limit or word

Dear Author,

Thank you so much for agreeing to be an AAOS author. You were chosen because of your special expertise and your willingness to help carry out the Academy’s central mission of providing high-quality, innovative educational material to its members and other professionals who care for patients with disorders or injuries of the musculoskeletal system.

Whether you are in an academic setting or in private practice, we know that the demands on your time and your resources have never been greater. Therefore, the Academy wants to make the experience of contributing your material as easy and as trouble-free as possible. This Handbook has been designed to provide you with all the information you’ll need to produce and submit your contribution. The publications staff is eager to work with you to expedite your assignment.

If you have any questions after reading the Handbook, please direct them to the individuals listed at the bottom of the page, who will be happy to assist you or answer any questions.

Thanks again, and we look forward to seeing the publication to which you are contributing.

Sincerely,

Hans J. Koelsch, PhD
Director, Publications Department

Requirements for Authors

Because of the Academy’s mission as an educator of orthopaedic surgeons, all those who contribute to AAOS education and publishing activities are asked to participate in the following programs and initiatives, which are designed to ensure that the Academy’s intellectual content is authoritative, balanced, and of the highest quality. We hope you see value in these programs and that they help you in your volunteer activities.

Intellectual Property Tutorial (See page A1-6 for more details.)
Awareness about intellectual property issues, specifically issues of copyright, is critical as the Academy continues to expand its educational programming. Members of the Academy Board of Directors and Council on Education have asked that all contributors to Academy print and electronic publications and that all faculty members for Academy courses complete at least one of two CME modules on intellectual property issues once every three years. Both the board and the council believe that the information presented in these modules is
useful and engaging the module may help you save time and prevent potential legal issues, some of which could result in litigation or payment of settlements.

It is also recognized that your contributions to orthopaedics often go beyond your work for the Academy and it is hoped that increased awareness of intellectual property issues will serve you in your other roles – with specialty societies, commercial publishers, or non-AAOS journals.

To complete one of the intellectual property modules, please click on the following link. You will find the intellectual property section under online CME:

Intellectual property modules

Disclosure Program
(See page A2-1 for more details.)

The AAOS Orthopaedic Disclosure Program serves as a central repository of all relevant commercial relationships for orthopaedic surgeons and other healthcare professionals involved in organizational governance, guidelines development, or as CME faculty or authors of enduring materials, editors-in-chief or members of editorial boards to complete the AAOS mandatory disclosure information.

To complete your disclosure, if you have not already done so after March 1, 2010, please click on the following link:

AAOS online disclosure

Review of Clinical Practice Guidelines

The Academy’s Council on Research, Quality Assessment and Technology is developing a series of evidence-based Clinical Practice Guidelines. Clinical Practice Guidelines are valuable tools that will allow you to advance the physician-patient communications process and enhance the diagnosis and treatment of musculoskeletal conditions.

AAOS physician volunteer Work Groups with oversight from the Council develop these guidelines to serve as an educational tool based on an assessment of the current scientific and clinical information and accepted approaches to treatment. Current guidelines can be found at the Academy’s web site:

AAOS Clinical Practice Guidelines

In order to ensure that Academy educational programs and products reflect the recommendations found in the guidelines, we are asking that you visit the Web site listed above, review the list of guidelines, read the recommendations for any guideline that is pertinent to your topic, and make sure the content of your chapter reflects these recommendations. If you disagree with a particular recommendation, please note this disagreement in your paper, referring to the specific guideline, and providing documented evidence to support your position.

Check the current clinical practice guidelines at AAOS Clinical Practice Guidelines to make sure that your chapter content reflects recommendations outlined in the clinical practice guidelines.

You can earn one AMA PRA Category 1 Credit™ for each Intellectual Property module that you complete.
Manuscript Requirements

This Handbook contains important information and specific instructions that will help you prepare your manuscript and images for publication in our print publications. Please contact us if you have any questions while writing or submitting your manuscript.

Length

You may have been given a manuscript page limit or word length by your section editor or the editor of the textbook. If not, you may refer to the cover letter that you received with this handbook.

Manuscript Format

Here are a few tips to follow when formatting your chapter:

- Double-space your manuscript
- Set margins at 1 inch on all sides
- Number all pages
- Indent paragraphs with a tab
- Insert page breaks before the reference list, figure legends, and tables
- Spell out abbreviated terms at first mention
- Capitalize significant terms in all headings
- Don’t embed images in the manuscript

See Image Requirements for more information.

Title Page

Include the following information on your title page:

- the title of the publication (eg, OKU Trauma 4)
- the title of the manuscript
- each author’s name as it will appear in the publication, and for each author:
  - highest degree or degrees (eg, MD, PhD)
  - academic/professional title
  - institution name or practice setting
  - mailing address
  - e-mail address
  - telephone number
  - fax number
- the name of the corresponding author

The corresponding author receives all editorial communications regarding the status of the manuscript, revisions, and reviews and is responsible for communicating with coauthors regarding the editorial comments. The corresponding author also is responsible for ensuring that all authors have reviewed and approved the final copyedited manuscript.

Figure Legends

You must provide a legend for each image that you submit (eg, figure 1A and 1B count as two images). Explain any arrows, letters, or other indicators that appear in the images. Don’t forget to include the view, projection, and imaging modality (eg, T1-weighted MRI, coronal view, AP radiograph). Add the figure legends after the reference list.

Images from Previously Published Sources

If you want to include an image from another source, send us photocopies of the title page of the book (if applicable), the first page of the chapter or article, and the image as it was published in its original form.

Credit Lines

Include a credit line at the end of each legend for any previously published art. Credit lines must include:

- names of first six authors
- title of article/chapter
- editor of book/journal if applicable
- city, state, and name of publisher

The corresponding author is responsible for ensuring that all authors have reviewed and approved the final copyedited manuscript.

SAMPLE REFERENCES

Reference with Annotation

Retrospective comparison of surgical and nonsurgical management of medial epicondylar fractures followed for at least 18 months showed an increased incidence of flexion contractures in the group receiving surgical treatment.

Journal Reference

Book Reference

Web Site Reference

Tables
Each table should be typed on a separate page. Tables should follow the figure legends. Mark the headings clearly. Spell out any abbreviations used in the table. If the table has been previously published or the data have been taken from another source, please provide a credit line.

References
Academy staff will ensure that all references are correctly formatted, but it is the author’s responsibility to submit references containing complete and accurate information. Do not use the footnote feature in Microsoft Word.

Your author instructions will indicate whether references should be numbered and cited in text or listed as an alphabetical bibliography. References cited in text should be included in the reference list in the order they are cited. Some Academy textbooks require the submission of an annotated bibliography in addition to or instead of a reference list. If you are required to submit a bibliography, you will be notified by your section editor or the editor of the textbook.

The reference list should be double-spaced and should follow directly after the text. Journal references should appear as they are listed in PubMed. Other references should be listed according to the style set forth in the *AMA Manual of Style*. If you do not have this manual, the examples in the sidebar can serve as a guide.

References to Web Sites
A complete reference to a Web site includes author (if given); title of the specific item cited or the name of the organization responsible for the site; the name of the site; the URL; and the date that the site was accessed.

With the exception of OKUs, you may include unpublished data or personal communications; however, these should be listed in the body of the text, not in the reference list, and should include the full name and degree of the source of the information, and the year, city, and state.

Lisa Moore, Senior Manager: lmoore@aaos.org  Genevieve Charet, Editorial Coordinator: charet@aaos.org  Sylvia Orellana, Publications Assistant: sorellana@aaos.org
Image Requirements

Images
Images must be scanned at the following resolutions: 300 ppi for black-and-white or color photographs, 600 ppi for photographs with lettering or for lettering alone, and 1200 ppi for line art. Line art must be submitted electronically as a TIFF or EPS file. Determination to redraw line art will be made at the time the article is accepted for publication. Images captured with a digital camera have an acceptable resolution at the time they are captured digitally and can be submitted as is. If your image was created in a CAD/CAM or 3-D imaging program, we will not be able to use it, so send a digital file of the image.

Diagnostic Images
Diagnostic images such as radiographs, CT scans, and MRIs must be submitted electronically at print-quality resolution: 600 ppi for images that contain lettering, 300 ppi for those that do not. Labels (asterisks, arrows, abbreviations) must be clearly visible.

Patients’ Names or Initials
All identifying information should be removed from any image or be able to be cropped. We need written permission from the patient or the patient’s guardian for photographs of a recognizable patient.

Each figure must be identified as either original or from another source. We will obtain permission for use of all borrowed or adapted material for you; all you need to do is complete a Previously Published Image Permission Request Form for each figure, table, or video to which you do not hold copyright. A photocopy of the title or face page of the original source must accompany the Previously Published Image Permission Request Form. If a figure, table, or video is original to you and has not been published elsewhere, complete the Original Image and Table Form.

Accepted Media
We prefer that you submit your images via Editorial Manager (see Submitting Your Manuscript for more information). We also accept CDs or DVDs formatted for Mac or PC and flash drives. In addition, we accept images transmitted by e-mail or our FTP site.

Compression Software
We accept PKZIP or WINZIP (DOS or Windows), Stuffit for Macintosh, or any self-extracting software.

Video Requirements
Please submit video content in DVCAM/miniDV tape, DVD-Video, or QuickTime Microsoft DV format. Digital video must be a minimum size of 720 x 480. We can’t accept videos in streaming formats (wmv or rm).

Image Checklist

- Resolution:
  - 300 ppi for photos
  - 600 ppi for photos with lettering
  - 1200 ppi for line art

Don’t forget to:
- Remove patients’ names or initials
- List sources of all images

Image Submission
Don’t paste your images at the end of the manuscript. Save each individual image as a JPG or TIFF and send all the image files with your manuscript.
The Permissions Process

As publisher, the American Academy of Orthopaedic Surgeons is responsible for protecting its own copyrighted material (art, tables, and/or text) and acknowledging the copyrighted material of others in its publications. See the appendix for detailed information about copyright. We will work closely with you to obtain permission for previously published material and ensure that the materials you submit are protected by copyright law. Therefore, please provide us with complete bibliographic information about any previously published material that you are submitting. You can do this two ways:

1. Complete the Previously Published Image Permission Request Form.

Please complete this form or, if the material has not been previously published, complete the Original Image and Table form.

2. Provide complete credit lines.

Please include complete credit lines for all illustration legends and tables reproduced or adapted from another source and submitted as part of the manuscript. Complete credit lines include the following:

- names of authors
- title of article/chapter
- editor of book/journal, if applicable
- city, state, and name of publisher
- year of publication
- volume number
- inclusive page numbers
- figure number and page number, as they appear in the original publication

General Rules of Thumb for Using Copyrighted Materials

If you (or the AAOS) do not own copyright of the image/video clip/slide, we cannot publish it unless we have formal written permission from the original copyright holder. Please be aware that to obtain formal written permission from the original copyright holder, we must know who (or what entity) holds original copyright and the exact source of the material (including page number, figure number, and/or table number) as applicable.

When in doubt...delete!

If the image source is in doubt and/or the image/slide is not absolutely integral to your manuscript, please delete it. When image sources are in doubt, AAOS cannot reprint them. If possible, submit only original material. This is the best and fastest way for us to publish your submission. If submissions do not adhere to these guidelines, they will be returned to the author for additional work.

Lisa Moore, Senior Manager: lmoore@aaos.org  Genevieve Charet, Editorial Coordinator: charet@aaos.org  Sylvia Orellana, Publications Assistant: sorellana@aaos.org
**SITUATIONS TO AVOID**

**Dr. X has given me verbal permission to use his image, slide, or video clip.**

Written permission is necessary for AAOS to publish images, slides, or video clips owned by another physician; if you are unable to secure written permission, please replace the image, slide, or video clip with something AAOS or you own, or delete it.

**I got the image from Google Images.**

It is extremely easy and convenient to download images from the Internet however, many of these “easy-access” images are copyright protected and therefore cannot be published by AAOS without formal permission. If Google Images is the source, please replace the material with something AAOS or you own, or delete it.

**I pulled this image from a major orthopaedic textbook, but I don’t remember which one.**

We are unable to apply for permission if the source is unknown. If you don’t know the source, AAOS cannot publish it.

**I got the image from a "free-use" database provided by my specialty society.**

Unfortunately, everything in a "free-use" database is not always in the public domain, nor can AAOS assume that it is.

**I know the complete citation of the article I pulled this image from, but I don’t know the exact page number and figure number.**

Publishers who hold copyright on images now REQUIRE that all permission requests include the exact page number and figure number. If this information is not provided, the permission request will not be processed.

**I don’t remember where I got this slide, but I’m pretty sure I own it.**

All AAOS authors are asked to sign an agreement that any original artwork contained in their slideshow presentations is, indeed, their property. Therefore, if you are uncertain, it is best to delete the material in question or replace it with something comparable that you are certain AAOS or you own.

**This slide/image has been passed around from physician to physician for years, but I don’t know where it came from.**

Even though images and slides are commonly shared, AAOS must assume that someone somewhere holds copyright on that image or slide.

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When in doubt...delete!

If you don’t know the source of an image—we can’t reprint it.

For more detailed information about copyright, Please see the FAQs and copyright algorithm in the Policies and Forms section.
Submitting Your Manuscript

You can submit your manuscript online through Editorial Manager. The editorial office will register you in the system, and will provide you with a username and password. You will receive an invitation to write a chapter. For assistance with Editorial Manager, please e-mail charet@aaos.org or sorellana@aaos.org.

Submitting Manuscripts and Images with Editorial Manager

1. In Internet Explorer, go to the Editorial Manager site for your publication and log in. Click My Accepted Invitations in your Author main menu. Click Submit Invited Manuscript.

2. Enter the full title of your submission and click Next.

3. Add any other author who has contributed to the work by clicking Add Author and entering his/her name and e-mail address. When you are finished, click Next.

4. Select the Section/ Category related to your submission from the drop-down menu and click Next.

5. Enter your abstract text, if required, (you may paste it from another program) and click Next.

6. Enter keywords into the next screen, and click Next.

7. Click the appropriate radio buttons to answer the questions. Click Next.

8. The required submission items for your article type will be marked with an asterisk (*). In the Attach Files screen, add each file separately by selecting its description from the Item drop-down menu and attaching each file in sequence as outlined in the following steps:
   A. The New Manuscript item will be selected in the Item drop-down menu. Click Attach this File to upload it to your submission.
   B. Select the Figure or Table item from the Item drop-down menu if your manuscript includes figures/images or tables. Click Open, and click Attach this File to upload it to your submission. (You may only upload one figure/image or table at a time.)
   C. Select the Author/ Artwork Forms item from the Item drop-down menu. Click Browse, locate your completed author/artwork forms, click Open, and click Attach this File to upload it to your submission. (You may only upload one set of author/artwork forms at a time.) If you will be submitting your author/artwork forms via e-mail, fax, or mail, select the Author/ Artwork Forms item from the Item drop-down menu and click the Offline button. Click Attach this Information.
   D. Enter the name of each file in the “Description” column (eg, Figure 1, Table 2, Author Forms - Dr. Jones).
   E. Click Next when you are done uploading items. Click Build PDF for my Approval.
   F. Click Submissions Waiting for Author Approval once it appears on the screen. Click View Submission once the link becomes available in the Actions column.

9. Read the information on intellectual property, take the quiz, and check the I Accept box. If you are finished, click Approve Submission and go to step 13. If you want to make any changes, you must do so.
prior to clicking Approve Submission (see step 10).

10. If you want to make changes to your work, follow the steps below. (If you want to make any changes after submitting your work, please contact the editorial office.)
   A. Click Edit Submission and click Attach Files from the menu column on the left side of your screen.
   B. Click Download to open the file you wish to edit, make your edits, and save the edited version to your computer.
   C. Attach the edited version of your file (see step 8). Click Remove next to your original file version. Click Next to proceed. Click Build PDF for my Approval.

11. Click Submissions Waiting for Author Approval. Click View Submission in the Actions column. If you are finished, click Approve Submission.

12. Read the information on intellectual property, take the quiz, and check the I Accept box. If you are finished, click Approve Submission. Your article will appear in Submissions Being Processed.

13. You will receive a submission confirmation e-mail. If we need more information or materials, we will contact you. If you do not receive the confirmation e-mail, you will need to approve your submission by going to Submissions Waiting for Author Approval in your Author main menu and clicking Approve Submission.

Once your chapter has been reviewed and has received a final decision from an editor, you will receive a decision letter in Editorial Manager. If the decision is that your chapter should be revised, you will submit your revision through Editorial Manager.

Sometimes, editors/reviewers will attach a version of your manuscript with their tracked changes. If you see a View Reviewer Attachments link, click it to see the tracked changes. You may accept the changes and attach that document as your revised manuscript.

Mandatory AAOS Disclosure
Don’t forget to complete your mandatory disclosure. It’s quick, easy, and accessible online.

The Orthopaedic Surgeons’ Disclosure Program serves as a central repository of all relevant commercial relationships for orthopaedic surgeons involved in organizational governance, CME faculty, authors of enduring materials, and guidelines development. To log in, click the link below and click “Proceed to Disclosure.” You will be prompted to enter your AAOS username and password.

If you do not have an AAOS username, contact customer service at custserv@aaos.org and ask them to provide you with one. Please make sure to provide customer service with your full name, mailing address, and indicate you are requesting a username to complete the online disclosure.

AAOS online disclosure

The information you provide will appear in print with your published manuscript.

Remember to include the following forms in your submission package or send them via fax, e-mail, or mail:

- Assignment of Rights form
- Contributor form
- FDA disclosure form
- Address form
- Permissions forms
- Patient releases, if applicable

Don’t forget to complete your address form—we need to know where to mail your complimentary copy of the publication.
APPENDIX

Intellectual Property and Copyright

I’m writing an article for JBJS. Can I use the table that you used in your AAOS chapter?

The AAOS holds the copyright. You can contact the department of publications to get permission to use it.
Copyright
Get It Right!

**WHAT YOU MUST KNOW!**

You own the copyright to the material you create.

**BUT**

You then assign it to a publisher as a condition of publication.

**SO**

You cannot then assign the copyright to a subsequent publisher or use the material again without first obtaining permission.

<table>
<thead>
<tr>
<th>Copyright</th>
<th>Plagiarism</th>
</tr>
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<tbody>
<tr>
<td><em>Copyright is defined as the sole right to use—and give others permission to use—a literary, dramatic, musical, or artistic work. Scholarly and medical works, such as the journal articles and book chapters published by the Academy, are also subject to copyright.</em></td>
<td><em>Plagiarism occurs when an author presents as his or her own ideas, language, data, or graphics created by others. Plagiarism of copyrighted material may violate copyright law and may be subject to penalties imposed by a court. By signing the Assignment of Rights form, you are warranting to the Academy that the material is yours, is original, and not previously published elsewhere.</em></td>
</tr>
</tbody>
</table>

**AUTHORS: PLEASE READ CAREFULLY – DO NOT BE GUILTY OF PLAGIARISM OR DUPLICATE SUBMISSION**

The Academy has developed intellectual property learning modules that you are required to complete, and that will earn you CME credit. These modules, along with information about intellectual property and copyright, are located at [http://www3.aaos.org/education/ip/ip_menu.cfm](http://www3.aaos.org/education/ip/ip_menu.cfm).
Copyright Algorithm

Author and coauthors create material

Has any of the **text** been published anywhere—including AAOS publications?

- **Yes**
  - Publisher holds copyright
  - Stop

- **No**
  - Author holds copyright
  - *Author and coauthors sign Assignment of Rights form and send material to publisher* Copyright is transferred to publisher

Have any of the **figures or tables** been published anywhere—including AAOS publications?

- **Yes**
  - Publisher holds copyright
  - Complete the **Permission Request form**
  - Cite the sources of the figures and/or tables
  - AAOS will obtain permission to reprint the figures or tables Copyright remains with original publisher

- **No**
  - Author holds copyright:
    - Complete the **Original Image and Video form**
    - Author and coauthors sign Assignment of Rights form and send material to publisher
    - Copyright is transferred to publisher

If the material has been published anywhere—including other AAOS publications, the author **does not** own copyright

Do not submit text if:
- all or parts of the text are exactly the same as published text
- text is slightly altered from published text

Cite the sources of the figures and/or tables

**Copyright Algorithm**

* You may be able to reuse images in certain cases (see page 6 in the Print Publications handbooks or page 10 in the OKOJ Instructions for Authors)
Plagiarism . . .

. . . is the misrepresentation of someone else’s work as your own.

Even the close imitation or paraphrasing of someone else’s work can constitute plagiarism.

Plagiarism is a violation of copyright.

Plagiarism is a violation of copyright because it is, essentially, theft.

Avoiding plagiarism . . .

. . . is not difficult.

Do not cut and paste text from other sources as a starting point for your own work.

If you paraphrase someone else’s work, cite the source in which the original published work appears.
Duplicative publication . . .

. . . is the reuse or repurposing of identical (or nearly identical) portions of your own material without acknowledging that this material has previously been published. Duplicative publication is also called redundant publication, recycling, or sometimes self-plagiarism.

(Although, if plagiarizing is stealing from someone else, can one really plagiarize oneself? “Self-plagiarism” is really duplicative publishing.)

Whatever you call it, duplicative publication can be a violation of copyright.

How?

Duplicative publication without the acknowledgment and permission of the first publisher is a violation of copyright because the same material, or essentially the same material, is presented in two or more places as though it were original each time.

Avoiding duplicative publication . . .

. . . is not difficult.

Do not “cut and paste” text from material you’ve written that has already been published.

Do not simply add new information to one of your own previous manuscripts to update it.

If you paraphrase your own work, cite the source in which your original published work appears.
Your Intellectual Property Rights and Responsibilities

The following information has been provided so that you understand your rights and responsibilities as an author of material to be published by the Academy. Please take a few moments to review this information and the definitions that accompany it.

(a) Intellectual Property Rights: What You Need to Know

On September 23, 2005, the Board of Directors of the American Academy of Orthopedic Surgeons (AAOS) approved the following recommendations regarding AAOS publications, courses, and scientific sessions in order to help Academy authors and presenters better understand their rights and responsibilities:

1. Continue to require the use of nonexclusive license for materials presented in courses or scientific presentations;
2. Continue to require an assignment of rights for enduring materials;
3. Create a comprehensive education plan so that all authors and presenters understand their intellectual property rights and responsibilities; and
4. Develop a proposed Standard of Professionalism on Research and Academic Responsibilities, for vote by the Fellowship after the 2006 Annual Meeting.

In keeping with the third goal, the AAOS Office of General Counsel has developed this basic legal information about intellectual property rights for orthopaedic surgeons and others who contribute their works to the Academy.

COPYRIGHT BASICS

1. What is intellectual property?

The term “intellectual property rights” refers generally to the ownership rights over a creative work. The most common types of intellectual property are trademarks, patents, and copyrights. Owning the copyright means you control how the material you create is copied and distributed. Generally, any time you assist the Academy by preparing information or educational materials, you will automatically have copyright protections in the work created. The Academy, therefore, will usually ask you, as the creator of a work, to sign a license or an assignment agreement so that the Academy can copy and distribute your work, along with that of your colleagues.

2. What types of intellectual property does copyright protect?

Copyrights protect creative works, such as poetry, plays, novels, movies, paintings, sculpture, photographs, scientific journal articles or book chapters, recorded music, music videos, video games, and architectural designs.

3. When is a copyright created?

There are two basic requirements to create a copyright. First, the work must be original. Originality only requires that you, the author, contributed something more than trivial variation.
Second, the work must be tangible so that it can be perceived, reproduced or communicated. For example, a chapter you submit for an Academy publication or a presentation that is audio taped is copyright protected.

**4. How long does a copyright last?**

The copyright begins when the work is created (not published) and lasts 50 years after the death of the creator. If the creator is a corporation, then the copyright lasts 100 years from the time created or 75 years from its publication, whichever is shorter.

**5. What is the source of copyright law in the United States?**

The primary source of copyright law in the United States is the federal Copyright Act (17 U.S.C. § 101 et. seq.), which was enacted under the United States Constitution (Article I, Section 8).

**COPYRIGHT PROTECTION: WHAT IT IS, HOW IT WORKS**

1. **What items generally do not have copyright protections?**

Copyright protections generally do not cover titles, names, short phrases, slogans, blank forms (designed to record rather than to convey information), and standardized materials. In addition, copyright protections do not extend to works of the U.S. Government. Hence, nearly all works of the U.S. Government may be reproduced and disseminated without violating a copyright.

2. **Can an idea by copyrighted?**

No. A copyright protects the expression of an idea, but not the idea itself. Copyright protections also do not extend to any procedure, process, system, method of operation, concept, principle, or discovery. For example, ideas and facts expressed in an article about an orthopedic procedure are copyright protected. The copyright, however, does not cover the ideas or facts themselves, no matter how creative they may be.

3. **How is copyrighted material marked?**

Most publications contain the word “copyright” or the symbol © followed by the date of the first publication and the name of the copyright owner. The term “all rights reserved” may also be used. Copyrighted material, however, is not required to be marked. A violation of copyright can take place even if the material is not marked or otherwise identified as belonging to the owner. It is not a defense to a copyright violation that the material was not marked.

4. **Must all copyrights be registered?**

No. Any work that is original and able to be reproduced is automatically copyrighted. However, copyrights may be registered with the U.S. Copyright Office for additional protection. For enduring materials, the Academy typically registers for copyright protection.
5. Does having a copy give the owner the authority to use the copyright?

No. Ownership of a copy of a copyrighted work such as a book, periodical, or magazine does not give the owner of the copy the right to make additional copies. For example, recipients of copyrighted material at an Academy conference may not copy the material without the creator’s permission.

COPYRIGHT OWNERSHIP: WHO OWNS WHAT?

1. Who owns the copyright?

The person who creates or writes the work is usually the copyright owner. The copyright owner, however, can assign (i.e., transfer) the rights of ownership in the copyright to a third party. For example, a creator of a work can donate to the Academy all of his or her ownership rights in copyrighted material by signing the “Assignment of Rights” form. Once assigned, the Academy would be the sole owner of the copyright.

2. What rights does the copyright owner have?

The copyright owner has the exclusive right to use and give others permission to use the work. For example, the Academy’s standard “Non-Exclusive License” gives the Academy permission to use copyrighted material for educational purposes only. Since the license is nonexclusive and limited in scope, the creator still retains full ownership rights over the work, including how it can be used in other circumstances.

3. What is an assignment of rights?

This is a complete transfer of ownership from the creator of a work to another. In order to assign rights, the creator must be the sole owner of the work (i.e., not a collaboration) and be willing to seek permission from the new owner to use the work in the future. For example, a creator signing the Academy’s “Assignment of Rights” form permanently gives up all rights. The Academy will typically ask for an assignment of rights for enduring materials such as original articles, papers, and photographs.

4. What is an exclusive license?

An exclusive license is permission by the creator for use of a work for a particular purpose. The creator still owns the copyright and is merely giving limited authorization for a particular use. It is “exclusive” because, until it expires, the creator does not have the authority to license or assign the work to anyone else. The Academy typically does not use exclusive licenses.

5. What is a nonexclusive license for copyrighted material?

A nonexclusive license is similar to an exclusive license except that the creator is free to license the work to multiple parties. For example, when an author signs the Academy’s standard Non-Exclusive License, he or she gives the Academy permission to use the copyrighted material for 5
years for educational purposes through print or electronic distribution. The Academy uses nonexclusive licenses for items such as course materials and outlines.

6. Is a nonexclusive license necessary to copy a presenter’s material?

Yes, for example, a presenter at an Academy conference is usually asked to sign the Non-Exclusive License so that the presenter’s materials can be distributed to conference participants. A publisher who wishes to use an illustration owned by another publisher must obtain a nonexclusive license for this purpose.

7. Must all nonexclusive licenses be in writing?

No. But it is a good idea. An implied (i.e., unwritten) nonexclusive license is made when a work is created and delivered at the specific request of another person. A license is irrevocable (i.e., permanent) if the person requesting the work pays the creator. For example, there is likely an implied nonexclusive license if the Academy asks a presenter to prepare information for an upcoming conference and the presenter agrees. Nevertheless, the Academy will very likely ask a presenter to sign the Non-Exclusive License to clarify how the material will be used.

8. What is permission to print?

The creator of the work retains ownership of the material but grants permission to another to copy the material typically for one time only use. The Academy rarely uses a permission to print form, as other forms of permitting the use of copyrighted material are more effective.

9. What is a warranty?

A warranty is a promise that certain things are true. Warranties are common in an assignment or license as a way to protect the user from third parties who claim their rights have been violated by the content of the work. For example, in the Academy’s Non-Exclusive License, the creator promises that the work is original and does not infringe on the rights of another.

10. Who owns the copyright for works created by an employee?

The employer automatically owns the copyright to any works created by an employee as part of employment. This is known as the “Work Made for Hire” doctrine and is an exception to the general rule that the creator owns the copyright. A written agreement between the parties is not needed for the employer to own the copyright under this doctrine.

11. Who owns the copyright for work created for an employer by a consultant?

The consultant owns the copyright unless the parties specifically agree otherwise in writing. For example, the Academy’s standard Assignment of Rights contract specifies that the Academy is the owner of the copyright and not the consultant. After the assignment has been made, the Academy is the sole owner of the work and the consultant creator no longer has any ownership rights in the copyright.
COPYRIGHT REGISTRATION AND ENFORCEMENT

1. Who is liable for violating a copyright?

Anyone who uses information protected by the copyright without permission is liable, even if the use is by mistake or accident. Courts may, however, lower the amount of liability depending on culpability. Consequently, the Academy will usually ask a creator to sign the Assignment of Rights or the Non-Exclusive License to avoid potential liability.

2. How is a copyright violation proved in court?

The copyright holder will need to prove copyright ownership and an improper copying. Circumstantial evidence (i.e., copy is similar to the original) can be used to prove an improper copying. The copy does not have to be identical to the original but merely substantially similar to prove a violation.

3. What are the most common defenses in a copyright violation?

The most common defenses for a copyright violation are fair use, abandonment of the copyright, and misconduct by the copyright holder.

4. What are the consequences of a copyright violation?

There are both criminal (i.e., jail) and civil (i.e., monetary damages) penalties for a copyright violation. A criminal violation must be intentional and for financial gain. If convicted, a violator can be imprisoned, fined, and have all equipment used in the violation confiscated. A civil violation can result in money fines and the confiscation of all copies.

5. What is the "fair use" doctrine?

The “fair use” doctrine is the most common defense to a copyright violation. The fair use doctrine allows a person to use copyrighted material for criticism, comment, news reporting, teaching, scholarship, and research without permission from the copyright owner. Caution must be taken, however, when copying without permission because there is always a risk the copyright owner could sue, and the alleged violator would have to prove fair use as a defense in court.

6. How is the fair use defense determined by a court?

The court will analyze the following questions in determining fair use:

A. Is the violator making money from use of the copyrighted work?
B. What type of work is being copied?
C. Is only a portion of the copyrighted work being used?
D. What is the commercial impact of the copying on the copyright holder? (This is the most important factor.)
7. Is it a copyright violation to sell an authorized copy?

No. A copyright owner who sells a copy cannot prevent subsequent transfers of that copy. This is known as the “first sale” doctrine. For example, the Academy could resell books purchased from a publisher without violating the copyright interest of the copyright owner.
NEW! AAOS Orthopaedic Surgeons Disclosure Program

PLEASE NOTE: You MUST complete the online disclosure in order to write for the Academy. Simply follow the directions below to complete your disclosure online, which is valid for 6 months.

The Orthopaedic Surgeons’ Disclosure Program serves as a central repository of all relevant commercial relationships for orthopaedic surgeons involved in organizational governance, CME faculty, authors of enduring materials, and guidelines development. The AAOS disclosure policy can be accessed online (http://www.aaos.org/about/policies/DisclosurePolicy.asp).

The disclosure information collected by this program can be searched and viewed by all AAOS Fellows and Members as well as AAOS staff.

The disclosure program has two primary purposes:

- Streamlining the disclosure process for orthopaedic surgeons involved in organizational governance and all formats of continuing medical education, from whom disclosure is required; and
- Increasing transparency throughout AAOS by making this disclosure program available to any AAOS member on the protected portion of the AAOS website.

You will no longer have to complete a paper disclosure form each time you write for the Academy. Your online disclosures must be updated once every 6 months, but you are able to update them as often as you wish.

If you have not previously submitted your online disclosure, please do so now by clicking on this link or typing it in your browser:

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3. I have given the AAOS any future rights to commence any legal action or to recover damages and other relief resulting from infringement of the copyright in the Work.

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I am the sole author of my portion of the Work and the owner of all rights granted in this Agreement. My portion of the Work has not been previously published.

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I understand that the AAOS may edit my portion of the Work for publication or other uses. If the AAOS accepts this Assignment of Rights, I understand that the AAOS does not bind itself to use my portion of the Work in its original form or in its entirety.

I understand that if my portion of the Work contains patient-identifiable information, I warrant that I have obtained all necessary permissions and/or adhered to all requirements under state and federal privacy laws and regulations (including the HIPAA privacy regulations).

I have read and understand AAOS’s primer on intellectual property rights titled “Intellectual Property Rights: What You Need to Know”. The primer is available either on the web at http://www.aaos.org/member/mbrsvc/primer.asp or in hard copy by contacting the AAOS.

Original signatures by electronic transmission (facsimile or email with PDF attachment) shall be sufficient and binding upon the parties hereto.

By:

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Contribution to Work (Title of Your Chapter) _______________________________________________________________________________________________________

Printed Name ____________________________________________________________________________________________

Date ________________________________________________________________________________________________

Updated 4/12/2013

AAOS Author Handbook: Appendix – Disclosure and Sample Forms

A2-2
SAMPLE CONTRIBUTOR’S PAGE FORM

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We are limited to one affiliation per contributor. You may submit your academic or professional affiliation.

If we have not received your Contributors’ Form with your manuscript, we will assume that you wish us only to list your full name, city, and state.

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FDA DISCLOSURE FORM
Documentation of FDA Status for Uses Described

Manuscript Title: Hallux Rigidus

To obtain information regarding the clearance status of a device or pharmaceutical, you may refer to the product labeling, call the FDA at (800) 638-2041, or visit the FDA Web site at www.fda.gov.

In my 'Work' for this Academy educational program (check one):

____ FDA clearance is NOT APPLICABLE. No pharmaceuticals or medical devices will be discussed in this presentation.

__X__ The FDA has cleared all pharmaceuticals and/or medical devices for the use described in this presentation.

____ The FDA has not cleared the following pharmaceuticals and/or medical devices for the use described in this presentation. The following pharmaceuticals and/or medical devices are being discussed for an off-label use.

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<th>Manufacturer</th>
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Academy policy provides that "off label" uses of a device or pharmaceutical may be described in the Academy's CME activities so long as the "off-label" status of the device or pharmaceutical is also specifically disclosed (i.e. that the FDA has not approved labeling the device for the described purpose). Any device or pharmaceutical is being used "off label" if the described use is not set forth on the product's approved label.

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