**SCOPE:** All Company-affiliated facilities including, but not limited to, hospitals, ambulatory surgery centers, home health agencies, physician practices, outpatient imaging centers, and all Corporate Departments, Divisions, Groups and Markets.

**PURPOSE:** To ensure compliance with copyright laws and licensing requirements, and to avoid infringement of copyrights.

**POLICY:** Except as permitted by law, Company colleagues will not reproduce or use any copyrighted materials without the express permission of the copyright holder, unless licensed under an agreement that Company has with the Copyright Clearance Center (CCC); Broadcast Music Inc. (BMI); American Society of Composers, Authors and Publishers (ASCAP); Society of European Stage Actors and Composers (SESAC); Global Music Rights (GMR) or Motion Picture Licensing Corporation (MPLC) to do so.

**DEFINITION:**

Copyrighted works are original works, including printed materials, movies and videos, music, photos and artwork, software programs and material on the Internet. In general, a copyright protects the “Expression” of an idea.

**PROCEDURE:**

1. **General Legal restriction:** With only very narrow exceptions, copyright laws prohibit anyone from reproducing all or any portion of a copyrighted work, whether in print, video, electronic, or any other form or using copyrighted works for a commercial purpose without entering into a license agreement. Original works may be protected by copyright laws in the United States even if they do not display the copyright symbol (©) or are not registered with the U.S. Copyright Office.

2. **Specific Examples:**
   a. For copyrighted written materials, one may purchase a copy to read and may share the original copy with another person to read. However, unless permitted under the CCC license (as described in Section 3 below) copies of the work are not to be made and distributed.
   b. For copyrighted movies or video clips, except as permitted under the MPLC license (as described in Section 5 below) or pursuant to express permission of the copyright owner, the movies or video clips are not to be used in internal or external business presentations and/or shown for public viewing, such as in waiting rooms or group areas for patients nor can they be copied in any part or in their entirety. Copyrighted videos may be provided, however, to patients for viewing in the privacy of their hospital room as long as such movies or video clips are lawfully obtained.
c. For copyrighted works performed by artists, except as permitted under license agreements with BMI, ASCAP, SESAC or GMR (as described in Section 4 below) or pursuant to express permission of the copyright owner, works performed by artists shall not be performed, copied, distributed or used in any internal or external presentations.

d. Images may not be downloaded or copied from the Internet unless a valid license is obtained for that image. Company has entered into a license agreement with Getty Images. Please contact your marketing department or visit the Brand Resource Center at HCAHealthcare.com/brand to access Getty Images and custom photography.

e. Font libraries may not be downloaded unless a valid license is obtained for that font library. Company has entered into a license agreement with Monotype. Please contact your marketing department or visit the Brand Resource Center at HCAHealthcare.com/brand for questions on font libraries.

f. Internal use of copyrighted material without permission or a valid license is considered copyright infringement. Thus, for example, video clips, images and/or music must not be used in internal presentations without obtaining permission from the copyright owner or a valid license.

3. License agreement with CCC for printed works for internal use: Company has entered into an annual copyright license agreement with the CCC which enables colleagues to reproduce and distribute content, in print or electronic format, as needed within the Company. Under the CCC license, colleagues may copy and internally distribute excerpts from newspapers, magazines, journals, books and other copyright protected works licensed by the CCC. The following is a list of key provisions in the CCC license:

a. Colleagues may make an unlimited number of photocopies of portions of licensed works under the CCC license, provided that they are obtained from a lawful source and distributed to colleagues for internal use only. Colleagues may e-mail articles of interest that are covered by the CCC license to other internal colleagues, share articles by posting them on company intranet sites, store articles in shared folders, and scan content when a digital original is not available.

b. Colleagues may not copy licensed works for the purpose of external distribution, except under the following circumstances:
   1. Responsive Rights: Colleagues may in response to a specific request from a non-Company employee provide a copy of the copyrighted work to the requesting party if Responsive Rights are allowed by the CCC license. See subsection c below.
   2. Government Filings: Colleagues may provide copies of the copyrighted works to government agencies as required to support regulatory submissions.
   3. For all other circumstances, colleagues need permission from the copyright holder to copy and distribute any materials externally.

c. Before copying or distributing portions of any copyrighted work, colleagues should consult the list of CCC registered works, which can be accessed through the following link, CLICK HERE: (1) in the search box type the name of the publication; (2) click the search.
icon; (3) find the result that corresponds with your publication. To the right of the publication, you will see a box marked “How can I use this copyrighted content?” There are usually three options identified. If you click on each option, a description of the rights will appear in a pop-up window. A breakdown of each option is identified below:

1. Digital Sharing: This allows for the distribution internally, in electronic form, copyrighted material (such as by email or by posting on an intranet site). If you see a ☑️ next to this option, you do not have permission to electronically distribute.

2. Photocopy Sharing: This right allows for colleagues to photocopy a portion of the publication, such as a single article from a magazine, and distribute it in paper form. If you see a ☑️ next to this option, you do not have permission to copy and distribute.

3. Digital responsive rights: This allow for the sharing of single electronic copies with clients, prospects or customers, in response to a specific request, for informational purposes. If you see a ☑️ next to this option, digital responsive rights are not allowed.

d. If a publication is not included in the CCC’s list of registered works, the colleague must obtain prior written approval from the publisher or owner of the copyright before copying any portion of the publication. A sample letter to request approval is attached to this policy.

e. Notices of policy requirements: Each facility should post notices at copiers and in library or research areas that include the basic elements of this policy and the CCC’s website address. See attached sample notice. This policy can be found on Atlas Connect.

f. If there is any question on whether the type and/or uses of any content is covered by the CCC license, please contact the Corp/Trademark IP mailbox at Corp.Trademark/IPLegal@HCAHealthcare.com.

4. License agreements with BMI, ASCAP, SESAC and GMR for musical works: Company has entered into license agreements with BMI, ASCAP, SESAC and GMR to use copyrighted works performed by artists registered with BMI, ASCAP, SESAC and GMR (e.g., music that is played 1) in corridors and 2) on telephone lines (on hold music) in Company-affiliated facilities without having to request permission from the copyright holders.

a. Company-affiliated facilities registered under Company’s blanket licenses with BMI, ASCAP, SESAC and GMR are permitted to play lawfully obtained music as background music in offices, waiting rooms, patient rooms and corridors or broadcasted through televisions in waiting rooms and patient rooms.

b. Colleagues will need to check the libraries of all three organizations to determine whether a particular song is covered.

1. BMI: [www.bmi.com](http://www.bmi.com) (Find the “Search Site or Repertoire” search box. Colleagues can search by artist, songwriter, or title.)

2. ASCAP: [www.ascap.com](http://www.ascap.com) (Find the search function under the link “Repertory” to run a search by title, writer, publisher, or performer.)

3. SESAC: [www.sesac.com](http://www.sesac.com) (Find the search function under the link “Repertory” to run a search by song, artist, publisher or writer.)
4. GMR: [www.globalmusicrights.com](http://www.globalmusicrights.com) (Find the “Search Catalog” search box to run a search.)
   c. Always make sure the music is lawfully obtained. Colleagues should never use music that has been downloaded from illegal file sharing websites or has been otherwise unlawfully obtained. We do not recommend using any music from YouTube unless it comes directly from the producer or owner.

5. License agreement with MPLC for videos and motion pictures: Company has entered into a license agreement with the MPLC for specific facilities (described in subsection a below) and for corporate training (described in subsection b below). **Waiting rooms in emergency departments and acute care facilities are not covered under this license agreement at this time.**
   a. Facilities: Surgery centers, psychiatric hospitals, specialty hospitals and outpatient facilities are permitted to show, but **not copy or edit any portion of**, those copyrighted pre-recorded movies or video clips covered by the MPLC Producer’s list, to patients and guests of their facility if the showing is not advertised and no admission is charged.
      1. Outpatient treatment centers (e.g., wound treatment centers, dialysis centers, cancer care centers, urgent care centers and imaging centers) may be licensed to show in their waiting rooms those copyrighted pre-recorded movies or video clips covered by the MPLC Producer's list.
      2. To qualify for such a license, the outpatient treatment center must either:
         (1) be in a separate building from the hospital building, or
         (2) have separate entrances, waiting rooms and services from the hospital.
      3. Facilities with an outpatient treatment center that meets one of the conditions listed above and would like to be licensed to show such videos in the center’s waiting rooms, may send requests to the Corp/Trademark IP mailbox at Corp.Trademark/IPLegal@HCAHealthcare.com.
   b. Corporate Training: Company’s MPLIC license also permits corporate employees the ability to incorporate movies and clips covered by the MPLIC Producer’s list into internal business presentations and/or view the movie at internal corporate events.
   c. To determine if a title is covered by the MPLIC Producer’s list, please contact the Corp Trademark/IP mail box on Outlook.
   d. The movies or video clips or any portion of any form of copyrighted works thereof may **NOT** be duplicated.
   e. The movies or video clips must be purchased, rented, donated or otherwise legally acquired. Colleagues should never use movies or clips that have been downloaded illegally. We recommend against the use of movies or clips obtained from YouTube, unless the clip comes directly from the producer or owner.
   f. If a colleague wishes to show any work that falls outside of the scope of the MPLIC license, written approval must first be obtained from the copyright owner. A sample letter is attached and may be edited as appropriate by the individual or facility requesting the right to redistribute/use the work.
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- g. If there is any question on whether the type and/or uses of any content is covered by the MPLC license, please contact the Corp/Trademark IP mailbox at Corp.Trademark/IPLegal@HCAHealthcare.com.

REFERENCES: Copyright Act, Title 17, United States Code (1976). Access the Copyright Clearance Center’s repository via the following link, [CLICK HERE](#).
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Before copying materials from copyrighted publications for any external use or distribution, special permission is required from the copyright holder.

Reference: Corporate Copyright Policy, LL.GEN.002 (effective 9/1/2019)
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