

## **COPYRIGHT GUIDELINES FOR CONTRIBUTORS TO FREE-READING.NET: GENERAL PRINCIPLES AND PRACTICES**

*The terms governing contributions to the Free-Reading site (the “Site”) are set out in the Free-Reading Terms of Use. These Guidelines are intended to assist users in avoiding infringement of third parties’ copyrights. These Guidelines do not constitute legal advice or an agreement on the part of the operators of the Site. Complying with these Guidelines will not relieve contributors of liability should their contributions be found to violate the rights of third parties.*

Contributors to the Free-Reading site must not copy or imitate the content of copyrighted works in their own contributions. Copyright owners may seek to hold you and/or the operators of the Site legally liable for infringement if you copy their work – in whole or in part, verbatim or just by creating something very similar.

**What is copyrighted?** Works which are original (i.e. independently created and not copied), have some minimal amount of creativity and are fixed in a permanent way (i.e. printed or recorded) are copyrightable. In other words, copyright law can protect other people’s lesson plans, teaching activities and other instructional content if they have been written down or taped. Please note that this is true regardless of whether or not:

- The work has a copyright notice;
- The work is published or unpublished;
- The work is one of fiction or non-fiction;
- The work is paid for or free (i.e., available on line or emailed to you);
- You credit the original author (or use a disclaimer);
- You knew material was copyrighted or intended to infringe someone’s copyright.

**What is not copyrighted?** Even if a work is copyrighted, you are still free to create your own work using the same ideas or facts discussed in that work. You may also use certain standard elements of teaching materials; again, you are merely prohibited from copying the way another person has used such elements. Of course, it is often not clear what constitutes “idea” as opposed to “expression,” or what would be considered a “standard element”; you should consult a lawyer if you have questions about the use of certain material.

**What is infringement?** The use of all or part of a copyrighted work or even the creation of a similar work, without permission, may be infringement. There are some limited circumstances under which you can use others’ works, such as where the work has existed long enough to be in the public domain, you have permission (such as a license) to use the work, or your use is a “fair use.” (“Fair use” is a complex legal doctrine which cannot be adequately explained here, but in brief, it allows the use of copyrighted works for certain purposes such as teaching or commentary based on consideration of a number of factors concerning the copyrighted work and how it is used

in another subsequent work). Unless you are sure that your use is non-infringing, you should seek legal advice or you should refrain from using it.

## **PRACTICAL TIPS**

**Creating original content for Free-Reading:** If you create a completely original work – such as a new lesson plan – without copying, incorporating or drawing from other sources, you have most likely not infringed someone else’s copyright. In addition to written text, it is also appropriate to include other types of content you have created, like illustrations, photographs or video. However, it may be desirable to get permission from subjects of photos and video, and you may wish to have an attorney assist you in obtaining such permission.

**Contributing content you have used in your classroom:** You may contribute content you have prepared for use in your own classroom. Following are two caveats to this:

- If you typed up a lesson plan for your class, but believe you may have originally taken it from another source, you should not contribute it. It may be copyrighted material.
- If your work was completely original, but was previously published or recorded in some way – e.g., it was used in a textbook – you should get legal advice before contributing it to confirm whether or not you have the rights to republish it on our site.

**Creating content based on other works:** In general, you may not copy or even closely paraphrase other works. For example, you may not copy a lesson from a textbook, upload worksheets from a web site or incorporate an image from a magazine, subject to the following exceptions. (Note: All of these exceptions are based on fairly complicated legal principles; you should seek specific legal guidance before relying on them).

- If you own or license the rights to use or copy a work (or believe you may use it pursuant to a Creative Commons license), you may be able to use it.
- If you have taken another work and based your work on it – and the two works are dissimilar enough – it is not infringement. The more similar the works are in expression, such as details of structure and language (as opposed to underlying ideas or factual material), the more likely there are copyright issues.
- As mentioned above, in many cases, you may create a lesson plan around a copyrighted work such as a specific book or song, on the basis that your plan is a “fair use” of that work.

If you believe, based on the principles discussed above or on common sense, that a person or company could assert that you have infringed their copyright by copying, excerpting or even creating something similar to their work, or if you have any questions regarding the topics discussed above, you should consult legal counsel. You may find additional helpful information at [www.copyright.gov](http://www.copyright.gov) and [www.chillingeffects.org](http://www.chillingeffects.org).