

# Kagan (USA) Policies for Intellectual Property Rights

As the Kagan Structures have become more and more popular; increasingly we have had to deal with a very unfortunate scenario. A school or district administrator calls the Kagan offices and says they have had a Kagan training and it did not meet their expectations for the high quality associated with Kagan. When we investigate, it turns out that someone we don't know has presented a training which used the name Kagan in the title, or which used Kagan materials in a way which made participants and/or the hosting administrators believe the training was a genuine Kagan event.

Allowing this is bad for Kagan's image, but more importantly it is bad for teachers and students. Teachers invest their time, energy, and money to come to a workshop. If it is a Kagan workshop, they expect and get the very best. If someone who is not a Nationally Certified Kagan Presenter presents the workshop, participants are likely to get a poor version of the Kagan Structures and content. Ultimately, this means they are wasting time in the workshop, and will not be able to serve their students as well as if they had a genuine Kagan training. Allowing imitation Kagan workshops deprives teachers and students of the very best teaching and learning methods.

Some presenters offering "Kagan" training are unaware they are in violation of Copyright and Servicemark laws. They quite innocently want to share the power of Kagan Structures and content. What they may not realise is that the Kagan Structures are extremely carefully crafted to include basic principles and important adaptations for special populations. All certified Kagan trainers have used them for years, have received extensive specialised training, well beyond the training offered at the Kagan Training for Trainers annual institutes. Without that specialised training, a presenter cannot offer the highest quality Kagan training, and will not be able to convey the full power of Kagan Structures or content.

We appreciate the desire to share the Kagan Structures and content, but in order to ensure that everyone going to a Kagan workshop receives the very highest quality training, we must strictly enforce Copyright and Servicemark policies. **The following Intellectual Property Policies have been developed in consultation with the Knobbe, Martens, Olson & Bear Law Firm.**

## Part I: Protected Professional Development Services

Kagan Professional Development is committed to excellence. We invest heavily in the research, writing, design, and marketing of our workshops and courses. We hire only top trainers, and keep our Nationally Certified Kagan Training Team continually updated with the latest training methods and Kagan content. When teachers, schools, and districts receive training from Kagan, they receive the finest trainers with the highest levels of abilities. Others have provided trainings in ways which make them appear to be endorsed by or affiliated with Kagan when they were not. In some cases, the trainings have not represented our commitment to excellence. Kagan Professional Development has earned a positive reputation and will, if necessary, take legal steps to protect it.

## **A. Non-Competition**

Training Kagan content or courses on a for-profit basis constitutes competition and is strictly prohibited. Trainers may train only the staff in their own school or district. Multi-district trainings — trainings at which participants come from more than one district — are prohibited. Training Kagan content or courses outside your district is prohibited. You may not charge a fee for your services.

## **B. Not Endorsed by Kagan**

Trainings or services in your district or school may not be offered appearing to be provided, sponsored, affiliated, or endorsed by Kagan. The following violations are strictly prohibited and are subject to prosecution:

Violations Subject to Prosecution • The use of the name "Kagan" in any part of the workshop title. • The use of Kagan text or titles describing workshops or courses. • The use of Kagan distinguishing fonts or graphics. • Certifying participants in Kagan content.

## **Recommendations**

- To eliminate confusion, indicate prominently on all promotional material and materials participants receive, "This workshop is not presented, sponsored, or endorsed by Kagan Publishing and Professional Development."
- Use generic class or workshop titles to ensure you are not in violation (e.g., Cooperative Learning Strategies, Multiple Intelligences, and Classroom Discipline Strategies). If Kagan content is the primary focus of training, the following phrase may be used in its entirety: "This workshop focuses on content developed by Kagan. However, it is not sponsored or affiliated with Kagan in any way."
- Do not copy or adapt Kagan course descriptions.
- The presenter may state in the workshop and on promotional material that he/she received training by Kagan. A trainer training Kagan content must state in the workshop and on promotional material that he/she is not a Nationally Certified Kagan trainer and the workshop is not associated with Kagan in any way.

## **C. Required Training Materials**

Presenters who wish to do extensive training of Kagan structures or content developed by Kagan are required to purchase Kagan training-related materials for each participant. These materials are designed to increase the quality of the training as well as avoid copyright infractions. The following guidelines describe the materials required for consecutive or cumulative hours.

### **1) Under 3 Hours**

Workshop presenters and university or college professors (or their designated agencies) may use up to a total of 5 pages of materials copied from Kagan publications. A written request must be sent to Kagan and permission must be granted prior to duplication. The materials must be properly referenced:

## **Example of a Proper Reference:**

To appear on each page copied/adapted.

This material has been reproduced/adapted from the following book with permission from Kagan Publishing: Kagan, Spencer, and Kagan, Miguel. Multiple Intelligences: The Complete MI Book. San Clemente, CA: Kagan, 1998. 1 (800) 933-2667, [www.KaganOnline.com](http://www.KaganOnline.com)

If a course is broken down into sections, that does not mean for each class you may copy 5 pages. It means for the entire course there is a 5 page maximum.

### **2) 3 to 5 Hours**

Cooperative Learning Required Material: Structures for Success Workbook  
Kagan Cooperative Learning 1-Day Course Workbook

For compliance with copyright/servicemark laws this workbook is required for workshops on Kagan cooperative learning content of 3 to 5 hours. Perfect for the 1-day introduction to Kagan cooperative learning. Includes pages on basic theory and eight structure notetaking pages. BWCL1 • \$10

### **3) 6 to 11 Hours**

Cooperative Learning Required Material: Cooperative Learning Workbook  
Kagan Cooperative Learning 2-Day Course Workbook

For compliance with copyright/servicemark laws this workbook is required for workshops on Kagan cooperative learning content of two days or the equivalent. Includes four sections: Overview, Theory, structures, and Resources. You will find an agenda and notetaking pages for essential workshop pieces such as Three Goals, teacher ABC, Four Basic Principles, Forming Teams, Seven Key Concepts. Includes structure pages for 14 selected structures. 72 pages. BWCL2 • \$15

### **4) 12 Hours or More**

Cooperative Learning Required material: Course Workbook & Text

Cooperative Learning Course Workbook & Cooperative Learning Book For compliance with copyright/servicemark laws this textbook and workbook package is required for workshops on Kagan cooperative learning content of 12 hours or more. The book, Cooperative Learning, is the bestselling, most comprehensive book in the field. The recently revised Cooperative Learning Course Workbook allows participants to take notes on the workshop content and pull out the ready-to-do activities. Includes tabbed sections on: Cooperative Learning, Structures, Teamformation, Teambuilding, Classbuilding, Info Exchange, Mastery, Thinking Skills, Cooperative Projects, Management, Social Skills, Cooperative Sports, and Resources. Price \$59 BKCLW (Incl GST)

## **Part II: Protected Publications and Materials**

Kagan's goal for producing products is to share with educators a powerful vision and approach to education. In order to retain our rights to the substantial body of work that Kagan has developed, we must actively police our rights. Therefore, Kagan will take legal recourse and seek infringement remedies for infractions.

### **A. Copies for Classroom**

Use A teacher may make copies of the intended handout/blackline pages on any book published by Kagan provided that the teacher is the original purchaser of the book and the copies are intended solely for his or her own classroom use. Purchasers may not become an alternative source for Kagan materials. Schools and districts may not purchase a single copy of a book and allow more than one teacher to make copies. To do so, the school or district must purchase a multi-user license.

### **B. Reprints or Adaptations for Publications**

All requests to use Kagan materials in another publication (including school or district publications) must be approved in writing by Kagan. Please send written requests indicating:

1. The specific page
2. The number of copies that will be made, and
3. The intended use.

Only written permission by Kagan constitutes approval. All approved materials must be properly referenced. Limited use of Kagan material is usually granted free of charge. Duplication of a substantial body of work will certainly be denied, however may be allowed under a negotiated written royalty agreement.

### **C. Videos and Manipulatives**

Copies of videos and manipulative kits and not permitted under any circumstances

Tips on "Fair Use"

Many school districts, universities and other non-commercial organisations apply guidelines for "fair use" copying of copyrighted materials such as explained below. Indeed, these are the very guidelines that Kagan applies when copying others' copyrighted materials, and we urge all non-commercial copiers to adopt them, too.

To make a "fair use" instructional copy of Kagan Structures or other copyrighted content, the educator, school, district, college or other non-commercial organisation shall:

- i) copy no more than one (1) chapter from a book, article from a journal issue, webpage from a website (i.e., one [1] unique URL), or other similarly small part of a work;
- ii) use such copy solely for one (1) educator's own instruction;
- iii) use such copy for one (1) activity, lesson, subject or course in one (1) academic term; and
- iv) include the copyright notice for the Kagan Structures or other copyrighted content and appropriate bibliographical reference(s) as modelled below.

To use Kagan Content repeatedly for the same lesson, subject or course in multiple academic terms, the educator, school, district, college or other non-commercial organisation shall obtain prior written permission from Kagan. Written requests shall indicate:

- i) the specific webpage;
- ii) the number of copies to be reproduced of that webpage;
- iii) the intended instructional use; and
- iv) a sample of the reproduced Kagan Structures or other copyrighted content, including bibliographical reference(s) as modelled below.

To adapt Kagan Structures or other copyrighted content for a publication or other derivative work in any medium, the educator, school, district, college or other non-commercial organisation shall obtain prior written permission from Kagan. Written requests shall indicate:

- i) the specific Kagan Structures or other copyrighted content;
- ii) the title of the work in which the Kagan Structures or other copyrighted content would appear;
- iii) the name of the legal entity that would serve as publisher of the work;
- iv) the date of publication of the work;
- v) all territories in which the work would be distributed; and
- vi) a sample of all pertinent portions of the work, including bibliographical reference(s) as modelled below.

Limited use of Kagan Structures or other copyrighted content shall usually be granted free of charge. Duplication of a substantial body of Kagan Structures or other copyrighted content shall certainly be denied, although it may be granted under a negotiated written royalty agreement.

## **Model Bibliographical References**

In the event that Kagan grants an educator, school, district, college or other non-commercial organisation prior written permission to copy or adapt Kagan Structures or other copyrighted content, such organisation's employees and agents shall properly cite within its copy or adaptation as many as possible of the bibliographical references modelled below as are appropriate for such copy or adaptation:

1. Each time a Kagan Structure is used by name, it shall utilise Kagan's spelling, capitalisation, compound-wording and hyphenation and also incorporate a citation, such as this:

Quiz-Quiz-Trade (Kagan, 2009)

2. Each page that uses or adapts a Kagan Structure or other copyrighted content shall include a citation such as this:

Source: This material has been adapted from the following book with permission from Kagan Publishing & Professional Development: Kagan, Spencer & Kagan, Miguel. Kagan Cooperative Learning. San Clemente, CA: Kagan Publishing, 2009. 1 (800) 933-2667. [www.KaganOnline.com](http://www.KaganOnline.com).

3. If the Kagan Structure or other copyrighted content is copied or adapted within a work that has a section for Bibliography,

References, or Works Cited, etc., that section shall include this citation:

Kagan, Spencer & Kagan, Miguel. (2009). Kagan Cooperative Learning. San Clemente, CA: Kagan Publishing. [www.KaganOnline.com](http://www.KaganOnline.com).

Please note that each of the citations modelled above may be edited to follow any accepted style of documentation; i.e., APA, Chicago, MLA, etc.