

## **Recipes and Copyright**

### **By Ellen Schuster, MS**

Recipes are one of the tools nutrition educators use to teach concepts like healthy food choices/food substitutes, food safety and saving money. And let's be honest - food sampling/tasting is always a favorite. Sharing recipes are popular online, too. Do you know what to consider when using or adapting recipes for distribution to the public?

If your agency or organization has a publications or media unit that can guide you, you are lucky! Use their guidelines. Consider this handout, Copyright Answers and Resources, Alabama Cooperative Extension System, 2011:

<http://www.aces.edu/pubs/docs/E/EX-0063/EX-0063.pdf>

It provides interesting copyright insights and it reinforces something I have always done when using a recipe from another source - ask for permission. I can't remember a case when my request wasn't granted. This PDF provides a template when you want to ask for permission to use material from another source.

#### **No time to request for permission?**

If the time needed to go through the process of requesting permission is a concern check your local library for a resource that has publisher contact information and fax or email your request. Or you may be able to find the publisher contact information online. Another choice - instead of requesting permission, use recipes in the public domain like What's Cooking? USDA Mixing Bowl at <https://www.whatscooking.fns.usda.gov/> or a similar source. Even if you are using such a site, it's a good idea to credit the source of the recipe.

#### **Are recipes copyrighted?**

I began this article with guidance about getting permission to use recipes but many have asked: Are recipes copyrighted? Good question! In a May 2016 Retail Dietitians Business Alliance Weekly article by Rosalind Benner, RD, who developed and tested recipes for the H-E-B Grocery Company, Rosalind shares that you can't use the same name, you must change at least 3 ingredients and write the instructions in your own style. You can read more at <http://www.retaildietitians.com/articles/recipe-development-insights-with-rosie-benner,-rd/>

I followed up with Rosalind and she shared this online article with me -

<http://smallbusiness.findlaw.com/intellectual-property/copyrighting-recipes.html> The bottom line is that it's unlikely the courts will get involved in copyright issues particularly when individual recipes are involved.

Another article is enlightening if you like your law explained in plain English like I do. At

<http://sarafhawkins.com/recipe-copyright/> we learn that plagiarism is unethical but not illegal. More importantly, lists aren't copyrighted so the list of ingredients in a recipe aren't covered by copyright law.

The instructions or directions could be copyrighted if they are an example of 'substantial literary expression.' Translation? The instructions would have to be uniquely written to be considered substantial literary expression which is hard to do when writing recipe instructions.

**The bottom line?**

Do the right thing. Get permission. Give credit. Use recipes in the public domain.