



Assistant Secretary for Health
Office of Public Health and Science
Washington D.C. 20201

June 3, 2011

Dear Grantee:

I am writing this letter to provide you with some general information regarding the use of materials in your OAH Teenage Pregnancy Prevention (TPP) grant project, the medical accuracy requirement, and potential copyright issues. Specifically, because you will be using and/or modifying pre-existing materials in your OAH projects, you should be aware that there could be copyright implications associated with your use of these materials.

As indicated in the TPP funding announcement, OAH grantees need to ensure that information provided in their programs is age appropriate, and scientifically and medically accurate. To ensure that the most current science is reflected in the program materials, grantees are required to submit all core curriculum materials to OAH for review and approval prior to use in the project. The review shall ensure that the materials are medically accurate, complete, and up-to-date. In cases in which medical inaccuracies are identified, grantees are required to correct any medically inaccurate information prior to beginning full implementation of their programs.

However, it is important to note that OAH is not expecting you to alter the materials beyond correcting the medically inaccurate information; nor is OAH expecting you to make actual modifications to the pre-existing written curriculum, as these types of changes (e.g., additions, deletions or revisions to the text or graphics) could possibly infringe rights owned by the copyright holder. On the other hand, there may be a number of ways in which you can make the necessary revisions to the materials that will not alter pre-existing materials and, therefore, are unlikely to raise copyright concerns, such as: developing an insert for facilitators and including the insert at the beginning of the materials, supplementing existing handouts and PowerPoint slides with updated information, stopping a video after a medically inaccurate statement to correct the statement, etc. For assurance that your plans to correct medically inaccurate information are not perceived as copyright infringement, OAH recommends that you contact the copyright holder for written permission prior to making any alterations to curriculum materials. In addition, you should be aware that reproducing curriculum materials and/or making modifications/adaptations to these materials as described in the Tier I and Tier II TPP funding announcements (i.e., minor adaptations in Tier I TPP projects; significant adaptations in Tier II TPP projects) may also result in copyright infringement. Thus, OAH is not expecting that you reproduce or make such modifications/adaptations to these materials without first obtaining written permission from the copyright holder. If appropriate, you may also wish to consult an attorney for guidance on copyright issues.

HHS respects the rights of copyright owners. Under copyright law, copyright owners have exclusive rights to reproduce, distribute, and modify their works. (See the U.S. Copyright Office

website (<http://www.copyright.gov>) for information on copyright laws and answers to frequently asked questions about copyright.) Nothing in this letter, the TPP Funding Opportunity Announcement, or the additional standard terms and requirements attached to your Notice of Grant Award, implies that the Government authorizes and consents to infringement of copyright in any work protected under the copyright laws of the United States within the meaning of 28 U.S.C. § 1498(b).

As individual materials are submitted and reviewed for medical accuracy, you will be receiving a letter from OAH letting you know if the revised materials are approved for use in your project or, if not, what modifications are required to be made prior to use. In cases in which modifications are required, PalTech, the OAH medical accuracy review contractor, will be available to guide you through the process.

Sincerely,


Evelyn Kappeler
Acting Director
Office of Adolescent Health