Announcer: Welcome to Build Your Tribe with your host, Chalene Johnson.

Chalene: Now if you spend a considerable amount of time looking and listening to shows in the business category, then you know who Pat Flynn is. Pat Flynn and I, we've got a little battle going on, and it's called a Dubsmash battle. If you're not familiar with this, it's like this super amazingly fun way to waste hours on your phone doing lip syncs. I literally one day spent 2 hours. Talk about ... You know what, I almost said talk about being ineffective, but sometimes, that's what you need to do, is just be like a 14 year old in a 46 year old woman's body and just do lip syncs for the heck of it.

In fact, it's kind of a cool testament to the way that I've created my life that it's my party. I can lip dub if I want to. I can wake up and go, "You know what, I don't feel like being productive and a grown-up today. I feel like engaging in a Dubsmash battle with Pat Flynn." Here's my point. Pat Flynn and I have been battling on Dubsmash, and he's been using a prop that, in my opinion, is a completely unfair advantage. He keeps using his adorable 2 year old, maybe she's 3 year old, daughter in his videos.

That's not fair. I mean, I'm using props, like knives and things, but I really can't put my 15 year old daughter who's 4 inches taller than me in a front pack just to beat Pat. If he's going to play unfair, I'm going to play unfair and I'm going to tell you, "Hey, can you jump on Instagram and maybe let Pat know that my lip dub was better than his? Thanks." Shh, don't tell him though. Let's just pretend this is purely organic.

Okay, back to business. In this episode, I'm taking questions from people just like you, students of my Marketing Impact Academy. This particular episode, I can't imagine anyone listening who it doesn't affect. We're talking about content. What content do you have the right to use? How do you protect your own content and at the same time, continually be creating and developing and producing more content?

To submit your own question for Build Your Tribe, simply go to chalenejohnson.com/askchalene. Please be sure to let me know if in fact you are a Marketing Impact Academy student, because we like to give your questions priority treatment, but if you've got a great question, I can't help but answer it. Let's get to that first question.

Camille: Hi, Chalene. This is [Camille Small 00:02:35], one of your Marketing Impact Academy students. Absolutely loving the program. Thank you for the great information that you provide. I just listened to your podcast about music rights, and it made me curious about if it's okay to use other people's recipes. If I were to make a video on how to make a recipe, would I need to only do my own recipes, or could I use somebody's recipe that came out of a book? I know you'll have the answer. Thank you so much for all this valuable information that you provide. You are the best.

Chalene: Camille, this is a great question. It can be kind of tricky, so I'm going to do my best to shed some light on this subject. Most of the topics and episodes and issues that I deal with on The Chalene Show have to do with psychology and relationships, making ourselves better, like growth in general. I always try to remind the listeners, "Hey, listen. I'm not a psychologist or a psychiatrist. I'm just sharing best practices and bringing the experts to you."

I think it's only fair that I, of course, preface this message by saying, "I took the LSAT, but that doesn't make me a lawyer, so this is not legal advice." Even if I was a lawyer, I wouldn't be able to give you legal advice. This wouldn't constitute legal advice in the form of a podcast. What I will share with you though are best practices, my own beliefs, and information that I think will help you to make these decisions, critical decisions, on your own.

I've often said that I read the book, Eat That Frog, by Brian Tracy so many times and I would quote it and I lived it and I wrote notes about it. I just made it become part of my life. I referenced it so often in my own lectures and seminars that I would then hear people quoting me, and they would say, "As the author Chalene Johnson says, 'Eat that frog,'" and I'm like, "Wait, wait, wait. That's not my quote. That's a book title. It's a book title by Brian Tracy."

A lot of people will attribute the quote about eating a frog first thing in the morning to Brian Tracy, when in fact, it's not Brian Tracy's quote. It's a quote that Brian Tracy referenced of Mark Twain. The Mark Twain quote is, "Eat a live frog first thing in the morning, and nothing worse will happen to you the rest of the day." Then Brian Tracy took that quote to say, "Start your day by doing the most disgusting thing first, like the worst thing that's on your list. Do that first because it's very much like eating a frog."

You can see how these things, sometimes they get adapted and adopted. Perhaps the originator, the original author, doesn't always get credit. It's not a malicious thing. It's not something that people intend to do, but it's just something that happens because we pass things along. We do a Google search. We take it as gospel if it's on the internet. We just pass along these things, and oftentimes there's some plagiarism and/or copyright infringement or misquoting or just misleading information or inappropriate attribution.

Let's talk about that. How can you come up with your own thing and not be in violation of somebody's copyrights or fully plagiarizing someone? First of all, plagiarism isn't illegal. Is it unethical? Yeah, of course, but it's not illegal. You're not going to go to jail for plagiarizing someone. Could you get kicked out of school? Yeah. Could you get a rather unhappy letter from the person who originally wrote the content? For sure. Does it diminish your trust in the eyes of the people who you're serving if they think, "Hm, I wonder if this is actually theirs"? Yes, 100%, but yet, it's not illegal and it happens all the time.

True story. After one of my recent seminars, I was going online to see people's reviews and see if anyone had left any testimonials about the event. By chance, I stumbled upon a YouTube where there was a gal teaching my exact formula, like word for word, on how to create a push goal, like word for word, and actually even called it a push goal, and described it as her own system. [Or 00:06:49] like, "Yo, give me a shout-out. Give me some creds. Give me some props." At least say, "I just learned this at a seminar," or "Chalene Johnson is credited with the term push goal." Come on now.

Okay, so what do I do with this? Let's see. She's got 3 likes. Eh. It is what it is. People take stuff all the time. Case in point, exercise. Almost every day, I'll post an exercise clip on either Instagram or Facebook. Inevitably, someone will post underneath it, like, "Oh, you stole this from such and such program." I'm like, "Yo, I've been doing that before the person who created such and such program was even born, y'all." There's nothing new in fitness. Burpees and pushups and jumping jacks, that's as old as your great-great-great-great-grandfather. There's not a lot of new, and there's no way to copyright or to trademark a move in an exercise program.

Now, I might be crazy, but I think I can probably show you the video where I came up with the term sumo burpee. I swear, I invented that term. There's a few other terms that I swear I invented, but everybody else is using them in the industry and that's cool. Why do I need to protect that and fight over it and trademark it? For me, it's just one of those things where you have to pick your battles. The term Turbo Kick and PiYo and Hip Hop Hustle, those are all terms that we trademarked before selling our company.

You have to look at what is the cost and what is the investment that's required in order for you to copyright and/or trademark, and is it even possible to trademark an idea, a concept, a move or a recipe? When it comes to a recipe, you cannot trademark a recipe. Then how do you protect a recipe, and is it illegal to use someone else's recipe? It's not necessarily illegal, unless they've created copyrights around it.

With the way the internet and social media operates today, and with everybody's insatiable hunger for more content, everything gets jacked. In fact, every single podcast I have ever done has ended up on YouTube and not on my YouTube channel. There's been a multitude of channels that pop up that take my videos, take my recipes, take my podcasts, and they post them up on their own channels to generate traffic to their site. Now, they're not saying it's me, but they're also not saying it's not me. How much do I want to invest in policing that? Eh, probably not much, only unless it's like a huge violation. I might report them to YouTube. For the most part, we really don't track this too much, but how do you protect yourself?

What happens if there's a recipe that you've been using for years and you've tweaked it a little bit? Do you have the ability to use that as your own unique recipe? You should be able to, but when it comes to copyrighting a recipe, it is a well-known fact that an ingredient list cannot be protected by copyright. What is protected by copyright is the instructions and directions, and even that is kind of sketchy, only if the instructions and directions are ... They meet the criteria of original work and authorship.

In other words, if the recipe includes putting all of the ingredients in a blender and then blending it on high for 5 minutes and pouring it into a glass, that's not something you can copyright. However, if you've got this really unique spin on it where you put it in a frosted mug and then you cover it for a day in the freezer and then you take it out and you blend it again, if there's this really, really unique way you have of expressing and describing the directions for this particular recipe, maybe you could potentially have copyright protection.

Most people are less interested in protecting their recipes, and more interested in just making sure that they stay within the confines of the law, and most importantly, that they are respecting the person who originally wrote the recipe. Most recipes are meant to be shared. That's just something we've been doing for generations. You share recipes. Who knows who wrote the first recipe for whatever it is that you're sharing? When it impacts your profitability and your brand, that's a completely different subject. If you borrow a recipe from another source, it should be accompanied by some form of attribution. In other words, at a minimum, you've got to mention them if you haven't already secured permission to use the recipe.

When I first started blogging, I loved sharing healthy recipes from my favorite healthy cookbooks. One of them was Hungry Girl. I just didn't know much about this. I had a bunch of books that I loved the recipes in them, and I put post-it notes on each one of the recipes that I loved. Then I outsourced that to an assistant I had working for me at the time. I said, "Just take these recipes and put them up on our blog, and share them as some of my favorite recipes." In the end, we didn't reference the author, and we got a notice.

I didn't mean to do that. It wasn't my intention in any way, shape, or form to pretend that they were my own recipes. Everybody knows I can't cook. I can mix things together, but I am not a chef. We quickly took them down. That was many years ago. Things have really changed in the last 2, 3, 4, 5, 6, 7, 8 years. Now people are stealing stuff like crazy. Maybe some people are doing it unknowingly, and maybe there are people who are doing it very intentionally.

For the record and ignorance is certainly not a defense, but I didn't mean for it to go down that way. I fully intended to give the authors credit for those recipes, but nonetheless we didn't. We took them down. We apologized. We now ask for permission whenever we're going to feature somebody's content, a recipe, a blog post, et cetera. When it comes to ideas, things that I've learned from other experts, we're careful to give people credit, especially when it relates to something unique and special, specific to their system or way of teaching.

But there's still a ton of "borrowing" and plagiarism and flat out copyright infringements happening, because people are desperate for great content. A lot of this gets outsourced. You hire someone on Elance and say, "Okay, find me 30 great gluten-free recipes." My recommendation is, if you're outsourcing the cultivation of content, that you need to know where it came from and then, in most cases, you can use that as a resource, as research, as a reference, but it should still be your own content. Unless you're giving someone complete credit for having written the article or created the recipe or developed the system, in most cases, you need to make sure you're giving the author that credit or developing your own unique content.

When it comes to your written material, your work, the way that you've described something, maybe the way that you coach your clients or the way that you teach your lessons, is that copyrightable? The answer is yes, but the better question is, is it worth it? One of our clients recently reached out to Bret and I asking if they believe we thought they should copyright every page of their website. Those clients are actually lawyers, so they know the law. The question wasn't, can I? The question is, should I? Does this make sense?

There are arguments on both sides of the fence. There's some pretty heavy hitters out there, huge in social media and in intellectual property rights, who believe that sharing actually makes more sense. Allowing people to use your content, even if they are doing so without giving you credit, as long as they're not making a direct profit from it, that by sharing your information, your content, sharing it actually creates more revenue for you in the long run.

First of all, let's talk about, how does one get a copyright for, say, a blog post that you've written, or the way that you teach goal setting? There's a number of services around that let you register the copyright for an item, so you can just simply go online and Google this. I'm not going to go into it, and here's why. Because even if you do go through the entire process of making sure that your material is [copywritten 00:15:15], that doesn't make any difference to the people who don't care about using unauthorized copies of your blog anyways.

People are still going to steal it. They do it all the time. Are you kidding me? People copy DVDs. They steal content off of YouTube, Facebook, Instagram, Google Images, Pinterest, you name it. The question is, have you lost revenue because of it? That's the question I ask myself when I try to determine if in fact I want to pursue this further.

For example, the individual, whoever it was, who was posting my podcast shows on YouTube as their own, it wasn't to share the knowledge. They were presenting it as if it was me, number 1, and number 2, they were also generating ads around that content, which was mine. Number 3, I was losing people who were going to YouTube searching for my podcast audio program, people who maybe they're not listening on iTunes or Stitcher, and they were going to watch it on YouTube. I was losing those people too. It wasn't worth me pursuing it legally, but I certainly did file an infringement notice to YouTube and they were soon taken down.

The question is, to what extent do you want to pursue the hassle of copyrighting everything? Yes, we put up a copyright notice on our blogs, but do people steal them? Yes. Do we pursue it? No. However, if it were to come down to something that I view as my intellectual property right, meaning how I teach the push goal system or my 30 day challenge or how I've structured SMART Success, and somebody was stealing that content, even if they were changing it a little bit to make it look like their own, oh, you bet I'm going to find you. I'm going to take you down. That's mine, y'all. I spent a lot of time, blood, sweat, and tears. I did the work. I hit the rock bottom in order to create that content, so yeah, I'm going to fight that fight. If you're the kind of person who wants to jump on my blog and steal my last post about body image, I'm not going to fight you. I won't even judge you. I will let God be your judge.

Now the extent to which you protect it should be determined by how much that is a profit source for you. In other words, the system that we teach for SMART Success, that is our profit source. That is very much intellectual property rights. That's something that we own, it's something that we copyright, and something we're pretty careful about making sure people aren't teaching it as their own. Is there a lot of gray area? Yeah, I wish I could give you a black and white answer. Here is the best tip I have for you. If it doesn't feel right, if it feels like maybe you're stealing someone's work, then better safe than sorry. Ask for permission and/or at a minimum, give the original author the credit they deserve.

Thanks for listening to this episode of Build Your Tribe. Thanks for sharing it with your friends. Thank you from the bottom of my heart for these amazing reviews that you've been leaving. I read them all the time. They're pretty awesome. Be sure to ... Sometimes you guys leave your iTunes handle, but when I read the reviews, I love to know, who is this actually? Even some place in the body of your review, unless of course you want to be anonymous, I would love it if you actually put your name. That way, I know who it is and I can give you credit. I love you, and as I promised, I would be brief, I would be bright, I would try to be fun, and then I would be done.

This episode has been sponsored by courageousconfidenceclub.com. It's a club that I've created specifically to help people who struggle with confidence and insecurities and social settings and just standing up for themselves, being yourself and feeling good about it. All of us could benefit from having more confidence. I'd love for you to just experience a taste of it, so please be my guest by going to chalenejohnson.com/confidencetips.

Now if you don't feel like writing that web address down or remembering to go there later, all you have to do is while you're listening from your phone, send me a text message. The number is 949-565-4337. That is for US residents. Then just send me the word confidence, and I will send you access to this video. This video will help you to eliminate self-doubt and just feel more confident in any situation, whether it's work or personal or just your social interactions.

Every one of us can benefit from having more confidence. There you'll submit your email address and I will immediately send to your inbox my latest training video, where I teach you step by step how to feel more confident in just about any social setting. I think you'll find this incredibly useful, whether it's business or personal or just in your everyday interactions.

Confidence is something that makes life easier. It helps you to raise more confident, [self-efficient 00:20:22] children. It allows us to speak our mind, to stand up for ourselves, to do the things that otherwise we are paralyzed by fear and we just allow our own thoughts to stop us. By learning how to overcome self-doubt and fear of success, you can become that confident person that others are attracted to, the person you want to be, the person you deserve to be, the person you know is inside of you. Thank you for checking out my free tools by going to chalenejohnson.com/confidencetips.