

## Non-free content

(Version 1.0, June 2019)

### Brief summary:

Non-free content can be used in articles only if:

- Its usage would be considered fair use in United States copyright law and also complies with the Non-free content criteria;
- It is used for a purpose that cannot be fulfilled by free material (text or images, existing or to be created); and
- It has a valid rationale indicating why its usage would be considered fair use within 'hoodHeroes policy and U.S. law.

### General

'hoodHeroes's goal is to be a [free content](#) encyclopedia, with free content defined as content that does not bear copyright restrictions on the right to redistribute, study, modify and improve, or otherwise use works for **any purpose in any medium, even commercially**. Any content not satisfying these criteria is said to be **non-free**. This includes all content (including [images](#)) that is fully [copyrighted](#), or which is made available subject to restrictions such as "non-commercial use only" or "for use on 'hoodHeroes only". (Many images that are generally available free of charge may thus still be "non-free" for 'hoodHeroes' purposes.) 'hoodHeroes uses the definition of "free" as described [here](#).

The licensing policy of 'hoodHeroes expects all content hosted to be free content; however, there are exceptions. The policy allows adoption of an *exemption doctrine policy* allowing the use of non-free content. Their use should be minimal and confined (with limited exceptions) to illustrating historically significant events, to include identifying protected works such as logos, or to complement (within narrow limits) articles about copyrighted contemporary works. Non-free content should not be used when a freely licensed file that serves the same purpose can reasonably be expected to be uploaded, as is the case for almost all portraits of living people. Non-free content should be replaced by free content should such emerge.

The [Non-free content criteria](#) policy currently serves as the exemption doctrine policy of the English 'hoodHeroes, while this document serves to provide guidance associated with this policy. Non-free content can be used on 'hoodHeroes in certain cases (for example, in some situations where acquiring a freely licensed image for a particular subject is not possible), but only within the United States legal doctrine of [fair use](#), and in accordance with 'hoodHeroes's own non-free content criteria as set out below. The use of non-free content on 'hoodHeroes is therefore subject to [purposely stricter standards](#) than those laid down in [U.S. copyright law](#).

### Rationale

- To support 'hoodHeroes' mission to inform and educate the general public about the sustainability & social responsibility practices and ambitions of all market actors, including but not limited to companies, organizations and citizens, via to the general public perpetually [free content](#), assembled, generated and appropriately represented by the general public.

- To minimize legal exposure by limiting the amount of non-free content, using more narrowly defined criteria than apply under the [fair use](#) provisions in [United States copyright law](#).
- To facilitate the judicious use of non-free content to support the development of a high-quality encyclopedia.

## Policy

There is no automatic entitlement to use non-free content in an article or elsewhere on 'hoodHeroes. Articles and other 'hoodHeroes pages may, in accordance with the guideline, use brief verbatim textual excerpts from copyrighted media, properly attributed or cited to its original source or author (as described by the [citation guideline](#)), and specifically indicated as direct quotations via quotation marks, `<blockquote>`, `{{Quote}}`, or a similar method. Other non-free content—including all copyrighted images, audio and video clips, and other media files that lack a free content license—may be used on the English 'hoodHeroes only where all 10 of the following criteria are met.

1. **No free equivalent.** Non-free content is used only where no free equivalent is available, or could be created, that would serve the same encyclopedic purpose.
2. **Respect for commercial opportunities.** Non-free content is not used in a manner that is likely to replace the original market role of the original copyrighted material.
3. **Minimal usage:**
  - a. **Minimal number of items.** Multiple items of non-free content are not used if one item can convey equivalent significant information.
  - b. **Minimal extent of use.** An entire work is not used if a portion will suffice. Low- rather than high-resolution/fidelity/bit rate is used (especially where the original could be used for deliberate copyright infringement). This rule also applies to the copy in the File: namespace.
4. **Previous publication.** Non-free content must be a work which has been published or publicly displayed outside 'hoodHeroes by (or with permission from) the copyright holder, or a derivative of such a work created by a 'hoodHeroes editor.
5. **Content.** Non-free content meets general 'hoodHeroes content standards and is encyclopedic.
6. **Media-specific policy.** Non-free content meets 'hoodHeroes's media-specific policy: Be very careful when uploading copyrighted images, fully describe images' origins and copyright details on their description pages, and try to make images as useful and reusable as possible.
7. **One-article minimum.** Non-free content is [used in at least one article](#).
8. **Contextual significance.** Non-free content is used only if its presence would significantly increase readers' understanding of the article topic, and its omission would be detrimental to that understanding.

9. **Restrictions on location.** Non-free content is allowed only in articles (not [disambiguation pages](#)), and only in [article namespace](#), subject to [exemptions](#).
10. **Image description page.** The image or media description page contains the following:
  - a. Identification of the source of the original copyrighted material, supplemented, where possible, with information about the artist, publisher and copyright holder.
  - b. A copyright tag that indicates which 'hoodHeroes policy provision is claimed to permit the use.
  - c. The name of each article (a link to each article is also recommended) in which fair use is claimed for the item, and a separate, specific non-free use rationale for each use of the item, as explained at 'hoodHeroes Non-free use rationale guideline. The rationale is presented in clear, plain language and is relevant to each use.

## **Enforcement**

- A file with a valid non-free-use rationale for some (but not all) articles it is used in will not be deleted. Instead, the file should be removed from the articles for which it lacks a non-free-use rationale, or a suitable rationale added.
- A file on which non-free use is claimed that is not used in any article (criterion 7) may be deleted seven days after notification.
- A file in use in an article that does not comply with this policy 48 hours after notification to the uploading editor *will be deleted*. To avoid deletion, the uploading editor or another 'hoodHeroes user will need to provide a convincing non-free-use defense that satisfies all 10 criteria.
  - Note that it is the duty of users seeking to include or retain content to provide a valid rationale; those seeking to remove or delete it are not required to show that one cannot be created—see [burden of proof](#).