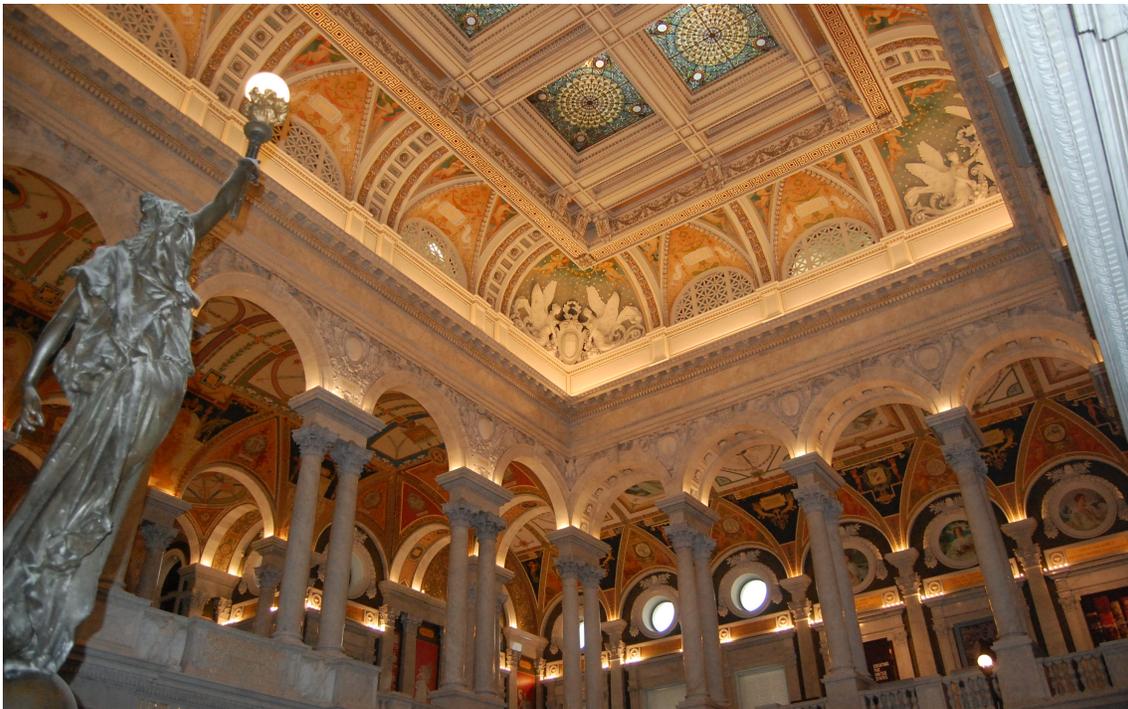

IPFI Handbook for Librarians and Educators

Assisting creators to protect and share their
intellectual property



Intellectual Property for Innovation (IPFI)

Museum for Black Innovation and Entrepreneurship

Version 3.0

The Museum for Black Innovation and Entrepreneurship

The Museum for Black Innovation and Entrepreneurship (MBIE) is a 501(c)(3) nonprofit charitable organization founded in 2011 in Washington, DC. The mission of MBIE is to provide space and support to inspire and celebrate innovation and entrepreneurship within and around the Black experience and to build community capacity for innovation and entrepreneurship, particularly in underserved communities, by increasing and disseminating the knowledge necessary to advance such endeavors.

Our goals are to: 1) Inspire innovation and entrepreneurship in the community by exhibiting historical and contemporary examples of Black achievements and hosting public lectures and discussions by exemplary Black innovators and entrepreneurs; 2) Promote the use of community expertise, training, and financial support for nascent innovators and entrepreneurs; 3) Create a community-based ecosystem for innovation and entrepreneurship; and 4) Conduct participatory action research in collaboration with community groups to increase understanding of how innovation and entrepreneurship can advance the economic and social development and wellbeing of the community.

Intellectual Property for Innovation is a program initiated by the MBIE (<http://mbiedc.org>) in consultation with the Institute for Intellectual Property and Social Justice (IIPSJ), based in Washington, DC (<http://www.iipsj.org>) and other organizations engaged in intellectual property and social justice.

Cover photo: Library of Congress Interior, by John R. Whitman

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<http://www.mbiedc.org>

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Foreword

Librarians and other educators as publishers

IPFI for Librarians and Educators has one goal and four objectives:

Goal: To maximize the social utility of the intellectual property clause in the Constitution by including as many people as possible in the process of creativity and innovation. In particular, this means including traditionally underserved communities and marginalized populations, including those in places of detention.

Our objectives are to:

1. Raise every citizen's awareness of the intellectual property protection clause in the Constitution as a right;
2. Encourage writing, art, music, drama, photography/film, and other creative work;
3. Facilitate copyright registration where appropriate; and
4. Assist in publishing or sharing their work.

Librarians and other educators help visitors find books and other informational resources. In the role of *finders*, they are some of the most cheerfully helpful people in the world. But the role of librarians is evolving, as the library itself is changing in response to new social needs. Once denizens in the domain of stacks leading patrons to printed books and periodicals, librarians today must help their patrons use computers to access resources through the Internet. Librarians are also adapting to nontraditional roles, such as helping patrons apply for passports. Such change is evidence of the library seeking to sustain community relevance, particularly in a time of rapid social change and diminishing resources.

Other educators who teach creative skills can expand their traditional role of teaching to include facilitating protection and publication of intellectual property for their students.

We are encouraging librarians as well as other educators to be *publishers*. If willing, a librarian or educator can easily help writers, photographers, filmmakers, and musicians in the community to protect the ownership of their creations and to publish and share them.

How is this possible? First, the librarian/educator must be willing to learn how to register a copyright with the U.S. Copyright Office and to understand ways to share work through the Creative Commons attribution system. Learning how to register a copyright should only take a few hours simply by following instructions on the U.S. Copyright Office web site. The Creative Commons web site similarly explains the various options for sharing work according to different levels of restrictions. We do not publish procedural information in this handbook because it can become out of date.

Librarians and other educators who understand both copyright and Creative Commons options will be able to explain these options to library users and creators. For creators needing assistance, the librarian/educator should be able to help the creator complete and submit all the necessary documentation to register a copyright and to indicate on the work exactly how the work is protected.

Going further, the librarian/educator can learn how to use various word processors that now have the built-in capability automatically to publish works online. For example, the latest version of Pages, which is Apple's word processor, can automatically publish works to Apple Books, its online store. The latest version of Scrivener can produce files in formats for publishing through Apple Books or Amazon's online Kindle Direct Publishing system. With the guidance of a knowledgeable librarian, one or more authors can publish and distribute their work/s, and copyright it accordingly.

Finally, but not least, the librarian/educator can identify publishers seeking new material, and put patrons in touch. A reputable publisher will contract with an author to publish his or her work following signing an agreement that transfers ownership from the author to the publisher, thus obviating the need for the author to register a copyright in advance. The publisher then is responsible for copyright of published material.

Imagine that the librarian at the local library or educator teaching in a community workshop can now help creative folks in the neighborhood protect and publish their works! Once only providing access to information, the librarian/educator is now also a veritable information midwife, facilitating new, creative works for publication. An amazing and socially productive professional transformation!

And the same applies to librarians and educators who serve vulnerable populations, such as in prisons, detention centers, health facilities, and youth facilities. Indeed, because the Museum for Black Innovation and Entrepreneurship aims to empower the vulnerable, IPFI is a means to provide access and inclusion to creators in otherwise difficult conditions.

We encourage those who work in arts and literary educational programs to join in undertaking this rewarding work. Finally, we encourage everyone to share this document

freely and to pursue their ideas for how to increase access and inclusion to empower more creators who can benefit from copyright.

We would like to acknowledge Professor Lateef Mtima, Co-founder and Director of the Institute for Intellectual Property and Social Justice for providing expert guidance; Mr. Ethan Senack, Outreach and Policy Manager, Creative Commons USA, for his helpful contributions to the sections on Creative Commons; Ms. Wendy Jason of Justice Arts Coalition and Caitis Meissner of PEN America's Prison Writing Program for collaborating in reaching out to the art community in detention; and the U.S. Copyright Office, Public Information Office, for their valuable suggestions. If you have questions or comments, please direct them to me.

Thank you for participating in IPFI! Please encourage others to join you.

John R. Whitman, Ph.D., Director

Museum for Black Innovation and Entrepreneurship

Birmingham, Alabama; Chicago, Illinois; and Washington, DC

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Introduction

"To promote the progress of science and useful arts ..."

Our aim: To encourage librarians and other educators to raise awareness of the Constitutional right to protect intellectual property and voluntarily to assist creators register their copyrights and post them for sale or free through the Internet.

The United States of America has cultivated one of the most fertile sources of creativity in the world. The authors of the Constitution anticipated that the rule of law must establish protections for creativity, securing for the creators the exclusive right to benefit economically from their works for a certain period. Thus Article I, Section 8 of the Constitution specifies that:

The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; ...

Stated differently, just as the Constitution protects free speech, it also protects a creator's intellectual property (IP). Such protection is ensured through two government offices:

- The United States Patent and Trademark Office (USPTO) is where to file applications to protect *patents and trademarks/servicemarks* (<https://www.uspto.gov>). Note that copyright does not protect names, short phrases, slogans, or titles. However, they may be eligible for trademark registration. For details, check the trademark section on this website.
- The United States Copyright Office (USCO) in the Library of Congress is where to register ownership of *written, artistic, and other expressive works* in a fixed format (<https://www.copyright.gov>). The site will provide a list of all the types of relevant works. The IPFI program focuses on copyrights, not patents or trademarks.

Over the years, these arrangements have certainly benefitted both creators and the nation. The United States has historically produced the most patents in the world, and the country's creative output through the arts has led the world in the sheer scale and diversity of expression.

This success has not been achieved without a dark side. During the long era of slavery, any property nominally in the possession of Blacks, including their creations, was "owned" by their masters. And since the end of that era, opportunists have continued to appropriate the creative works of others for their economic benefit. Moreover, many creative folks are simply unaware of their Constitutional right to protect their IP, and/or lack the resources to do so.

As a practical matter the procedures for gaining protection, however, are not simple. The legal profession has built a helpful business around protecting intellectual property for clients, and sophisticated individuals and companies pay to engage attorneys in the process of filing the necessary papers. But, as you will see, the registration procedure is certainly within reach of the abilities of a librarian.

Concerning copyright, the creator has automatic copyright ownership of his or her work, without registering with the U.S. Copyright Office. And typical copyright protection covers the life of the creator, plus 70 years. However, if a creator's work is appropriated without permission, the creator has a far greater likelihood of legally enforceable protection if the work were registered than not. *Thus, if a significant economic value is anticipated, it makes sense to register the copyright.*

To address widespread unfamiliarity with intellectual property, MBIE is undertaking an effort called IP For Innovation (IPFI) to raise awareness and understanding of IP, how to protect it, how to commercialize it, and how to share it, with or without compensation.

IPFI for Librarians and Educators presents a voluntary opportunity for librarians and other educators in schools, public libraries, and prisons to help creators register their copyrights and post them for sale through online stores. Libraries can play an important and perhaps unique role by providing access to free or affordable and non-predatory publishing options for Black and other creators in the community in a way that has not traditionally been available, until now.

We hope you will enjoy and learn from participating in this program.

What's the Problem?

Unlawful appropriation

Imagine reading your own words in a publication, and not recognizing the name of the author. Or hearing your music played, without acknowledging you as the composer. Chances are, those who misappropriated your creativity are making money from it.

If you're a writer and publish your work in a reputable publication, you likely signed a contract that transferred ownership of your copyright to the publisher. The arrangement may involve the publisher paying you a royalty based on sales or, perhaps, you agreed to allow publication because doing so advances your scholarly standing, even though you receive no payment. The point is, you knowingly transferred your copyright ownership to the publisher, and now it's up to the publisher to protect the copyright from infringement by others.

But there may be cases where your work is used by others without your permission. What recourse do you have? Your ability to go to court may depend on whether you have registered your copyright with the U.S. Copyright Office. This provides you with unambiguous proof of your ownership of the work. In cases where your work may be valuable in the market, registering it is a form of insurance to protect you from potential loss.

However, once you register your copyright, you must still protect it from misappropriation. Consulting a lawyer and/or going to court is likely to cost money. Addressing your options for how to protect your copyright is outside the scope of this handbook. Our focus here is to enable librarians and educators to assist their clients take the first step of copyright registration.

Note that a writer or artist is well-advised to include the copyright symbol on his or her work, even on the back of a work of art, so that a potential infringer cannot claim ignorance should a dispute take place.

Process Overview

The big picture

Here is a simplified overview of how the IPFI initiative works:

1. Librarians/educators decide they want to learn how to register a copyright and to understand the Creative Commons attribution system. This takes them several hours of online reading.
2. They can learn how Pages, Scrivener, or another word processor produces files for online publication through Apple Books and/or Amazon Kindle Direct Publishing.
3. They can familiarize themselves with reputable publications that may be seeking new material in various subject matters, how authors can submit their work for consideration, and the agreement that will need to be signed by the author in submitting his or her work.
4. With such knowledge in hand, they can now announce to the community that they are willing to assist creators to protect and publish their works. As a matter of policy, the library or other relevant organization can determine whether such service should be made available at no cost to users or whether the library might charge a fee, whether as a one-time fee, a percentage of sales, or some other arrangement.
5. Participants are requested to keep track of their copyright and publishing services by using the attached form and posting or emailing the data to IPFI to monitor the impact of the IPFI initiative.

Tip for Online Applications

Submitting the registration application online through the Electronic Copyright Office (eCO) at <http://www.copyright.gov/eco> is strongly suggested. When using eCO, the filing fee can be paid online using a check or a credit card. The filing fee is \$55, as of August 2019.

Additionally, please note that online registration through eCO covers all copyright classifications. ECO can be used for all literary, performance, visual art, serial (individual), and sound recording works. After paying the filing fee online, you are given up to 14 days to upload or up to 30 days to mail in copies of the works. For a list of acceptable file types for uploading, see <http://www.copyright.gov/eco/help-file-types.html>. For deposit requirements for published works, see Circular 7b at <http://www.copyright.gov/circs>.

When uploading copies, there are maximum size requirements for each upload; see http://www.copyright.gov/eco/faq.html#eCO_2.3. Multiple uploads are allowed. Compressed files, such as zip files, can also be uploaded.

You can track your submission by logging in to eCO. For eCO submissions the processing time is currently taking about four to seven months from the time a complete submission is received in the Copyright Office. The registration is effective, however, on the date of receipt of the submission. Once the process is completed, we will mail a certificate of registration. You do not need a copyright registration number or certificate in order to proceed with publication. See <http://www.copyright.gov/circs/circ01.pdf>.

If you have additional questions or need further assistance, contact information is listed below.

U.S. Copyright Office

Attn: Public Information Office-LM401

101 Independence Avenue, S.E.

Washington, DC 20559-6000

Email: copyinfo@copyright.gov

Phone: 877-476-0778 (toll free) or 202-707-5959

Fax: 202-252-2041

Website: www.copyright.gov

NOTE: On March 15, 2019 the option to register a “collection” of unpublished works using the Standard Application will be replaced by the “Group of Unpublished Works” application. This new application allows up to 10 unpublished works to be registered using one application and filing fee. [Read more.](#)

Getting Started

Preparation will enable success

This section addresses the two topics of this enterprise: Copyright and Publishing. In both cases, copyright and publishing, the requirements, procedures, details, and even fees can change from time to time. This is why we suggest that librarians consult and learn directly from the relevant web sites. Such information published here would likely be out of date.

Copyright

Familiarize yourself with the Resources and Education sections on the website of the U.S. Copyright Office: <https://copyright.gov>.

Next, view the Register a Copyright section, <https://www.copyright.gov/registration/>. Note the different sections for various forms of creative works. A single librarian need not be expert in all forms of copyright; several librarians might consider each learning different forms (i.e., one for written works, another for film, etc.).

When you are familiar with how to register a copyright, next, learn about different options within the copyright system. Some authors may be interested in encouraging their work to be shared or may want to release it fully to the public. Creative Commons licenses are the most common alternative to “All Rights Reserved” copyright, allowing creators to choose which specific rights they retain, and which rights they grant to the public. You can read more at www.creativecommons.org, or reference this quick one-pager on the basics: bit.ly/licensewithcc. More more in-depth information on earning a certificate in the Creative Commons system, please refer to: <https://certificates.creativecommons.org/about/certificate-resources-cc-by/>.

Be sure to consult the online application tip on the following page.

After a few hours of reading about the copyright registration procedures you should be able to inform an author, photographer, filmmaker, musician, or other creative people about their options for protecting their copyrightable work. A first principle in the United States is that one need not formally *register* her or his copyright; copyright is automatically owned by the creator through the act of creation. However, it makes sense to register a copyright if the owner expects to benefit financially or otherwise from the work, including the ability to transfer ownership to someone else or an entity like a company. The registered copyright can then be used in court to certify ownership in cases of contested rights.

Whether or not the copyright is registered with the U.S. Copyright Office, and whether or not the work is made freely available online, a creator may still choose to release a version of their work under a Creative Commons license, which informs readers what they are allowed to do with a work and signals that the work is meant to be shared.

This information on copyright will be helpful even to library visitors who inquire about how they can use works created by others.

If there are legal questions that might best be considered by an intellectual property attorney, we suggest contacting the local bar association for possible pro bono legal advice.

Now let's assume that your creative patron wants to know how to sell or share her or his work. After reading the next section, you should be able to help them publish their works online.

Publishing

One way to sell or share creative works is online through the Internet. This has made self-publishing easier than ever. Of course, sales are not guaranteed. But buyers can't buy something they can't find. You can easily learn how to publish and sell a book or film through the online marketplace offered by Apple Computer or Amazon.

The easiest way to sell through Apple is to use its word processor, Pages. The latest version should provide a seamless process of creating and formatting a book, and then publishing it automatically through Apple Books. This handbook was created with Pages and published using Apple Books.

If you don't use Pages, you can download the free app called iBooks Author from the App Store (on your Mac). This app, like Pages, produces files in a format for publishing through Apple Books.

Details can be found here: <https://support.apple.com/en-us/HT201183> (or search, "how to publish books through Apple Books".)

One alternative to Pages is Scrivener, which produces files that can be posted to Apple Books and Amazon's Kindle Direct Publishing. To learn more about Scrivener, visit: <https://www.literatureandlatte.com>.

To learn how to publish through Amazon, visit: https://kdp.amazon.com/en_US/.

Copyright Registration Fees

Some options for those in need

The U.S. Copyright Office charges copyright registration fees. Consult their website to see the current fee levels. Although the fee levels may seem reasonable, some clients may simply not have sufficient money to pay.

One option is to arrange for a personal loan, which would be repaid from eventual sales, with or without reasonable interest.

Another option to consider would be to establish a type of evergreen loan fund, in which a pool of money is made available to borrowers, who eventually pay back the loan amount plus a fee or level of interest to sustain and possibly grow the pool for use by others. The original pool could be raised through a crowd-sourcing approach. This option requires the librarian (or another volunteer) to maintain and manage the fund.

Because of the economics of arranging financial assistance, it becomes imperative to anticipate the likely sales that would be generated by any particular creative work before the copyright registration process is started. Some works, while having perhaps esthetic or sentimental value, may simply not have sufficient market value to warrant copyright registration.

Some Considerations

Know when judgment is advised

You may not want to register everything a creator brings in. As noted above, registration requires a fee paid to the U.S. Copyright Office and will certainly take your time to process. A creator should be encouraged to deliberate, including with others, whether her or his work is likely to generate revenues at least as much as it would cost to register the copyright. If not, it may not make sense to register the copyright.

Moreover, there may be moral or ethical reasons why you may not want to help register a particular work. This is a matter for the library to deliberate as a policy.

Other policy considerations might include conditions set on the subject matter that can be published (such as by prison libraries); the conditions under which a librarian contributing to a work should be treated as a co-author of a work; whether the library's name should be attributed in the work for its services; and whether the library should be a financial beneficiary of any published work.

Measuring Impact

Keeping records

To monitor and measure the impact of your IPFI effort, it makes sense to keep track of the number of inquiries about the service, the number of creators assisted, the works registered, and so forth.

Here is a sample reporting table you could use (feel free to modify):

IPFI Progress Report

Librarian's Name:

Creator	Type of Work	Service Provided	Title of Work	Registration Date	Date Certificate Received	Comments

We request that such reports be emailed to us periodically (e.g., monthly or quarterly) via: ipfi@mbiedc.org so that we can monitor and report IPFI activity. We expect to post results online.

If you have questions, please direct them to John Whitman at whitman@mbiedc.org.

Copyright Links

Further information on copyright

The following links provide helpful educational resources on copyright protection.

The U.S. Copyright Office

<https://copyright.gov>

Taking the mystery out of copyright

<http://www.loc.gov/teachers/copyrightmystery/>

Copyright and Primary Sources

<http://www.loc.gov/teachers/usingprimarysources/copyright.html>

Creative Commons

<https://creativecommons.org>

For Posting

IP symbols

The symbols © and ® indicate protected intellectual property. Feel free to post the following information to raise awareness of what these symbols mean.



Copyright

This symbol declares that the name following it owns the expression in the work, whether a book, article, poem, music, film, photograph, illustration, architectural drawing, or any other expressive work protected by the U.S. Copyright Office. Such works are called intellectual property because they result from your imagination and the U.S. Constitution allows you to protect such creative property for a limited time.

For example: © 2018, by John Q. Doe

You automatically own the copyright to your creative work, whether or not it is registered. However, to protect it in court, you should register your work with the U.S. Copyright Office.

You cannot use material copyrighted by others without permission, except in certain limited cases, called Fair Use, such as for educational purposes or in news articles. As with other types of property, using someone else's property without permission can land you in court.

How do you register your copyright? The U.S. Copyright Office provides registration information and instructions, www.copyright.gov. If you want to share your work subject to certain limitations, consult Creative Commons, <https://creativecommons.org>.

Other symbols of intellectual property you should know:

™ Trademark (unregistered)

SM Salesmark (unregistered)

® Registered trademark or salesmark

Ⓟ Copyright sound recording (phonogram)



Registered Mark

This symbol declares that the trademark or servicemark preceding the symbol is registered with the U.S. Patent and Trademark Office.

For example: iPhone® is a registered trademark of Apple, Inc.

A trademark, or a servicemark, is a unique mark that identifies a product or service. The owner of the mark can indicate ownership with the TM or SM symbol before registration. Once the mark is registered with the U.S. Patent and Trademark Office, these marks can be replaced by the Registered mark, ®. Such marks indicate intellectual property because they result from your imagination and the U.S. Constitution allows you to protect such creative property. You cannot use marks created by others for your own purposes. When referring to marks by name, you should indicate their registration status as TM, SM, or ®. As with other types of property, using someone else's property without permission can land you in court.

Trademarks and servicemarks can be very valuable, for they uniquely indicate the goods and services to which they apply. The financial value of such marks is typically recorded as goodwill in accounting systems. To ensure the protection of your marks, you should register them with the U.S. Patent and Trademark Office. You can search trademarks with the Trademark Electronic Search System (TESS), at <https://www.uspto.gov/trademark>. How do you register your mark? The U.S. Patent and Trademark Office provides instructions and other helpful information on its website, www.uspto.gov.

Other symbols of intellectual property you should know:

© Copyright

Ⓟ Copyright sound recording (phonogram)

Take the Challenge

Two short quizzes

The following are short quizzes to test knowledge of IP protection in literature and music. Feel free to post these.

1. Protecting your writing is a Constitutional right.	T	F
2. If writing is on the Internet you can use it without permission.	T	F
3. You need to hire a lawyer to register your copyright with the U.S. Copyright Office.	T	F
4. If the author is dead you can use his or her writing.	T	F
5. You can use writing from another country without permission.	T	F
6. You can be sued for using another's writing without permission.	T	F
7. Winning a lawsuit to protect your writing is more likely if you registered your copyright with the U.S. Copyright Office.	T	F
8. When you sign an employment agreement, you could be giving up rights to your written work and will have to hire a lawyer if you ever want to get them back.	T	F
9. For the year 1978 and later, your copyright lasts for your entire life plus 70 years; then it enters the public domain.	T	F
10. The author of lyrics, music composer, record label, and publisher can each have separate ownership of the same song.	T	F

Author Rights Challenge Quiz

Do you know how to protect your writing? Take the quiz.

Then go to www.mbiedc.org and select IP For Innovation to find the answers.

1. Protecting your music is a Constitutional right.	T	F
2. If music is on the Internet you can use it without permission.	T	F
3. You need to hire a lawyer to register your copyright with the U.S. Copyright Office.	T	F
4. If the composer is dead you can use his or her music.	T	F
5. You can use music from another country without permission.	T	F
6. You can be sued for using another's music without permission.	T	F
7. Winning a lawsuit to protect your music is more likely if you registered your copyright with the U.S. Copyright Office.	T	F
8. When you sign a music, performance, or employment agreement, you could be giving up rights and will have to hire a lawyer if you ever want to get them back.	T	F
9. For the year 1978 and later, your copyright lasts for your entire life plus 70 years; then it enters the public domain.	T	F
10. The music composer, author of the lyrics, record label, and publisher can each have separate ownership of the same song.	T	F

Know Your Rights

You are a creator. You need to know your intellectual property rights, how to protect your intellectual property, how to commercialize it, and how to share it. Don't give up your rights.

Music Rights Challenge Quiz

Do you know how to protect your musical creativity? Take the quiz.

Then go to www.mbiedc.org and select IP For Innovation to find the answers.

Know Your Rights

You are a creator. You need to know your intellectual property rights, how to protect your intellectual property, how to commercialize it, and how to share it. Don't give up your rights.

Staying Up To Date

Here's how to get the latest version

You will find the version of this Handbook at the bottom of the cover page. When new versions are available, they will be published to the Apple Store or can be downloaded from the Museum for Black Innovation and Entrepreneurship website, at: <https://mbiedc.org/styled-9/index.html>.