

Intervention Essentials

Trademarks: Protecting Clay's Literacy Interventions

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What is the Reading Recovery trademark?

Reading Recovery® is an early intervention designed to help first-grade children exhibiting difficulties learning to read and write. The intervention has been effective with young children in multiple countries and languages around the world. Each of the national entities that offers Reading Recovery holds or affiliates with a holder who was granted a Reading Recovery trademark by Marie Clay, the originator of this early intervention. Holders of the trademark are authorized to implement the intervention and offer the training that is required of Reading Recovery educators. In essence, the Reading Recovery trademark signifies the provision of the research-based training and implementation features that have been proven successful around the world.

Why did the Reading Recovery trademark develop?

As educators beyond New Zealand began to recognize the effectiveness of the intervention, Dr. Clay was invited to expand Reading Recovery to other countries. However, it is not easy to transplant an educational program designed for a particular context to foreign school systems (Clay, 2022). In her earliest work in new, international settings, Clay found that a variety of factors cause unwanted variations to arise (Clay,

2022). For example, a successful program often makes the teaching look easy, which leads people to copy the intervention superficially, failing to recognize the complexity of the theory and procedures. Translating programs to different educational systems with their own unique operational and funding constraints often causes shifts, diluting research-based, successful procedures. Substitutions also arise when different theoretical perspectives influence the program, disconnecting instructional procedures from the theory upon which they are based. Thus, Clay trademarked her early intervention to protect it from the procedural adaptations that threatened the effectiveness of Reading Recovery.

Currently, the process for securing the Reading Recovery trademark by any new country is conducted by the International Reading Recovery Trainers Organization (IRRTO) Executive Board with the Marie Clay Literacy Trust. Following Clay's plan, a system for disseminating the trademark intervention involves "protocols designed to ensure both the quality and the effectiveness of the research-based teaching and training procedures in new settings" (IRRTO, 2016). These protocols, or standards, detail the requirements of the trademarked intervention in each national context by specifying standardized procedures for implementation, teacher training, and

professional learning. This ensures that the central tenets of Reading Recovery are woven into the fabric of each new country's implementation allowing "Reading Recovery to be implemented in distinctive settings while at the same time providing a measure of consistency" (Bates et al., 2020, p. 12).

Who holds the Reading Recovery trademarks in North America?

In the United States, Clay granted The Ohio State University (OSU) the authority to apply for and hold the Reading Recovery trademark, which is protected by U.S. trademark law. The U. S. trademark for *Descubriendo la Lectura*, or DLL (for Spanish-speaking children whose literacy instruction is in Spanish), falls under the trademark doctrine of foreign equivalents and is also held by OSU. In Canada, the Canadian Institute for Reading Recovery (CIRR) holds the royalty free license for Reading Recovery in English and in French (*Intervention préventive en lecture-écriture* or IPLÉ).

Clay entrusted the trademark to OSU and CIRR with the expectation that each had the capacity for and commitment to engaging in research to ensure the ongoing viability of her research-based intervention. Permission to use the trademark is contingent upon compliance with Clay's stipulations, which have been

detailed in the set of standards and guidelines written and adopted by the Reading Recovery trainers in each country.

What does the trademark mean for implementations in the U.S.?

When she brought Reading Recovery to the U.S., Clay made two primary trademark stipulations. First, the trademark requires adherence to standards and guidelines designed for U.S. implementations (See *Standards and Guidelines of Reading Recovery in the United States*, 2017.) The second stipulation mandates the collection, analysis, and reporting of annual data. The International Data Evaluation Center (IDEC) at OSU, established and overseen by OSU faculty, collects and reports annual U.S. Reading Recovery/DLL data on each child served by the interventions. These data are analyzed to confirm and facilitate the accelerated progress of participating children. OSU grants an annual, royalty-free license to university training centers. Each center oversees their affiliated district-level training sites, monitoring implementation and data collection, along with preparing the mandated report of annual results. Those sites that meet Clay's requirements are permitted to use the term 'Reading Recovery' for their program.

If an implementation fails to meet the standards and guidelines, they are denied permission to use the Reading Recovery label. For example, according to U.S. Standard 2.05, Reading Recovery teachers must "[S]elect the lowest-achieving children for service first (based upon Observation Survey or

Instrumento de observación tasks)" (*Standards and Guidelines*, 2017, p. 7). It would be a violation of the trademark to select anyone other than the lowest performing students for service first. Likewise, if a program is called Reading Recovery but the providers are not affiliated with the trademark held by OSU through a university training center, they are informed that they are in violation of trademark law and must immediately stop using the Reading Recovery name. The trademark protects the intervention from variants that leave the lowest-achieving students vulnerable to oversimplified procedures disconnected from theory and research (Watson & Askew, 2009).

What does the trademark mean for Reading Recovery professionals?

As Reading Recovery continues to "transcend global boundaries in the areas of early literacy intervention and teacher professional development" (Bates et al., 2020, p. 22), the trademark ensures high quality in both teacher training and literacy instruction for participating systems across international settings. Thus, Reading Recovery professionals, charged with adherence to specific standards and guidelines, provide participating students research-based, effective literacy instruction, ensuring their success.

What about Literacy Lessons?

Literacy Lessons® was also trademarked by Marie Clay to ensure its effectiveness for participating children and schools (Poparad, 2022). The processes for both securing this trademark and implementing Literacy Lessons (e.g., adhering to standards for implementation,

teacher training, and annual data collection) parallel those of Reading Recovery. Both CIRR and OSU have been granted this trademark and the Literacy Lessons intervention is available to teachers and schools in multiple sites in Canada and the U.S.

References

- Bates, C. C., Briggs, C., Doyle, M. A., Torres-Elias, A., Matczuk, A., Douëttil, J., & Lipp, J. (2020). Reading Recovery: Transcending global boundaries. In J. Lacina & R. Griffith (Eds.), *Preparing globally minded literacy teachers: Knowledge, practices, and case studies* (pp. 11–24). Routledge.
- Clay, M. M. (2022). Why Reading Recovery is the way it is. *The Journal of Reading Recovery*, 22(1), 41–52.
- International Reading Recovery Trainers Organization. (2016). *Reading Recovery trademark*. <https://irrtto.org/reading-recovery-trademark/>
- Poparad, M. A. (2022). Literacy Lessons: Reaching school improvement goals. *The Journal of Reading Recovery*, 22(1), 39–40.
- Standards and guidelines of Reading Recovery in the United States* (8th ed.). (2017, updated 2018). Reading Recovery Council of North America.
- Watson, B., & Askew, B. (2009). *Boundless horizons: Marie Clay's search for the possible in children's literacy*. Pearson Education.

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