Material that Requires Permission to Use in a Publication

When to secure permission, and when you do not need to, for copyright release.

As a general guide, permission is more likely to be needed if the source material is short or the excerpt that you wish to use represents a significant portion of the work in which you found it or in which you intend to use it. In addition, any material that constitutes or represents the heart or key elements of the source material, such that your use could possibly serve as a substitute for the original, will also require permission. More specifically, you should always secure permission for the following:

1. **Quotations.** A single quotation or several shorter quotes from a full-length book, more than 300 words in total. A single quotation of more than 50 words from a newspaper, magazine or journal.

2. **Artwork and Photographs, whether or not from a Published Source.** Sometimes more than one permission is required for a photograph, e.g., from the photographer and from the creator of the underlying work shown in the photograph. This is not necessary for an unpublished thesis or dissertation, but is necessary if you wish to use the artwork or photograph in a journal article, published conference paper or chapter in a book.

3. **Charts, Tables, Graphs and Other Representations.** This applies if you are using the entire representation, since the copyrighted features are complete in themselves and inherent in the whole work. Does not apply for theses, but does apply to re-publication in journal articles, chapters or conference proceedings.

4. **Poem or Song Lyric.** Material that includes all or part of a poem or song lyric.

5. **Computer Representations.** Entire depiction of results of research on computerized databases, the on-screen output of software, reproduction of web pages, and the capture of Internet or other online screen shots. (For small and insignificant portions, "fair use" may apply; see description below). Please note, however, that if a website invites or authorizes copying and there is nothing to indicate it contains material that is original to others and therefore would require permission from the original source, then you do not need to get permission.

6. **Third-Party Software.** Any third-party software to be distributed as an electronic component with your book.

In addition to the above guidelines to obtain copyright permission, you are also responsible for securing all other required clearances, including permissions for the use of trademarks and releases from privacy claims. For example:

* A release may be required for photographs or reproductions of specific brand-name products and for use of trade names and logos.

* You may need releases for photographs of people, especially private citizens as opposed to public officials and public figures. This is particularly necessary if such material will be used on the cover or in part of the promotion of the work and does not specifically illustrate material in the text.
Material that Does Not Require Permission

The copyright law recognizes the value of the free flow of information in society and encourages authors to expand knowledge by building on the work on those who wrote before them. Copyright does not prevent the use of facts or ideas, but only the author's expression, which, as discussed below, is more than just the words, or pictures. In addition, even when material is protected by copyright, there are situations where permission to reproduce is not required.

1. **Fair Use.** "Fair Use" is a legal term, so you should not assume it would permit your use of copyrighted material from other authors just because such use seems "fair" to you. Generally, a use will constitute "fair use" if minimal, commercially insignificant portions of an existing work are copied, quoted or paraphrased for purposes of comment, criticism, illustration, or scholarship. In a commercial context, the doctrine of "fair use" is quite limited. If you are in doubt about whether your use of copyrighted material is a fair use, go ahead and request permission. Even if your use constitutes "fair use" and you do not have to obtain permission, you should give proper credit to the original source.

2. **Interviews.** Generally, you can use material from an interview you conduct, including direct quotes, without securing a signed release if the circumstances and notes clearly reveal that the source knew you were conducting an interview for possible publication and did not indicate intent to restrict your use of the material.

3. **Facts, Information and Ideas.** Generally, you may use facts and information that you obtain from another work. However, this does not permit you to use the author's original literary expression, which includes, for example, more than just the words or specific lines of a drawing. Copyright encompasses the format, organization, sequence, and style of presentation as well as the sense or feeling of the original. When paraphrasing from another work, even if you do not have to request permission because you are paraphrasing a very limited portion of the source, always give credit to the original source. You do not need to credit well-known concepts or theories or strictly factual information, however, as long as they are expressed in your own way.

4. **Public Domain.** You do not need to obtain permission for materials that are in the "public domain." This includes, generally, all official government publications as well as materials for which the copyright has expired. The copyright expiration date is often difficult to determine. It is safe to assume that anything copyrighted in this century is still protected. Modern translations of older works are also protected, as are photographs and other portrayals of public domain images. Other materials may be in the public domain because they were published without a notice of copyright at a time when such notice was required to preserve copyright. Once again, this is hard to determine. Some material is intentionally and explicitly made available to copy or use, such as "clip art." Clip art includes standard line drawings that are available in books and on disks and are classified by subject area (sports, animals, etc.) specifically for free use in other publications.