

# ROWMAN & LITTLEFIELD

## PERMISSIONS GUIDE

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### WHAT REQUIRES PERMISSION TO REPRODUCE?

- Poetry and song lyrics *of any length*. Such permissions are often hard to get or expensive. We recommend that you do not include such material in your book unless absolutely necessary.
- Fiction, drama, and letters. You must obtain permission to reprint any portion of these. Some copyright holders of fiction are extremely vigilant about reproduction of their works.
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- Personal photos. A signed release should be obtained from all individuals appearing in photos used in your book.
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- Quotations. There is no legally mandated number of words that can be quoted without permission (i.e., considered fair use). If you use more than one quotation from a single source, you should add together the number of words in each quote. If the total for all quotations from one source (*not per quotation*) constitutes a significant portion of the original work, you must get permission; 500 words is a good rule of thumb but is not absolute. The *Chicago Manual of Style*, 16th ed., offers some guidelines on whether your quotation is fair use:
  - How significant a portion of the original work are you using? Quoting 1,000 words from a 5,000-word article is less acceptable than quoting 1,000 words from a 50,000-word article.
  - How significant a portion of *your* work does the quotation constitute? The quoted material should not begin to “overshadow” your own material, and you should not over-quote to avoid drafting an argument yourself.
  - Would the use have an effect on the potential market for, or value of, the original work?

If the quotation itself is the subject of your book, and is not being used to support your argument or replace what you might write yourself, your use might be considered fair use, but you should be very conservative in this approach.

- Unpublished material. Guidelines for fair use are even stricter for unpublished material than for published material. Unpublished material is protected whether its copyright has been registered or includes the copyright symbol. Anonymous or works for hire are protected until 120 years from date of creation. Unpublished works written before 1978 by a named author are protected for the life of the author plus 70 years and in no case will have expired before December 31, 2002.
- Web-based material. Do not assume that illustrations or other material you find on a website can be freely downloaded and used. Copyrighted works on the Internet include news stories, software, novels, screenplays, graphics, pictures, Usenet messages, and email. If you are considering using material that is under a Creative Commons license, be sure to check the creator's licensing conditions, which can limit commercial re-use.
- Contributions toward an edited volume. If you are the editor of a collected volume, your editor should send you release forms for each contributor to sign. This form can be obtained from your editor.
- For an additional discussion of fair use, see <http://www.cmsimpact.org/fair-use/related-materials/codes/code-best-practices-fair-use-media-literacy-education>

Several types of material *don't* require permission:

- Material in the public domain. Material that has been copyrighted for more than 95 years is considered to be in the public domain in the United States. Work that has been created before 1978 but not published is considered to be in the public domain 70 years after the death of the author, but in no case will copyright have expired earlier than December 31, 2002. However, copyright laws vary from country to country, and your book may be marketed abroad. In the United Kingdom and many other countries, an author's work is copyrighted for 50 years after his/her death. See the website of the [U.S. Copyright Office](#) for details. See also [Cornell University's copyright guide](#) for a useful overview of types of material in the public domain, as well as the *Chicago Manual of Style*, 16th ed.. **You should thoroughly research the copyright status of any book you believe to be in the public domain, unless it is so old (say, before 1850) that it could not possibly be copyrighted in any country.**
- Some material is always in the public domain and never copyrighted (e.g., works of the U.S. government). Note that works funded by but not created by the U.S. government are likely *not* in the public domain and that state and local governments (unlike the federal government) can choose to copyright their works.

## HOW TO OBTAIN PERMISSION

### Determine the Copyright Holder

You must request permission from the copyright holder. Check the copyright page of the source from which you are quoting. If the publisher holds the copyright, write to their Rights/Permissions Department. If they cannot give you permission to reprint, they will tell you who holds the rights and where to contact them.

If you have questions about whether a work is copyrighted or who holds copyright, you may contact the U.S. Copyright Office, and it will research the matter. It will charge a fee for this service but will send you an estimate before proceeding: Copyright Office, Reference and Bibliography Section, Library of Congress, Washington, DC 20559.

*Note:* If the author is deceased or the publisher has gone out of business, the work may still be copyrighted. You must determine copyright status by contacting the Copyright Office.

### Write a Request for Permission

The sample letter at the end of this document shows what information to include in your request. You might also enclose a self-addressed stamped envelope to expedite the reply.

### Send Granted Permissions to your Editor

Label permissions clearly (e.g., write "Permission for Figure 4.1" in the top right corner). Keep copies for your files.

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Permission grantors may request fees; paying such fees is usually the responsibility of the author. These fees can vary based on print run, use of material, and end format. If the grantor denies use for a particular format (e.g., electronic publication), in your permissions log, note this restriction. Also, highlight requests for a complimentary copy of the finished book; your editor will mail these out. As a condition of granting permission to reproduce a work of art, some sources—museums, for example—may request a color proof of the piece; be sure to alert your acquisitions editor of any specific requirements.

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You may use material for which you haven't received permission if you can demonstrate that you have made a good-faith effort to contact the copyright holder and the copyright holder has not responded. You should have copies of several letters requesting permission, receipts from any guaranteed delivery services you may have used (either from the U.S. Postal Service or a private company like UPS), information on your efforts to track down the copyright holder (if, e.g., the first publishing company you contacted directed you to another), and evidence that you gave the copyright holder enough time to respond (e.g., letters spanning several months).

### **SAMPLE LETTER REQUESTING PERMISSION TO REPRINT**

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Sincerely,  
[*your name*]