

# PERMISSIONS GUIDE

## ROWMAN & LITTLEFIELD

Bucknell University Press · Fairleigh Dickinson University Press  
Lehigh University Press · University of Delaware Press

**As the author of the work, you are required to secure all permissions in your manuscript.** As you draft your manuscript, you should keep track of any material that may require permission. **Begin requesting permission from the copyright holders of the material as soon as you possibly can**—before your final draft is sent to your editor. Obtaining permissions can take a long time, and you will want to get an early start. **Rowman & Littlefield cannot send books into production until all permissions have been received.**

We publish the majority of our books throughout the world in both print and e-book form. When requesting permission, you should request **non-exclusive, World distribution rights, for all languages, in print and electronic (eBook) formats for the life of the edition.** Once all the permissions are received, you will need to make a log of them, and then forward the log and permissions to your editor, **keeping a photocopy for your records.**

### A NOTE ON FAIR USE

The U.S. Copyright Code is purposefully vague regarding the concept of fair use. Legally, fair use is based on the cumulative consideration of 4 factors as per Section 107 of the U.S Copyright Code found here: (<http://www.copyright.gov/fls/fl102.html>). Due to the vague nature of the law, owners of a work's copyright (often the publisher, but sometimes the author or another party) are free to interpret the parameters of fair use as they see fit. Some owners have a loose vision of fair use giving scholars a wide berth to quote, while others are incredibly protective. Moreover, some owners will renew a work's copyright before it enters the public domain (a term discussed further in this guide) in order to control its reproduction. It is the official position of Rowman & Littlefield's rights and permissions department that authors should secure permission for all copyrighted material in order to be absolutely positive that the book is not violating any individual copyright holder's interpretation of copyright and the fair use law. However, in practice the permissions department has set the following guidelines in order to give authors a certain amount of flexibility to incorporate copyrighted material in their work. Though other presses may have slightly different guidelines, the following guidelines are in line with what many other publishing houses adhere to. It should be noted that our guidelines DO NOT supersede a copyright holder's interpretation of fair use.

### WHAT REQUIRES PERMISSION?

There are several types of material that require written permission:

- Fiction, drama (plays, television, film), letters, and translations of the same. You must obtain permission to reprint **over 300 words from a single work** of these in the context of an analysis.
- Epigraphs. Using quotations (fiction or non-fiction) for epigraphs is **never** fair use and always requires permission, no matter the length of the quotation. Some copyright holders of fiction are extremely vigilant about reproduction of their works.
- Poetry. You must obtain permission to reprint extracts longer than 3 or 4 lines. For poetry extracted

from short poems, you must obtain permission to reprint extracts longer than 1 or 2 lines. These fair use allowances apply to poetry under copyright published from 1923–1949 provided that the poems are the subject of discussion. Poetry of any length published from 1950–present must be accompanied by permission from the copyright holder. Poetry used in entirety must be accompanied by permission from the copyright holder if the poem is currently under copyright (1923–present.) Poetry published before 1923 is considered public domain. **Poetry permissions are often hard to get or expensive. We recommend that you include such material sparingly in your book and only when absolutely necessary to your critical analysis.** If you need clarification to determine if poetry extracts will require permission, please consult with your editor.

- 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.
- Translations. Excerpts from foreign language works currently under copyright require permission from the copyright holder within the same parameters as noted above. We highly recommend that authors do translations themselves wherever possible because original translations of foreign language works **in the public domain** do not require permission. Translation rights must be obtained to translate foreign language work under copyright into English.
- Photos and artwork. Be sure that you obtain permission from the copyright holder and that you correctly determine who that is. The person or institution who holds the physical photo is not always the copyright holder.
- Tables, figures, and graphs that are reproduced from copyrighted sources require permission. If you create your own table/graph using data from another source, it does not require permission.
- Personal photos. A signed release should be obtained from all individuals appearing in photos you take for inclusion in your book.
- Interviews. Consent forms must be obtained from interviewees if you are quoting long passages (more than a few paragraphs), or if the content might be considered controversial; the interviewee should know that his words will be published and sold throughout the world, and he must give written consent to that. Short, noncontroversial quotations do not require permission, but you should provide a note explaining the source (or in some cases you might briefly explain the circumstances of the interview within the text). You should certify in your note that the interviewee was aware that his/her remarks might be published in a book/journal. If you are quoting portions of an interview with a person to whom you have promised anonymity, you must still get their written consent; you can submit the consent to the publisher or provide a letter in which you attest to your possession of the consents.
- 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 the number of words in each quote together. 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 quoted from a book-length, scholarly source is a good rule of thumb**, but is not absolute. The *Chicago Manual of Style*, 16th edition, 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 overquote 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, 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 or not it 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 acquisitions editor should send you release forms for each contributor to sign.
- Chapters reprinted from an earlier source require permission from the original copyright owner. Do not assume that the writer of the chapter/selection is the copyright owner. The journal in which the chapter first appeared or the original publishing company may hold copyright, and there may be restrictions on reprinting. This includes material that you have published.
- For an additional discussion of fair use, see [http://www.centerforsocialmedia.org/resources/publications/code\\_for\\_media\\_literacy\\_education/](http://www.centerforsocialmedia.org/resources/publications/code_for_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 death. See the web site of the U.S. Copyright Office for details (<http://lcweb.loc.gov/copyright>). See also [http://www.copyright.cornell.edu/public\\_domain](http://www.copyright.cornell.edu/public_domain) for a useful overview of types of material that is in the public domain, as well as the *Chicago Manual of Style*, 15th edition. **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 1875) that it could not possibly be copyrighted in any country.** Please note that modern translations or editions of older works are likely to be copyrighted.
- 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 any questions about whether a work is copyrighted or who holds the 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 of the cost before proceeding. Address: Copyright Office, Reference and Bibliography Section, Library of Congress, Washington, DC 20559.

Another source for investigating a work's copyright is the Copyright Clearance Center at <http://www.copyright.com/>.

*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 you what information to include in your request. You might also enclose a self-addressed stamped envelope to expedite the reply. If you contact a copyright holder for permission and then realize that your quotation is within our guidelines, you **MUST** abide by the decision of the copyright holder. Once they are aware of your permissions request, there is no going back. The copyright holder's decision on permission and fair use overrules our own.

### **Send Granted Permissions to your Editor**

Label permissions clearly (e.g., write "Permission for Figure 4.1" in the top right corner). Be sure to keep copies for your own files.

### **Pay Any Permissions Fees**

Permission grantors may request fees; paying such fees is the responsibility of the author. These fees can vary based on print run, use of material, and format. If asked by the copyright holder to specify print run numbers, we recommend requesting a minimum of an 800 copy hardcover print run and a 50 copy eBook release. If the grantor denies use for a particular format (for example, eBook publication), be sure to alert your acquisitions editor. **If grantors ask for a complimentary copy of the finished book, this would also fall under permissions fees and would also be the responsibility of the author**, and you would be able to use your 50% author's discount toward purchasing additional copies. 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.

Please note: permissions are sometimes expensive, but authors are often able to negotiate gratis or discounted permissions from grantors because the copyrighted material is being used in an academic volume with a low print run. Please be sure to specify with the copyright holder that the material you are requesting will be used in an academic publication.

### **Incorporate Credit Lines into Your Manuscript**

You **must** include a credit line acknowledging the source of the material in your manuscript. If the letter granting you permission to reprint requires a specific credit line, you must follow it exactly. Credit lines should appear at the end of your acknowledgments section. Credit lines for photos may appear at the end of the relevant captions. Credit lines for tables may appear in a source note at the bottom of the table.

### **WHAT IF I DON'T HEAR BACK FROM THE COPYRIGHT HOLDER?**

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 spanning at least 3 months 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, for example, 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/emails spanning several months). Should a publisher be in contact with you or us after we authorize a “good faith effort” use of the quoted material, you will be required to pay any resulting permission fee.

## SAMPLE LETTER REQUESTING PERMISSION TO REPRINT

Dear Editor:

I am writing to request permission to reprint the following material from your publication: (*Author, title, date of publication, pages on which material appears or other identifying information*).

This material is to appear as (*originally published or with changes as noted*) in the following work to be published by [imprint name], a member of Rowman & Littlefield: (*Author/Editor, title*).

This book is scheduled to be published in (*month/year*) with a list price of approximately (*\$xxx.xx*) in an approximate press run of (*800*). I am requesting nonexclusive world rights in all languages in print and eBook formats, for the lifetime of the edition.

Unless you indicate otherwise, the following credit line will appear in the book: (*credit line*).

Thank you for your attention to this matter. I look forward to a timely response.

Sincerely,

Author