

An Overview of Rights & Permissions

Following these instructions helps us ensure that any previously copyrighted material is properly acknowledged in your book.

Basics

According to the contract you signed, you are responsible for getting permission to reprint any copyrighted work used in your book.

Complete photocopies of all grants of permission must accompany the final manuscript when you submit it to the press. **The press will not begin copyediting the manuscript until you have submitted all of the permission forms.**

Getting permission to use copyrighted works may take several months. Start early and be persistent.

When Do You Need to Ask Permission?

Permission is required for the use of two kinds of copyrighted materials: your own previously published work (when you no longer hold the copyright) and other authors' copyrighted materials that do not come under the principle of fair use or that are not in the public domain.

If your use qualifies fair use or if the material is in the public domain, you do not need to get the copyright holder's permission.

Fair Use

The principle of fair use allows certain uses of copyrighted material without requiring the user to get the permission of the copyright holder. Quoting or reproducing small amounts of an author's or artist's work in order to review or criticize it or to illustrate the user's own argument is fair use.

However, in many cases determining exactly what is covered by fair use depends on the circumstances of use. In law a "rule of reason" determines whether a particular use is fair or not.

Important factors in determining whether a particular use is fair include the following:

- The nature of the use of the copyrighted material;
- The nature of the copyrighted work from which the material is taken;
- The proportion of the copyrighted work being reproduced in the new work;
- The effect of the use on the commercial value of the work being quoted or reproduced.

The use is probably fair if:

- the unlicensed use transforms the copyrighted material;

- the reproduced part of the copyrighted work is used in an educational setting and no one earns money from its use;
- the copyrighted material was used in an appropriate way; that is, the original meaning was not distorted, the source was cited, and the material is necessary to the user's argument;
- only a small part of the copyrighted work (relative to its length or size—a single sentence from a book or essay, a small detail of a painting, a screen shot or film still) was reproduced;
- the use was reasonable according to the standards of a particular field.

Public Domain

In the United States, copyright exists for a term set by law. After that term expires, everyone may freely use the material—it has entered the public domain.

However, the law changed in important ways in the twentieth century, so figuring out what is in the public domain and what remains protected by copyright can be confusing. Works published in the United States before 1923 are in the public domain. You do not need anyone's permission to use them.

For more recent works, see the AAUP's Permissions FAQs:

<http://www.aaupnet.org/policy-areas/copyright-a-access/copyright-a-permissions/copyright-a-permissions>

The AAUP also offers online resources for determining a work's copyright status:

<http://www.aaupnet.org/policy-areas/copyright-a-access/copyright-a-permissions/online-c-resources>

Some documents are in the public domain from the start, such as those created by the US federal government.

When You Must Get the Copyright Holder's Permission

In general, you need to obtain **written** permission for the following items:

- Quotations from published materials that exceed fair use and are not in the public domain (see above). Stanzas of poetry, letters, song lyrics, diary entries, and other such items that constitute complete entities in themselves usually require permission if they are not being used for purposes of review or criticism. For letters, the writer rather than the recipient holds the copyright, but permission is also needed from the recipient before the letter can be published.
- Quotations from unpublished documents not your own, e.g., unpublished letters, speeches, or papers, that exceed fair use and are not in the public domain. You may need to get permission from both the archive in which the documents are held and the

writer (and recipient, in the case of letters). “Fair use” is defined more narrowly in the case of unpublished documents.

- Illustrations such as photographs, tables, charts, maps, and graphs that were produced by someone else and are not in the public domain. You may need permission from both the owner of the physical object (a museum, archive, or individual) and the creator (the artist, photographer, cartographer, etc.). For photographs, if private individuals are pictured in private settings, you may need permission from them also.
- Quotations from interviews that include the interviewee’s name, exceed fair use, or are not in the public domain. Copyright is jointly held by interviewer and interviewee. If you have conducted the interview, you still need written permission from the interviewee, and that form must include permission to publish.
- Quotations from certain government documents and materials. Although US federal government documents cannot be copyrighted, government agencies may hold copyrighted materials (e.g., items donated to a government archive but still protected by copyright). The archive or other agency should be able to tell you if you will need special permission to use materials in their collections. If not, this information can often be found in the agencies' wording about restrictions on photocopying.
- Your own previously published materials, unless you retained copyright. If you hold the copyright, please send us a copy of the agreement or a statement from the publisher. Also specify the relevant chapters or portions of your book that were previously published and, for each one, the title under which it was published, the title of the journal or book, and full publishing information (volume number, season or month, year, and page numbers for periodicals; place of publication, publisher, year, and page numbers for books).
- Song lyrics. Songs often have considerable commercial value and so “fair use” is defined very narrowly.
- An epigraph or other quotation that is not analyzed in the text.

Preparing permission requests

Please use the [sample letter](#) as the basis for your requests. When you prepare your permission requests, be sure to ask for:

- nonexclusive world rights
- electronic rights
- for all editions (including electronic distribution)
- for the life of the book

Also include in the letter:

- the working title of your manuscript;
- the statement that the publisher is the University of Iowa Press, a nonprofit scholarly publisher (many organizations set lower fees for nonprofits);
- exactly what you are requesting permission to reprint, including page number, archival locator information, negative number, and/or description, etc.;
- a photocopy or digital photograph of the quotation or image, if possible.

Have all letters of permission sent directly to you. You will need them to type up the permissions section of your book and put the required attribution information in any captions.

What to send to the University of Iowa Press

Please send us **photocopies** of both your request and the response. We need to see **complete copies** of the permissions forms—including front and back sides and lists of terms and conditions that may be attached—so we can be sure to follow all the conditions of use, including adding correct credit lines, following any cropping instructions, and sending appropriate gratis copies of your book.

Also be sure to send us a list of the names, addresses, and number of copies due to the various museums, libraries, publishers, and writers who have requested them.

RESOURCES

Association of American University Presses

<http://www.aaupnet.org/policy-areas/copyright-a-access/copyright-a-permissions>

Patricia Aufderheide and Peter Jaszi, *Reclaiming Fair Use: How to Put Balance Back in Copyright* (Chicago: The University of Chicago Press, 2011)

Susan M. Bielstein, *Permissions, A Survival Guide: Blunt Talk about Art as Intellectual Property* (Chicago: University of Chicago, 2006)

Chicago Manual of Style, 16th ed. (Chicago: University of Chicago Press, 2010)

Code of Best Practices in Fair Use for Poetry

<http://www.poetryfoundation.org/fairuse>

Copyright Term and Public Domain in the United States

<http://copyright.cornell.edu/resources/publicdomain.cfm>

National Association of College Stores

<http://www.nacs.org/toolsresources/cmip/copyright.aspx>

William S. Strong, *The Copyright Book: A Practical Guide*, 5th ed. (Cambridge, MA: MIT Press, 1999)

United States Copyright Office

<http://www.copyright.gov/>

WATCH (Writers, Artists, and Their Copyright Holders) File

<http://tyler.hrc.utexas.edu/>

If you have further questions or concerns, please contact your acquiring editor.

SAMPLE LETTER

Customize this text to fit your requests.

Date:
To:

In _____ the University of Iowa Press, a not-for-profit publisher, will publish my book, tentatively titled _____. I would like to include the following material, which originally appeared in _____: (date)
(title of book or journal, page number, etc.) published by you in _____:

I request nonexclusive permission to include this material in the original and all subsequent editions and printings of my book throughout the world, including electronic/digital editions, in all foreign-language translations published by the University of Iowa Press or its licensees, and in versions made by nonprofit organizations for blind or physically handicapped persons. Please indicate your agreement by signing and returning the enclosed copy of this letter to me. Please supply a credit line, or the Press will use its standard style to acknowledge permission. I greatly appreciate your consent to this request.

Sincerely yours,

_____(name)
_____(address)
_____(city, state, zip)
_____(e-mail and phone)

I (we) grant permission for the use requested above:

(copyright holder)

(by)

(date)

Credit: _____