

Frequently Asked Questions about the use of any copyrighted material

Who is responsible for obtaining permission?

Obtaining written permission to use copyrighted material is the author's responsibility.

What form should the request for permission take?

The author may use the Permission Request Form on the last page of this document.

How long does the request for permission take?

Request permission as early as possible. Response time of four to six weeks is not uncommon, and it can take much longer. Follow-up calls after a few weeks can help to avoid further delay, but there are often additional snags, such as unexpected fees or rejections or people who are difficult to reach. If this is not possible, you should advise your editor of any permissions requests not yet granted and when you expect to receive them. Since publication of this material in your work is contingent upon receiving permission, it's important to follow up with your editor on any problems, in order to avoid jeopardizing the scheduled publication date.

How do I give credit for permissions granted?

Be scrupulous in giving credit for material used from someone else's work. Whether or not permission was needed for its use, do acknowledge all material taken from another work and make clear which portions of your work come from another source. Acknowledgment, however, is not a substitute for permission to use material. It is your responsibility to include all necessary credit lines in your manuscript before sending it to us. Credit lines may be inserted on the page where the borrowed material appears, or they may all be grouped together in the front matter of the book. In granting the permission, the copyright owner may specify the form or the location of the credit line, or both. Follow such instructions regardless of the style and method of acknowledgment used in the other credit lines in your book. If the form and location have not been specified, check the copyright page of your source material for the style to use. Indicate first that the quote is being used with permission.

In what form should I give proper copyright notice?

When you get permission, the grantor usually specifies the proper copyright notice for you to use. However, when you simply give credit, the correct copyright notice

for you to use will be found on the copyright page of the source material. It is not necessary to include any material beyond the copyright notice as given in the above example; for example, you do not need to include reference to the statutory provision of U.S. law, even if it is reproduced on the grantor's copyright page. Generally, a figure is credited in its legend/caption, a table in a source note, and a quotation in an end note. If most of your reprinted material comes from a single source or only a few sources, you may wish to acknowledge it collectively in the front of the book unless it's specified in the permission letter that the credit lines must appear with reprinted material. You should supply a separate list of credits for this material with your manuscript. Note that even when full acknowledgment is given elsewhere, the source of each item should normally be indicated (Author, date) wherever the item occurs.

Why should I go through all this?

There are two reasons for clearing permissions. The first is your status as an author: you will want other authors to respect the copyright in your book by getting permission, crediting your book and paying any appropriate fees when they use material from your book.

Secondly, if your published book includes material copyrighted by third parties for which you did not obtain permission, you could face legal action for copyright infringement. It is in everyone's best interest that you take the time to apply for permissions.

What else can happen if I don't comply?

The copyright holder has recourse to several remedies through the courts, including suing for fees and damages. It is even possible that all copies of your book would be taken off sale immediately, impounded or destroyed.

In utilizing any of the exclusive rights provided to the copyright holder without his permission, you may be violating or infringing on his rights under the Copyright Act. If the copyright holder has registered the infringed work with the U.S. Copyright Office prior to the infringement, the copyright holder may be entitled to compensation for his loss. Compensation may include damages, such as lost profits from the infringing activity, or statutory damages ranging from \$250 to \$150,000 for each infringing copy or higher if the court feels that the infringement was committed "willfully."

You may also be criminally liable if you willfully copy a work for profit or financial gain, or if the work has a value of more than \$1,000. Penalties can include a one year jail sentence plus fines. If the value is more than \$2,500, you may be sentenced to five years in jail plus fines.

What about outside the U.S.?

While there is no such thing as an "international copyright" that automatically protects a work throughout the world, more than 150 countries have ratified a treaty intended to accomplish as many of the benefits of "international copyright" as possible. Generally, if a work is protected in the U.S. it is protected in most countries because the U.S. adheres to the leading copyright convention, the [*Berne Convention*](#), which is administered by the [World Intellectual Property Organisation \(WIPO\)](#).

Permission Request Form

Date: _____

Permission # _____

To: _____

Manuscript page _____

I am preparing a manuscript to be published by _____

Author/tentative title: _____

I request your permission to include the following material in this and all subsequent editions of the above-referenced book, in all media of expression now known or later developed and in all foreign language translations and other derivative works published or prepared by (PUBLISHER) _____ or its licensees, for distribution throughout the world, and also in versions made by nonprofit organizations for use by blind or physically handicapped persons. Appropriate credit will be given as provided below.

Author(s) and/or editor(s): _____

Title of book or periodical: _____

Title of selection: _____

Copyright date: _____

From page _____, line _____, beginning with the words _____

To page _____, line _____, ending with the words _____

Figure # _____ on page _____ Table # _____ on page _____
(if necessary, attach continuation sheets)

Please indicate agreement by signing and returning the enclosed copy of this letter to me. In signing, you warrant that you are the sole owner of the rights granted and that your material does not infringe upon the copyright or other rights of anyone. If you do not control these rights, I would appreciate your letter letting me know to whom I should apply.

Thank you,

Name

Requester's return mailing address and email/phone