

Note: The information provided in this document is for information and guidance purposes only and may not be construed as legal advice. If you have specific issues or areas that need clarification, you are encouraged to consult with a qualified attorney.

## How to Request Permission to use Copyrighted Material

### When should you get permission?

**1. Anytime your intended use of copyrighted material will not stand up to the four criteria used to determine "Fair Use".**

- What is the character of the use? Educational or Commercial?
- What is the nature of the work to be used? Non-fiction, Fiction, Published Unpublished?
- How much of the work will you use? How does it relate to the whole work qualitatively?
- If this use were widespread, how would this use impact the market for the original, or for licenses?

**2. Whenever your intended use goes beyond the basic time and use limitations established for fair use:**

- One course term and subsequent portfolio use.
- There is a potential for future commercial or for-profit use of the product.

### A Few Tips:

- Do the research ahead of time. Identify the material you want to use and determine if it is protected (see: 'public domain' and 'copyright term' in the handout: "What is Copyright?"). Identify the copyright holder (it's not always the author or creator), and determine their rights in the work (reproduction, distribution, performance, display). "All right reserved," means just that, but in some cases certain rights may be held by other parties or administered by a licensing agency.
- Consider the time frame and plan in advance. Typical response time from publishers can range from 3 - 6 weeks *after* they receive your request.
- If you are using existing resources or purchase new materials- check the copyright statement on the product or packaging. In some cases they will include a statement about or conditions for educational use.
- Permission requests are decided on a case-by-case decision, based on the policy of the owner, and the specifics of the request. Some sources may grant permission without restriction, some may place time limits or other conditions, and others may charge a fee for a license. You'll want to know the details of any conditions before committing to using this resource.
- Request permission for a specific time period: one semester, academic year, etc.

Copyright holders are more likely to approve a request for a specific period, than an open-ended request.

- Request a written approval from the owner's authorized agent; and an explanation of any terms, limitations and restrictions. A FAX copy is ok- but you should follow up with a more formal document. *A verbal OK is not good enough - ask for the documentation!*

## How to Request Permission:

1. **Submit your request in writing on your letterhead.**
2. **Address your request to a specific person whenever possible.** It's worth the time to research the correct name and title. If you can't get a specific name, address your request to the 'Permissions Editor' or 'Copyright Officer'.
3. **Give as much detail as possible about the item you are asking permission** to use. For example:

Figure X on page 125 in Smith, J. History of DaDaiism, Culpable Press, NY 1998

Slide 14- "*Smiling Gargoyle*"; *Detail from the west tower façade*. From the slide set *Notre Dame de Paris*, Muse du Louvre. 1987

The first 30 seconds of the videotaped interview with Leonard Bernstein in Interview with the Masters, Megalith Productions, Chicago, 1990.

4. **Give as much detail as you can about how, why and when you want to use this material.**

What course(s) will this material be used for? Give the official course name and number. Where and when is the course being offered?

What is the format for your use? (Slide duplicate. Overhead projection. Digital copy... posted on the course site, incorporated in a poster session.. an interactive multimedia presentation.. in a PowerPoint presentation, etc.)

What purpose will it serve? (Illustrate the concept- Provide examples of - Stimulate discussion about).

How will your audience benefit from the use? (Viewers will be able to: recognize, critique, discuss, compare etc.)

5. **Assure them that you (or the institution) own a legally acquired copy** of the material. This means you are drawing the material from a library copy, something you've purchased or otherwise legally acquired- – not a 'pirated copy.
6. **If you need to use this in an interactive video class** assure the copyright holder that the delivery system is a closed network and that students will be seeing the material during a synchronous class period while the instructor is present.
7. **If you are requesting permission for use on a WWW homepage or course site** be sure to include the information about the site restrictions (i.e. password protected, limited to registered students, etc.) Is the site open to the public?