GUIDELINES FOR REQUESTING PERMISSION TO USE COPYRIGHTED MATERIAL

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We ask that you send your completed permission log and all supporting permission documents (including proof of payment for any permissions that require payment) to your editor when you submit your final manuscript. Please note that the Press must have all permissions, required acknowledgements, and photo/illustration captions for all copyrighted and/or previously published material before your book can enter the production phase of publication.

Fair use guidelines

Fair use may apply to some of the materials that you would like to include in your book.

Fair use is a defense rather than a right, so the only way to get a definitive answer about whether or not your use is fair use is to have it resolved in court. However, courts use four factors to determine whether or not use may be considered fair use and you can use these same four factors to help you make an informed decision about whether or not your use is fair use. The four factors appear below along with some questions to ask yourself and commentary to consider as you decide whether or not these factors apply to your intended use.
The Copyright Law of 1976 states that “…the fair use of a copyrighted work…for purposes such as criticism, comment, news reporting, teaching…scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered include:”

1) The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

- Has the material you have taken from the original work been transformed by adding new expression or meaning through close reading or analysis? Was value added to the original by creating new information, new insights, and understandings?
- If materials being reproduced are integral to a scholarly argument, and these materials are discussed and/or critiqued, this is generally considered transformative use and an author has a descent case for fair use. Temple University Press does not interpret this factor to include illustrations that are used as part of an argument.

2) The nature of the copyrighted work;

- Is the work that you would like to reproduce creative or factual? Published or unpublished?
- Creative works are protected by copyright but facts are not. Authors may paraphrase or provide summaries of a text without requesting permission or may retrieve historical data from a secondary source without infringing on copyright. It is easier to build a case for fair use of a published work; it is difficult to make a case for fair use for unpublished works because an author has the right to control the first public appearance of his/her work.

3) The amount and substantiality of the portion used in relation to the copyrighted work as a whole;

- How much of the work is being used? Is it the heart of the work?
- An author can quote a small part of someone else’s work if they are using that work to illustrate their argument or analyzing that work as part of their argument. There is no specific number of words, lines, or notes that require permission, though the generally accepted practice is that brief extracts may be used without permission so long as appropriate credit is provided. Because song lyrics and lines of poetry make up such a large percentage of the work they’re excerpted from, Temple University Press does not consider these to be covered by fair use.
4) The effect of the use upon the potential market for or value of the copyrighted work.”

- Will your quoting the work result in economic loss for the copyright holder or undermine a new or potential market for the copyrighted work?
- If you include a photograph in your work or a substantial portion of someone else’s writing, you could be preventing the creators of these works from revenue to which they’re entitled.

In order to qualify as fair use, you use must satisfy most or all of these factors. For further details about the four factors of fair use, you can ask your editor or the rights and contracts manager for assistance and/or consult Stanford University’s Copyright and Fair Use website: http://fairuse.stanford.edu/overview/fair-use/four-factors/

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Some of the materials that you would like to include in your book may be in the public domain. Works in the public domain are those for which copyright has expired, been forfeited, or is inapplicable. For a helpful chart explaining what works are in the public domain, consult: http://copyright.cornell.edu/resources/publicdomain.cfm.

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- Materials published in the United States before 1923 for which copyright has not been renewed. To check if copyright has been renewed, please consult the Stanford University Copyright Renewal Database: http://collections.stanford.edu/copyrightrenewals/(note: this does not include paintings or photographs from before 1923 unless they were published in print)
- Most paintings, photographs, and other works of art whose author has been dead for 70 or more years
- Works produced by the United States Government
- Laws, regulations, judicial opinions, government documents and legislative reports

Materials that do not meet fair use guidelines

The following materials do not meet fair use guidelines. As a result, you will need to obtain permission in order to use them unless they are in the public domain:

- Verbatim quotes that do not meet fair use guidelines
- Any amount of poetry or song lyrics
- Verbatim or edited versions of your own previously published work (if you did not retain copyright)
• All photographs, film stills, frame enlargements, illustrations, figures, maps, charts, diagrams, and tables
  ○ An exception: screen captures from film or video may be used inside your book without permission if they are discussed in detail in your work and/or are necessary to the argument being made in your work. If you plan to include screen captures in your book, please discuss this with your editor.
• Copyrighted text or images available on the Internet. Just because a text or an image is readily available does not mean that it is in the public domain or can be covered by fair use.

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If you encounter any difficulty finding a rights holder or obtaining permission, please contact your editor or the rights and contracts manager for assistance and advice.

OBTAINING PHOTOGRAPH AND INTERVIEW RELEASES

If your book includes material from interviews that you have conducted or photographs that you have taken, you may need to obtain releases from the people you interview and/or photograph. Please contact your editor or the rights and contracts manager to help you determine whether releases are necessary.

A NOTE ABOUT IMAGE QUALITY


General rules of thumb:
- Halftones/photographs should be 300 DPI at the final size it is being used (printed). This size is usually around 5x8 inches.
- Line art must be 1200 DPI at the final size it is being used (printed)
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- Make sure to include items that are *fair use* or in the *public domain* on this document as well as items that require permission—in the “Rights holder” column for these items, simply write “fair use” or “public domain.”

- **If you include material in your manuscript from works that you have previously published**, you must also include these works on the permission log. If you determine that your use of these works meets fair use guidelines, please note this in the “Rights holder” column. If your work does not meet fair use guidelines, you must seek permission to include these materials unless you retain the rights for them. If you retain the rights, please write “Author retains rights” in the “Rights holder” column.

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