

GOT PERMISSION?

14 TIPS FOR NAVIGATING THE PERMISSIONS PROCESS

by Sassy Lady Publishing Services

The permissions process can be a tricky, time-consuming, and potentially costly process for authors and publishers. Knowing some basics about this process can help prevent issues during the development and production of the content. It can also reduce or (hopefully) completely eliminate potential copyright infringement in the published product.

IMPORTANT DISCLAIMER: The following content is for informational purposes only and does not constitute legal advice or guidance on permissions or other copyright topics. Now on to the tips!

1. You need permission from the owners (*rightsholders*) to use text, images and graphics, music, videos, and multimedia items that are not your original work unless the content is in the *public domain*¹ or your usage qualifies as—or can be adapted for—*fair use*.²
2. The rightsholder may not be the creator of the work but another entity, such as a publisher or record company, a museum, or an estate.
3. There is no predetermined amount of content (words, lines, pages, images, or copies) from any copyright-protected work that may be used without permission.
4. Written permission is best since it provides a record of the agreement between you and the rightsholder. Even if you personally know a rightsholder, you should still get written permission to use his or her content.
5. You should credit the source near the content location whenever possible. Sources can be listed in a variety of ways including parenthetical citations and footnotes. Some rightsholders also require a (separate) copyright notice elsewhere in the product.
6. Usage of content from U.S. government sources typically qualifies as a fair use. However, always double-check the source since the rightsholder of some information may be a non-government entity.
7. If you take photos of specific and recognizable people, you must have a signed release from each person that grants you permission to use the photo. (If the person is a minor, you must get a signed release from a parent or guardian.) You will also need written permission to use images of certain (famous) structures even if you took the photos yourself.
8. Rightsholders vary on the level and length of permissions that they grant. Some only allow use of items for one current product or edition. In these instances, you will have to re-secure permission for future products. Others will stipulate the exact location(s) [in the product] where the content can be used. Permission to use content in a specific product is non-transferable to other products (current or future) unless the rightsholder states otherwise.

¹ If content is in the public domain, it is available to the public as a whole and not subject to copyright restrictions.

² A legal doctrine that permits unlicensed use of copyright-protected works in certain circumstances.

9. Some rightsholders base their level of permission on projected unit sales and/or the distribution method (digital or print) of the product.
10. Many rightsholders charge fees to use their content. These can range from a few dollars to *thousands* of dollars for a single item.
11. Ideally, the permissions process should start during the initial content (or manuscript) creation phase and finish before the content is sent to production.³ It can take weeks or months to secure permission for all applicable items in a single product.
12. *If you are handling your own permissions:* Consult with a permissions researcher or a legal professional who is familiar with intellectual property (IP) law for guidance. This person can review your content, confirm the items that need permission, the ones that qualify as fair use, and the ones that can be adapted for fair use. A researcher can also contact and secure permissions from rightsholders on your behalf. Typical permissions researcher costs start between \$40–\$50 per hour and are in addition to rightsholders' fees.
13. *If you are working with a publisher:* Depending on your publishing agreement, a publisher may handle part or all of the permissions process for your content. An author's permission costs will vary by publisher, type of content that the author is creating, and rightsholders' fees.
14. Make sure that you understand your responsibilities (cost and otherwise) in the permissions process and that you have a contingency plan for instances when permission is not granted or rightsholder costs are much higher than expected.

CHECK OUT THESE SITES FOR MORE INFORMATION*

- **Friedman, Jane. "A Basic Guide to Getting Permissions + Sample Permissions Letter." (www.janefriedman.com/sample-permission-letter)**
- **General copyright information from the U.S. Copyright Office (www.copyright.gov)**
- **General copyright law information on Nolo.com (www.nolo.com/legal-encyclopedia/copyright-law)**
- **The University of Chicago Press. "Author's Permission Guidelines." (www.press.uchicago.edu/infoServices/permissions.html). Though geared toward authors who are working with the University of Chicago Press, this article still contains helpful general copyright information, links to other permissions resources and downloadable permission request templates.**

*All sites accessed 6/10/18 or 6/11/18

³ A workflow phase where content is prepared for its final, customer-facing format.