

## DISCLAIMER

This document has been prepared by the Temple University Press staff for informational purposes only, and may not be construed as "Legal Advice" from Temple University, Temple University Press, or any other related entities.

## TEMPLE UNIVERSITY PRESS PERMISSION INFORMATION

This document includes the following information:

- 1) Guidelines for requesting permission to use copyrighted material
- 2) Information about obtaining photograph and interview releases
- 3) Instructions for using TUP's Request for Permission form
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## GUIDELINES FOR REQUESTING PERMISSION TO USE COPYRIGHTED MATERIAL

As stated in your contract with Temple University Press, obtaining all required text and illustration permissions is your responsibility as an author. If you are a volume editor, it is your responsibility to make sure that all of your contributors have secured all required permissions for their contributions and any illustrations that they've included in their contributions. The following guidelines are designed to assist you with the necessary and important task of securing permission.

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 decent 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/>

### **Public domain**

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>.

The following items are in the public domain and do not require permission:

- 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.

## USING THE REQUEST FOR PERMISSION FORM

Please use the permission form in this packet (and available for download from our website: <http://www.temple.edu/tempres/download.html>) to request permission for all copyrighted materials. Many rights holders prefer to grant permission by using their own standard forms. In these instances, please be sure that permission has been granted for one-time *English-language rights in all forms, formats, and media for distribution throughout the world*.

**When using this form, please remember to insert the information requested in bracketed italics, including:**

- Name and address of rights holder
- Name of recipient of your letter
- Title of your book
- Season in which your book will be published
- Information about the work that you're requesting permission for. This information should be inserted in the part of the form that says *[include full citation for work here]*.

In the case of quoted material, you should begin by contacting the original publisher of the work. The description on the "Request for Permission to Use Copyrighted Material" form, in the part of the form that says *[include full citation for work here]*, should include the following information:

- Essay/chapter author
- Essay/chapter title
- Title of source book, volume, or journal
- Author/editor of source book or volume
- Publisher
- Date of copyright
- Page number(s) for quoted material
- Beginning and ending lines of quoted passage(s)

For requests to reproduce artwork or photographs, you should begin by writing to the institution, commercial archive, or gallery that holds the materials to see if they are also rights holder. If they are not the rights holder, they may be able to direct you to the rights holder (in some cases, rights may belong to an artist or the artist's estate). Once you have found the rights holder, you should send them the "Request for Permission to Use Copyrighted Material." The form should include the following information:

- Artist or photographer
- Title of work and file or code number specific to the institution that holds rights for the image
- Date of the work
- A photocopy of the illustration (this is not necessary, but may expedite the processing of your permission request)

If you are seeking permission to include artwork on the cover of your work, the "Request for Permission to Use Copyrighted Material" must specify that you are requesting permission for cover use. If you would like to use the image on your cover and in the interior of the book, your request must specify that you request permission for cover and interior use.

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

If you plan to include illustrations of any kind in your book (photographs, tables, maps, etc.), please consult the AAUP Guidelines for Submitting Digital Art, available on our website: [http://www.temple.edu/tempres/pdf/AAUP\\_Graphic\\_Guidelines.pdf](http://www.temple.edu/tempres/pdf/AAUP_Graphic_Guidelines.pdf)

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)
- Graphs cannot be embedded in Word, and should be supplied separately with all back-up (source) files. For details on creating graphs, see:
  - How to Prepare Illustrations for book Production:  
[http://www.temple.edu/tempres/pdf/Prepping\\_Art\\_Files\\_02\\_23\\_10.doc.pdf](http://www.temple.edu/tempres/pdf/Prepping_Art_Files_02_23_10.doc.pdf)

- None of your illustrations should be embedded in your manuscript. For details about how to number, save, and submit your illustrations, please consult the “TABLES” and “ILLUSTRATIONS/CAPTIONS/CREDITS” sections of the following document:
  - How to Prepare Text Files for Book Production:  
[http://www.temple.edu/tempres/pdf/prepping\\_text\\_files\\_08\\_30\\_13.pdf](http://www.temple.edu/tempres/pdf/prepping_text_files_08_30_13.pdf)

**While you do not have to submit your final illustrations until you submit your final manuscript, please begin a conversation about your illustrations with your editor and/or the rights and contracts manager upon receiving your fully executed contract. The earlier you can secure permission for and ensure the image quality of your illustrations, the less likely they are to cause delays in the production process.**

**REQUEST FOR PERMISSION TO USE COPYRIGHTED MATERIAL**

*[insert name and address of rights holder]*

Dear *[name of recipient]*:

I am seeking permission to include the following material:

*[include full citation for work here]*

in a volume entitled *[insert name of book]* to be published by Temple University Press. The book is planned for the *[spring/fall YEAR]* season. The number of copies to be published has not yet been determined.

**In signing this form, you certify that you are the sole and exclusive owner of the world English-language rights to the requested material.** If you do not own or control these rights, please supply the name and address of the appropriate party:

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Sincerely,

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Date: \_\_\_\_\_

**Author—please keep one copy of this form for your records and send one copy to:**  
Rights and Contracts Manager  
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TASB - 1852 N. 10<sup>th</sup> St  
Philadelphia, PA 19122

## USING TUP’S PERMISSION LOG

Please use our permission log to track the permissions that you collect for your work. When completed, this document presents a useful synopsis of the permission status of illustrations and text included in your manuscript. The permission log will help us determine whether the necessary permissions have been obtained for your work.

Please make sure that all items on the permission log appear in the order that they appear in your book. In numbering these items, we ask that you conform to our illustration and table numbering conventions. We use a double-numbering system that includes chapter and image number, so the first figure in the third chapter will be Figure 3.1. Figures and tables have separate counts, so the first table in the third chapter, regardless of whether it comes before or after the first figure, should be Table 3.1.

Please include any text permission information on the permission log after your illustration information. It is not necessary to include item numbers for text permissions, but you should indicate the chapter and manuscript page in/on which these materials appear.

Here are a couple of things to watch out for:

- 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.

*If you have any questions, comments, or suggestions about this form, please contact Sara Cohen, Rights and Contract Manager at Temple University Press via email ([sara.cohen@temple.edu](mailto:sara.cohen@temple.edu)) or telephone (215-926-2146).*