We hope that the guidance below will answer some of your questions about including third party material in your book. For further guidance, please contact your Editor. We cannot offer legal advice but will be happy to share the benefit of our publishing experience with you.

**Permissions FAQs**

**[What is copyright?](#What_is_copyright)**

**[What is covered by fair dealing or fair use?](#What_is_fair_dealing)**

[**What about non-text materials (photos, artworks, software, screengrabs, etc)?**](#non_text_material)

[**What if material is in the ‘public domain’?**](#What_is_public_domain)

[**How do I seek permission, and from whom?**](#How_to_seek_permission)

[**What if it’s my own material?**](#If_my_own_material)

**[What if I’m editing a book and the contributors use third party material?](#Editing_a_book)**

[**What do I need to provide to RLI?**](#Provide_to_RLI)

**What is copyright?**

Copyright is a legal concept that gives the creators of written and artistic works the right to use, copy, and reproduce their original material. The creation of copyright is automatic and exists as soon as any record of the work exists. Copyright also covers moral rights, which exist to ensure the original author is identified as the creator of their work and enables the creator to object to any distortion of it.

There is no international law that governs copyright and the associated protection does vary by legal jurisdiction (e.g. in terms of how long a work is protected), though there are some international treaties that most countries are signatories to, which offer general guidelines.

For more information, see the website of the [World Intellectual Property Organization](http://www.wipo.int/copyright/en/about/).

For useful guidelines for authors in the Humanities and Social Science, see the [British Academy website](http://www.britac.ac.uk/policy/joint-copyright-guide.cfm).

**Can I use third party copyright material in my book?**

Third party copyright material can be included in your book, but, in most cases, you will need to get permission from the copyright holder in order to ensure that you’re using it correctly and legally. The following material can be used relatively simply:

* Material that is out of copyright (see The British Academic for guidelines on [term of copyright](http://www.britac.ac.uk/policy/copyright-guideines/part1.cfm#sec2))
* Material that is covered by [fair dealing or fair usage guidelines](#What_is_fair_dealing)
* Material that comes from a source that explicitly states in its terms and conditions that permission is not required

It’s becoming increasingly difficult to clear all the rights that we require for digital and electronic publishing. As a general rule, we’d urge you to be very pragmatic about what copyright material is genuinely necessary to your argument and try to keep the inclusion of third party material to a minimum wherever possible.

**What is covered by fair dealing or fair use?**

Copyright laws tend to include exceptions that will allow re-use of a limited amount of material from a work without the need to seek permission from the copyright holder. In the UK this is often termed ‘fair dealing’ or in the US it tends to be known as ‘fair use’. The guidelines around this concept are a little fuzzy for commercial publications as they are legally untested and they differ across different countries.

Fair dealing or fair use only covers material that is used in the context of critique or review, and not as an illustration of a point or idea (i.e. epigraphs are not covered by fair dealing).

Fair dealing is to be understood in a qualitative manner, which means that the quotation or excerpt must not represent the ‘heart’ of the original work. The minimum amount of the original work should be re-used in order to make the relevant point.

In addition to the above, text quotations must also fit into the following criteria:

* Text (prose) extracts must be no more than 400 words, or a total of 800 words from the same volume if there are several shorter extracts (not more than 300 words each).
* Only one article in a journal that comprises no more than a third of the original
* No more than one line of poetry
* No more than one line of a song lyric, hymn or dramatic work, including film scripts

Fair dealing only applies to work that has been previously published prior to the relevant quotation or extract being used. It does not apply to unpublished works.

Use of material under the guidelines of fair dealing must clearly acknowledge the author/creator of the original work text.

**What about non-text materials (photos, artworks, software, screengrabs, etc)?**

Fair dealing is not applicable to non-text materials, including databases (though see section on [national government materials](#Government_material)), screengrabs from film, TV or websites, or artworks. You will need to contact the copyright holder to get full permission to re-use any of these materials.

Please bear in mind that there may be multiple copyright holders for these materials. For example, the copyright holder of an original artwork and the copyright holder of the photograph that captures the artwork.

If you’d like to use your own photograph that includes people who are recognisable, you should get a signed release from them allowing you to use their image.

**What if material is in the ‘public domain’?**

The ‘public domain’ is a much misunderstood term. Unless something is ‘out of copyright’ (due to the full term of copyright being expired) then it will have a copyright holder, whether that is an individual or an organisation.

Even if material is easily accessed online or is available for public consumption, it is still considered to be under copyright. For example, an interview aired on the television will be under the copyright of each speaker and whoever is recording them.

Some material may be published under a Creative Commons (CC) license, but you’ll need to check whether it is available for reproduction in a commercial product and/or whether derivatives are permitted if you intend to make any changes/crops to the item. Most websites will include a section that outlines its Terms and Conditions or Terms of Reuse and if you’re unable to find that, try to contact the website creator by email or telephone.

National government materials (including datasets) may be covered by exceptional guidelines that allow reproduction without permission and free of charge. For example:

* In the UK, crown copyright covers material created by ministers, government departments and agencies, and civil servants in the course of their work. The National Archive manages crown copyright and database rights and will allow most work to be reproduced with the [Open Government License](http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/). You can read more about that on the [National Archive website](http://www.nationalarchives.gov.uk/information-management/our-services/crown-copyright.htm).
* In the US, national data and material that has been created by the government is not protected by standard copyright laws, although it often must be credited in a particular format. For more information about US government copyright visit the [US Copyright Office](http://www.copyright.gov/).

**How do I seek permission, and from whom?**

Allow yourself plenty of time to clear permission – we’d strongly recommend that you get the ball rolling on the permissions clearance process as soon as you’ve firmly agreed the inclusion of material with your Editor.

Seeking permission from a third party copyright holder can be costly and very time-consuming, especially if the copyright holder is difficult to trace or there are multiple copyright holders. Permissions departments at publishers can also be very busy and slow to reply to emails, whilst some organisations that are unused to being approached for permission may have rather complicated systems to work through.

In order to ensure that you are provided with all the necessary rights that will enable us to include the third party material within your book, please always use our standard permission request letter. Unfortunately, an informal note saying ‘it’s fine to re-use this picture/poem’ isn’t sufficient, as we need to be very clear about how we are able to re-use the material.

If the copyright holder puts any restrictions on the permission granted to you, please discuss this immediately with your Editor. In some instances, these restrictions may prohibit us from publishing in necessary formats. For example restrictions on electronic rights, print run (e.g. first print run only) or duration (e.g. for ten years only) causes problems.

Please record all the third party copyright material that is contained within the typescript on our permissions tracker, which should be submitted with your final typescript. This is a useful tool for you to monitor your progress in clearing permissions and helps us to see at a glance what materials have been cleared.

Please do not make any commitments or pay for any third party copyright clearance before discussing the inclusion of the material with your Editor.

**What if it’s my own material?**

If you want to include material from your own published work, do check the terms of your contract. Unless you’ve agreed explicitly with your publisher that you retain copyright, or their website explicitly states that their policy allows you to reuse your own work, it’s likely that you’ll need to get the consent of your original publisher before including any such material.

**What if I’m editing a book and the contributors use third party material?**

The Editor is responsible for ensuring that all the material contained within their submitted typescript is publishable, and that includes the usage of all third party material. It’s best to have a conversation about third party material and your contributors’ intentions to include this at the start of the project to save you from any surprises when they deliver their chapter(s).

**What do I need to provide to RLI?**

We require all the information that’s included in the permission tracker, and all the permissions correspondence that grants you permission to reuse the necessary material.

In order to make sure we’re presenting everything correctly in the book itself, we need a clear citation, including the full source, and any desired title/caption. Some copyright holders will require a specific wording and location of the source/citation, so make sure that these are clearly indicated in your typescript and that your Editor is made aware of any such requirements.

Some copyright holders will also ask to be provided with a copy of the published book in lieu of payment (or as well as the charged fee), so please ensure that is recorded in the tracker for us so we can arrange that.

If you would like to use material from a source that explicitly states in its terms and conditions that permission is not required, please provide evidence of those terms and conditions – a print out or a screen grab that includes the date on which you accessed the terms and conditions is sufficient.