Obtaining Permissions and Releases

For more information, see the guidelines prepared by the Association of American University Presses: http://www.aaupnet.org/images/stories/documents/aauppermfaqs.pdf (last revised in 2008).

Permissions

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- Permission letters should grant non-exclusive world rights in all languages and media, including electronic forms (see sample Request for Permission letter).
- Permissions can take months to clear, so request them as early as possible. The necessary letters of permission must be submitted along with your final manuscript. On each permission letter, indicate the figure number, table number, or manuscript page number to which the letter refers.
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  - Work “made for hire.” If you commission someone to create material on your behalf (graphs, maps, translations, etc.), you can become the owner of copyright in that material, as long as you meet the requirements for a “work made for hire”—among them, a written contract signed by both parties stating that the material is work for hire. If you own the copyright as work for hire, then you do not need permission and should provide appropriate credit as a courtesy.
- What does need permission?
  - Quotations of more than 300 words from a book-length work covered by copyright or, as described above, any complete unit—a letter, a story, a chapter—or significant excerpt thereof. You should apply to the publisher for permission.
  - Quotations from unpublished letters, diaries, journals, manuscripts, or student writings. Unpublished work written by someone who died more than 70 years ago can be quoted without
permission. For other unpublished works, fair use is a complicated analysis, so you should be prepared to secure permission for any quotations. The copyright to unpublished letters and other writings resides with the writer of the letter, not the recipient or any subsequent owner of the physical document. Permission to quote must be obtained from the writer, or the writer’s heirs where necessary.

- **Poetry.** We recommend that you secure permission for more than two lines of a short poem (unless the poem is only two lines long) or more than a stanza from a long one. Even the lesser use will require permission if you are using the poetry without comment, as in an epigraph or sidebar. You should apply to the publisher for permission.

- **Song lyrics.** We recommend that you not use song lyrics except those brief excerpts that are essential to your scholarly argument. Finding the rights holder and securing permission can be time-consuming and expensive. (ASCAP and BMI are clearinghouses that can help you locate rights holders.) Any quote of any length, if it is used without comment as an epigraph, requires permission.

- **Modern translations of older works.** Even if the original work is in the public domain, you will need permission from the rights holder of the translation to quote more than “fair use.” Apply to the publisher of the translation for permission.

- **If your work is an anthology, you need permission for every piece in the anthology, no matter the length.**

- **Your own previously published work.** If you intend to quote material from a previously published work, you have probably granted the right to grant permission to your publisher, so you should secure permission.

- **Photographs and artwork** require the permission of the copyright holder: either the artist or photographer, the stock agency, the cartoon syndicate, or in the case of fine art, sometimes both the museum and the photographer of the image.

- **Maps, charts, or tables,** if owned by someone else, require permission.

### Releases

- **If you use material from interviews,** you should have the interviewee’s consent to publish material from the interview as well as a written release (see sample Interview Release). It is especially important to secure the written release if the quoted material is personal or potentially controversial, if the interview is lengthy, or if portions will be reprinted verbatim. Additionally, you should document any agreement with the interviewee, for example if portions were “off the record” or subject to the interviewee’s review.

- **To use a photograph showing an identifiable individual,** you may need a model release from the person depicted (depending on the nature of the photo and its intended use) in addition to permission from the rights holder.

### Other Considerations

- **If your book contains any statement of fact about a living person or existing organization that might in their view damage their reputation, or interfere with any other right (such as their right to privacy),** you should be sure to retain any supporting documentation. In addition, you may wish to seek legal advice, as avoiding claims of libel is part of the author's responsibilities under the author contract.