

## 4. Permissions

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### Author's responsibilities

It is the **author's responsibility** to obtain all necessary written permission to use any third party material, such as copyright works and trade marks, and also to settle any relevant fees unless you have made an alternative arrangement in writing with your T&F Editor. Providing gratis copies to third party rights holders, should they require this in their permission agreement, is also the responsibility of the author unless alternative arrangements have been made in writing with your T&F Editor.

**Permission requests can take considerable time to process, so please start the application process early**, as soon as you know which material you want to include. This also applies to re-using your own published work – you still usually require permission from your original publisher.

Permissions **must** be cleared and your paperwork in order when you submit your final manuscript. **We cannot begin any aspect of the work on your book, including text editing, while any permissions remain outstanding.**

You will need to request permission for **non-exclusive worldwide English language rights in all forms and media, including print and eBook form**, unless otherwise specified in writing by your T&F Editor. **These rights should be for lifetime of the edition, but please discuss with your T&F Editorial Assistant if the third party rights holder requests restrictions.**

We suggest you keep the use of third party material to a minimum to save time and costs and seek to discuss material in your text rather than reproduce it. Consider whether the material is essential.

**When you deliver the final manuscript, you should include with it all permissions correspondence (keeping a copy for yourself). Please also submit a log of the third party material used, recording permissions correspondence or claim of fair dealing/fair use.** (See [Appendix A](#) for log requirements.) Your manuscript should include an acknowledgements page, in which you follow any specific wording requested by the third party rights holder, such as a copyright owner, trade mark owner or a previous publisher.

We set out below some general guidance on clearing copyright and trade mark permissions. In our experience, copyright and trade marks are the most common third party rights that arise, but you should be aware that other types of third party rights exist and could apply to material that you intend to use – for example, design rights, database rights and patents.

These guidelines are intended to provide guidance only. The information provided in these guidelines does not constitute legal or professional advice. We reserve the right to revise these guidelines at any time. These guidelines are for illustrative purposes only and reliance on them is solely at your own risk. If you are in doubt as to whether permissions may be required, then we recommend that you seek your own legal advice.

## Copyright

Copyright is a territorial right and varies from country to country. There are some significant differences, for example, between the UK, Europe and the US. However, many of the basic principles are the same throughout the world.

### Duration of copyright

#### In the UK and European Union

- **General rule:** works are generally protected for 70 years from the end of the year in which the author died. There are exceptions: for example, broadcasts are generally protected for 50 years from the end of the calendar year in which the broadcast was made, and UK Crown copyright works (see below) are subject to separate rules on duration.
- **Unknown authorship:** works are protected for 70 years from the end of the year in which the work was first lawfully made available to the public or, if not yet lawfully made available to the public, 70 years from the end of the year in which the work was made.
- **UK Crown copyright** applies to all works made by Her Majesty or by an officer or servant of the Crown in the course of his/her duties, such as the British Government. Crown copyright works are subject to different rules on copyright duration.

*Further information:*

- UK Intellectual Property Office: <https://www.gov.uk/topic/intellectual-property/copyright>

#### In the US

- Works **published before 1923** or **published by the US Government** are in the public domain and therefore require no permission to quote.
- Works **published between 1 January 1923 and January 1964** were required to have copyright renewed during the 28th year of their first term of copyright, which then covered them for 95 years from first publication, so may need to be applied for.
- Works **published between 1 January 1964 and 31 December 1977** are protected for 95 years with no need of renewal.
- **Copyrights in their second term of protection from 1 January 1978** automatically have the full 95-year period of protection without requiring renewal.

*Further information:*

- <http://www.copyright.gov/> (US Copyright Office)
- <http://copyright.cornell.edu/resources/publicdomain.cfm> (copyright term chart from Cornell)
- [http://www.gutenberg.org/wiki/Gutenberg:Copyright\\_How-To](http://www.gutenberg.org/wiki/Gutenberg:Copyright_How-To) (Project Gutenberg's copyright rules)

## Exceptions to copyright: principles of 'fair dealing' and 'fair use'

It is not always necessary to seek permission to use a copyright work. Under the 'fair dealing' exceptions in the UK and the 'fair use' doctrine in the US for example, limited use of copyright works is allowed without the permission of the copyright owner, provided various conditions are met. The law around 'fair use', 'fair dealing' and other copyright exceptions is complicated and the position varies from country to country. The question of whether a particular use will amount to 'fair use' or fall under a 'fair dealing' or other copyright exception is heavily fact- and context-dependent. If you need guidance, you may want to seek legal advice.

### *Further information:*

- UK Intellectual Property Office: <https://www.gov.uk/guidance/exceptions-to-copyright>
- US Copyright Office: <https://www.copyright.gov/fair-use/more-info.html>
- Columbia University Copyright Advisory Office: <https://copyright.columbia.edu/basics/fair-use.html>
- Stanford University Libraries: <http://fairuse.stanford.edu/overview/fair-use/>

## Permissions guidance: works under copyright

### General guidance

For any copyright work, including the following material, permission should generally be sought to use content (including text used as an epigraph), unless the use will clearly fall into a fair dealing/fair use defence or other copyright exception.

- Advertisements
- Comics/graphic novels – texts and images
- Dialogue e.g. film, television, theater, etc.
- Fiction/literature
- Journal articles
- Magazine and newspaper articles – text
- Music lyrics
- Nonfiction books/essays
- Poetry

### Material from the Internet

The below guidance pertains to content from such sources as:

- Blogs
- Social media, e.g. Facebook, Twitter, Instagram, Pinterest, Flickr, YouTube, etc.
- Websites
- Wikipedia
- Search engines

It should not be assumed that, because a copyright work such as a drawing or photograph is available on the Internet, that work is in the public domain. There is an important difference between a work being ‘publicly available’ because someone has posted it on the Internet and ‘in the public domain’ (i.e. out of copyright). Material is frequently posted on the Internet without the knowledge or permission of the copyright holder. The usual rules of copyright, including on subsistence, ownership and duration, still apply to material on the Internet.

There are two main issues to consider when considering reusing content from the Internet.

First, does the source website itself allow you to reuse its content? You should check the website Terms of Use, and if necessary contact the website, to verify this.

Second, is it necessary to clear permission for the content that is being copied? Some content may be available under a creative commons licence or other form of royalty-free licence which permits further use without requiring permission – check the source/copyright line. Otherwise, if the content is in copyright, permission should be obtained unless the new use will clearly fall into a fair dealing/fair use defence or other copyright exception.

*Note:* Particular care is needed in relation to content that might be private or contain personal information, where permission should be obtained from the individual(s) concerned.

## Other material

The following provides guidance for other types of material.

Material	Guidance
<p>Artwork</p> <p>e.g. paintings, illustrations, sculpture, etc.</p> <p>(See also: <a href="#">Material from the Internet; Photographs</a>)</p>	<p><i>Older artworks:</i></p> <p>Permission is often needed to reproduce images of older artworks held in an institution such as a museum or art gallery. Although the artworks themselves may be out of copyright (because the artist died over 70 years ago), the institution that holds such an artwork will often own the copyright in all stock images of it, and will require permission and a fee before the stock image can be used. Institutions also often restrict others from taking photographs of their artworks for commercial purposes, so it should not be assumed that a photograph of a classic artwork can be used without permission purely because it wasn’t sourced from the museum or art gallery itself. The institution’s policy on reproduction should be checked.</p> <p><i>Recent artworks:</i></p> <p>If the artist died less than 70 years ago, or is still living, then in addition to seeking permission from the institution holding the artwork (if relevant), you will also need to seek permission from the artist or their estate.</p>

	<p>You may be asked for two fees: one for permission and one for supplying a high resolution reproduction.</p> <p>Be careful about cropping artwork or changing its appearance as this could infringe the artist's moral rights (the artist's right to object to derogatory treatment of their work). Note any stipulations of usage in the permissions agreements.</p> <p><i>Note:</i> We urge you to exercise caution with any material from the Internet, where material is frequently posted without the knowledge or permission of the copyright holder. See <a href="#">Material from the Internet</a> and <a href="#">FAQs</a> for more information.</p>
ClipArt	<p>You <i>must</i> seek permission from Microsoft to use any of their ClipArt. This can be a time-consuming and ultimately unsuccessful process. Commercial reuse (for example, in an academic book or journal) may be prohibited.</p> <p>See: <a href="http://www.microsoft.com/en-us/legal/intellectualproperty/permissions/default.aspx">http://www.microsoft.com/en-us/legal/intellectualproperty/permissions/default.aspx</a></p>
European legal materials	<p>European Court reports and judgments, treaties and regulations reproduced from EUR-Lex can be used free of charge, except where otherwise stated, provided appropriate acknowledgement is given as follows: "© European Union, <a href="http://eur-lex.europa.eu/">http://eur-lex.europa.eu/</a>, 1998-2016" (as updated from time to time). Some documents may be subject to special conditions of use, therefore you must check the respective publication. The EUR-Lex logo may not be copied or used without consent. When using Europa, reproduction is authorised, provided the source is acknowledged, except where stated otherwise. The EU emblem can be used without permission, provided the guidelines are followed.</p> <p>Judgments reproduced from Curia can be used free of charge provided the source is acknowledged. However, certain parts of such information and texts might be protected by copyright, so you will need to check.</p> <p>See: <a href="http://eur-lex.europa.eu/content/legal-notice/legal-notice.html">http://eur-lex.europa.eu/content/legal-notice/legal-notice.html</a>  <a href="https://europa.eu/european-union/abouteuropa/legal_notices_en#copyright-notice">https://europa.eu/european-union/abouteuropa/legal_notices_en#copyright-notice</a>  <a href="http://curia.europa.eu/common/juris/en/aideGlobale.pdf#page=2">http://curia.europa.eu/common/juris/en/aideGlobale.pdf#page=2</a></p>
Google Earth/Maps	<p>Images may be reproduced without any edits and a source line must be included.</p> <p>See: <a href="http://www.google.com/permissions/geoguidelines.html">www.google.com/permissions/geoguidelines.html</a></p>
Google Ngram	<p>No need to request permission, but please make sure that you cite: Jean-Baptiste Michel, Yuan Kui Shen, Aviva Presser Aiden, Adrian Veres, Matthew K. Gray, The Google Books Team, Joseph P. Pickett, Dale</p>

	<p>Hoiberg, Dan Clancy, Peter Norvig, Jon Orwant, Steven Pinker, Martin A. Nowak, and Erez Lieberman Aiden (2010) 'Quantitative analysis of culture using millions of digitized books'. <i>Science</i>. Published Online Ahead of Print: 12/16/2010. DOI: 10.1126/science.1199644  <a href="http://www.sciencemag.org/content/early/2010/12/15/science.1199644">www.sciencemag.org/content/early/2010/12/15/science.1199644</a>.</p>
Interviews	<p><i>Unpublished:</i>  Release forms from the interviewees are necessary.</p> <p><i>Published:</i>  Permission should generally be sought to use any text or images, unless the use will clearly fall into a fair dealing/fair use defence or other copyright exception.</p>
Letters	<p><i>Unpublished:</i>  If still in copyright, requires the permission of the writer/writer's estate (if deceased).</p> <p><i>Published:</i>  Permission should generally be sought to use any text or images, unless the use will clearly fall into a fair dealing/fair use defence or other copyright exception.</p>
Music composition/notation	<p>Permission should generally be sought, unless the use will clearly fall into a fair dealing/fair use defence or other copyright exception. If it is your own transcription, please include an 'Adapted from' credit line.</p>
Photographs  (See also: <a href="#">Artwork</a> )	<p>If the photograph appears in a publication, approach the publisher for permission; if the photographer is acknowledged as the source, you may need to approach the photographer directly. Photographs from picture agencies usually only require the agency's permission.</p> <p>If you want to use a photograph of a person or include recognizable faces, you should seek their permission (or their parent/guardian's permission if the individual is a minor) as well as that of the photographer, unless there is a clear and unequivocal signed document from the individual (or the individual's parent/guardian if relevant) in which they consent to future uses of their likeness that would include use in your work.</p> <p><i>Note:</i> We urge you to exercise caution with any material from the Internet, where material is frequently posted without the knowledge or permission of the copyright holder and is therefore infringing. See <a href="#">FAQs</a> for more information.</p>
Screen grabs e.g. film, television, video games, other videos	<p>Permission should generally be sought, unless the use will clearly fall into a fair dealing/fair use defence or other copyright exception. Official film and TV stills released by the production company require permission.</p>

<p>Software</p> <p>(See also: <a href="#">Material from the Internet</a>)</p>	<p>Any software used in a DVD or on a web page must have the rights cleared.</p> <p><i>Screenshots:</i></p> <p>If you are writing a book specifically on a software application, you should refer to your agreement with that software company for reproduction rights. If you do not have an agreement with a given software company, consult the company's terms of use, as permission may be required. For other uses see <a href="#">Material from the Internet</a>.</p>
<p>Tables</p>	<p>Copyright does not generally subsist in information, so you can usually use raw data to construct your own table without requiring permission. However, copyright can subsist in how information is put together, for example as a database, table or compilation, so if you intend to use the layout, format and/or selection of data of the original, you must clear permission.</p>
<p>Translations</p>	<p>A separate copyright may subsist in a translation, in addition to the copyright in the original work. Even if the original work is in the public domain, the translation may still be in copyright. See the individual type of work for more information.</p>
<p>UK Acts of Parliament and Government papers/publications</p>	<p>Parliamentary material, such as UK legislation and Government papers/publications, is protected by Crown copyright. Such material is made available by the House of Commons or House of Lords under the terms of the Open Parliament Licence. The Open Parliament Licence allows free reproduction of the material subject to the conditions of the Licence, including that the source of the information must be acknowledged using the specified attribution statement and, where possible, providing a link to the Licence. The Open Parliament Licence does not cover certain materials, including the Royal Arms, Crowned Portcullis, video or audio broadcasts, or third party rights.</p> <p>See: <a href="http://www.parliament.uk/site-information/copyright/open-parliament-licence/">http://www.parliament.uk/site-information/copyright/open-parliament-licence/</a></p> <p>Please note that, if you want to copy or extract the information from a third party reporting service or information provider such as Lexis Nexis, WestLaw or Justis, permission will need to be sought from the information provider.</p>
<p>UK court judgments</p>	<p>UK court judgments are Crown copyright protected material (other than the Royal Arms and departmental or agency logos) and are made available under the terms and conditions of the Open Government Licence. The Open Government Licence allows free reproduction of the material subject to the conditions of the Licence, including that the source of the information must be acknowledged using the specified attribution statement and, where possible, providing a link to the Licence. The Open Parliament Licence does not cover certain materials,</p>

	<p>including the Royal Arms, Crowned Portcullis, video or audio broadcasts, and any third party rights.</p> <p>See: <a href="http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/">http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/</a></p> <p>Please note that, if you want to copy or extract the information from a third party reporting service or information provider such as Lexis Nexis, WestLaw or Justis, permission will need to be sought from the information provider.</p>
UK Ordnance Survey maps/redrawn maps	<p>Clear all usage.</p> <p>See: <a href="https://www.ordnancesurvey.co.uk/business-and-government/licensing/licences/publishing.html">https://www.ordnancesurvey.co.uk/business-and-government/licensing/licences/publishing.html</a></p>
US Government publications	<p>Most <i>federal</i> government publications do not require permission: make sure the work is authored by the government (public domain) rather than prepared for the government; the latter may require permission.</p> <p><i>Nonfederal</i> (state, county, municipal) agencies' material may require permission – check copyright notices.</p>
Works created by students/children	<p>Please secure permission from students if you are planning to use their work in your text. Any material authored by a child under 18 years of age requires written permission from the child and from the child's parent or legal guardian acting on the child's behalf.</p>

## Trade marks

A trade mark is a sign that distinguishes the goods or services of the trade mark owner from those of other businesses. A trade mark is typically a word, phrase, symbol, logo, design or shape, but could even be a colour, smell or sound.

A trade mark owner can acquire rights in their trade mark by registering it and/or, in some jurisdictions, by making sufficient use of it.

Care is needed when using a trade mark. Generally, use of a word trade mark in an editorial context in a passage of text would not require clearing. However, any use of a trade mark on a book jacket, and any use of a logo/design, would generally need the trade mark owner's permission.

## How to request permission

### Resources for finding the copyright holder

**Copac** ([www.copac.ac.uk](http://www.copac.ac.uk)) – this site catalogues the history of a published work. You can search by author or title.



**WATCH Copyright File** – database for locating UK (<http://norman.hrc.utexas.edu/watch/uk.cfm>) and US ([www.hrc.utexas.edu/watch/us.cfm](http://www.hrc.utexas.edu/watch/us.cfm)) holders.

**The Publishers Association** ([www.publishers.org.uk/about-us/members-directory/](http://www.publishers.org.uk/about-us/members-directory/)) – directory of UK publishers who are members of the PA.

**American Association of University Presses** (<http://www.aaupnet.org/policy-areas/copyright-a-access/copyright-a-permissions/copyright-a-permissions/permissions-information-directory/>) – links to US and Canadian university presses and their permissions policies.

**Literary Market Place** ([www.literarymarketplace.com](http://www.literarymarketplace.com)) – two directories, one covering US and Canadian publishers and one covering international publishers. Most libraries will have a copy, or you can access it via subscription online.

**The Design and Artists Copyright Society** ([www.dacs.org.uk](http://www.dacs.org.uk)) – visual artists' rights management organization.

**Artists Rights Society** ([www.arsny.com](http://www.arsny.com)) – a copyright, licensing, and monitoring organization for visual artists in the United States.

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### Applying for permission

You will need to request permission for **non-exclusive worldwide English language rights in all forms and media, including print and eBook form for the lifetime of the edition**, unless otherwise specified in writing by your T&F Editor. For quotation permissions, make sure to specify the number of words you plan to use. Copyright holders may request information on your book's expected price and year of publication. Check these details with your T&F Editorial Assistant. They may also request information on the number of copies to be printed; we do prefer rights for the lifetime of the edition, but please discuss with your T&F Editorial Assistant if the third party rights holder requests restrictions. **For a sample permission letter/email, see [Appendix B](#).**

You might also be able to make your request through the **Copyright Clearance Center** ([www.copyright.com](http://www.copyright.com)). The Copyright Clearance Center charges a small transaction fee of \$3 for processing the order, but it is often the quickest way to obtain permission.

## FAQs

### **How do I determine whether my planned usage of copyright material falls under the principles of 'fair dealing' and 'fair use'?**

The law around 'fair use', 'fair dealing' and other copyright exceptions is complicated. The position varies from country to country and the question of whether a particular use will amount to 'fair use' or fall under a 'fair dealing' or other copyright exception is heavily fact- and context-dependent. It is not possible to give general guidance here. If you need guidance, you may want to seek legal advice. See [Exceptions to copyright](#) section above for links to websites discussing these principles.

### **I found the content I plan to use posted on the Internet. Since it is 'freely available', does it require permission?**

Just because content is 'freely available' on the Internet, does not mean it is in the public domain. Copyright content is often posted to the Internet without the copyright holder's knowledge or permission. You should treat content on the Internet as subject to copyright law in the same way as any other type of content.

### **What do I do if a copyright holder cannot be identified or located or does not reply to my requests or refuses to grant permission?**

Copyright does not disappear just because the copyright owner cannot be identified. If it is not possible to identify the copyright owner after making diligent searches, and the work might still be in copyright (see note on *Unknown authorship* under [Duration of copyright](#) above), we recommend that you use a different work. If you have identified the copyright owner and he or she refuses to give permission or does not reply to your requests, you should not use the work.

### **The permission fee is very high. Can I negotiate?**

Yes. In general, underscoring to copyright holders that the use, though commercial, is for educational or scholarly purposes, is a good tactic when negotiating fees.

### **Do I need permission for redrawn artwork?**

Yes. Permission will generally be needed where a new artwork is derived from an earlier artwork that is protected by copyright and there is substantial similarity between the two.

### **What about new editions?**

Permissions secured for text or illustrations in a previous edition or in a dissertation cannot be used in new editions unless express permission was obtained for new editions. Otherwise permission must be cleared again.

### **Do I need permission if I use material from my own published work?**

Yes, you will need to check your contract and see if permission is required. The original publisher often retains publication rights but will usually give you permission to reproduce your own work gratis.

### **Do I need permission if I use material from a Taylor & Francis publication?**

Yes, you would still need to request permission. See [Resources for finding the copyright holder](#) section above.

### **Do I need permission if I work for the company or institution whose image or text I am using?**

Yes, you will need to check who owns the copyright, and ask for permission to reuse the material.

### **What is the STM Agreement and how does it affect me with regard to seeking permissions?**

Taylor & Francis is a member of the International Association of Scientific, Technical and Medical Publishers (STM), and since 1979, signatory to the STM Permission Guidelines on the free and reciprocal exchange of text, figures and tables. The guidelines state that 'requests for small portions of text and a limited number of illustrations should be granted on a gratis basis for signatory participants, and further describe a more automatic process which eliminates the need for requests to be transmitted (some signatories have chosen this route, others continue to request express permission requests). The guidelines apply to both book and journal content, and facilitate reproduction of further editions or in other media such as in online form'. The guidelines and list of participating publishers is at: [www.stm-assoc.org/permissions-guidelines/](http://www.stm-assoc.org/permissions-guidelines/).

### **What is Authors' Licensing and Collecting Society Limited UK (ALCS)?**

All books/magazines/journal articles should be registered with ALCS in order to receive copyright licensing royalties. Even though you may not be a member, ALCS might still be holding royalties for you. You can check using a 'search for royalties' facility on their website. If you would like to join please visit [www.alcs.co.uk](http://www.alcs.co.uk) or call ALCS on 020 7264 5700. Authors of any nationality can register.

## Appendix A: Sample permissions log

<b>Art or text description</b> (E.g. Figure 1.1, Table 1.1, text extract )	<b>Location</b> (Manuscript page number)	<b>Permission required?</b> (If not, note why not, e.g. is the piece author generated? Comes under fair use? Public domain?)	<b>If required, is permission cleared?</b> (Send all permission documents together with log – e-copies preferred)	<b>Restrictions?</b> (E.g. print only, English only, size)	<b>Copyright holder</b>	<b>Credit line</b>	<b>Figure/table caption</b>	<b>Approximate image size</b> (1/2 page, 1/4 page, no preference)

## Appendix B: Sample permission letter

[Date]

Permissions Manager

[publisher's/copyright holder's address]

To Whom It May Concern:

I am writing requesting permission to reprint the following material in a book that Routledge, an imprint of Taylor & Francis Group, a trading division of Informa UK Limited, will soon be publishing in the academic market. As I am working within my publisher's timeline, I hope that you will be able to respond quickly. The material for which I am requesting permission is:

**[insert selection's bibliographic info., including page range, word count if applicable]**

to be reprinted in:

**[Insert title]** by [author(s)]; proposed date of publication is [Season and year].

Approximately [pp #] pages. For the academic market. Price: \$[#] in print, \$[#] in eBook.

We request non-exclusive, worldwide English language rights in all forms and media, including in print and eBook form for the lifetime of the edition. Appropriate credit will be given in the book's acknowledgements. Please indicate your preferred wording below.

If you have any questions about this request, please contact me at [insert contact info.].

Many thanks for your attention to this request.

Permission Granted \_\_\_\_

Credit Line: