

## Permissions

With the exception of small text quotations, any existing material that was not created specifically for your book—including text, photos, graphics, etc. — usually requires permission from the copyright holder(s). Rights to publish that material must be obtained before we begin production.

Unless otherwise stated in the contract, the author is required to obtain these permissions.

### Timing

Obtaining all the permissions required for a book may take months and is a frequent cause of delay in the publication of our books, so please **start as early as possible**.

If you have any questions about permissions, please contact your acquisitions editor.

### Fair Use and Public Domain

There are two exceptions to the requirement to obtain permission – fair use and public domain.

#### Fair Use

“Fair use” is a concept enshrined in U.S. copyright law. It enables the use of copyrighted material *in certain limited circumstances* without obtaining the permission of the copyright holder. The determination of fair use is complex. Please follow the “Fair Use” guidelines outlined in *The Chicago Manual of Style* and the discussion below for details on when to seek permission from copyright holders.

**Important note:** ABC-CLIO makes the final determination as to whether the use of any particular material requires permission. As a commercial publisher, we are conservative on fair use; material that would be fine to use in an educational setting often requires permission to publish in a book.

#### Graphics

ABC-CLIO does not consider graphical material (photos, line art, graphs, maps, screenshots, etc.) to fall under the fair use exception. You must obtain permission from the copyright holder for all such content. There are a few rare exceptions to this rule; please consult your acquisitions editor.

### *Text requiring permission*

ABC-CLIO follows some rules of thumb regarding what is **not** fair use of textual material. The following copyrighted items require permission:

- Any use of over 2000 total words quoted from any single book-length source (individual excerpts should not exceed 300 words in length) or the use of over 10% of the total word count from any magazine, journal, newspaper, or internet article, whichever is lesser
- Over 1 line from any poem or song lyrics
- Song lyrics and poems may never be used as epigraphs or headings.
- All primary document items that are separate from the main text (that is, in a document volume or section a box, or a sidebar) regardless of length. However, a document quoted within the main text falls under fair use guidelines.

Individual instances that do not fall into one of these categories may require permission as well.

### **Public Domain**

The concept of “public domain” is often confused with “fair use” and with “content that is widely available to the public.” The actual definition is that public domain comprises those works for which there is no longer is (or never was) an owner of the copyright. All public domain material can be used freely without permission; however, it still needs proper citations.

A written text, a photograph, a map, a painting – anything that could be copyrightable – falls into the public domain if and only if it meets certain criteria. Some of these include:

- Works created by U.S. government employees as part of their duties. (Note: this does NOT include the employees of state governments, non-governmental organizations, the United Nations, or the employees of other countries.)
- Titles, short phrases and slogans, ideas and facts, or processes and systems, because they are not copyrightable
- All works *published* (not just written) in the U.S. before 1923
- All works published in the U.S. with a copyright notice from 1923 through 1963 without copyright renewal
- All works published in the U.S. without a copyright notice from 1923 through 1977

However, determining when something falls into the public domain can be extremely complex. An excellent overview of this is the document *Copyright Term and the Public Domain in the United States* available here: <http://copyright.cornell.edu/resources/publicdomain.cfm>

## Interviews

If you would like to conduct interviews for inclusion in your book, please ask your editor for an Interview Permission Form. Be sure to inform your interviewee that you are intending to publish the interview in a book, and have the interviewee review and approve the text you plan to include.

Note: if interviews are conducted as part of an IRB-approved research study, the consent form may replace our interview form. Please check with your editor.

## Obtaining Permission

### General

Any previously existing content that is under copyright and not fair use (as determined by ABC-CLIO) requires permission to appear in your book. Even items such as blog posts, letters, or speeches may require permission from the copyright holder.

**It is the author's responsibility to obtain all necessary rights** for all materials that require permissions that will appear in the book, unless otherwise contracted. We have provided you with a sample permission letter that can be used for requesting permission from a copyright holder (see the separate document [Permissions Request Template](#)).

If the copyright holder requires that a separate license be signed, you should review the rights granted to be sure it meets ABC-CLIO's requirements, sign it, and provide copies of the permission, any accompanying invoice, and proof of payment to your editor upon submission of your manuscript. If you are not sure whether the license allows the proper rights, ask your editor to review it before you sign.

Because our publishing program depends on obtaining the rights needed to reach our market, we prefer that the permission we receive includes:

- World rights, in all languages, in all media for the life of the product.

If these rights are too expensive or not available, we are able to accept these rights:

- Present edition only, World territory, English language, print and e-book with a combined "print run" of 4500.

**We MUST have both print and e-book rights.** If e-book rights are unavailable, then the material must be dropped from the text. If there are any questions, please contact your acquisitions editor.

### Permission for Your (or your contributor's) own previously published material

Unless you (or a contributor) hold both the copyright **and** all reprint rights to your previously-published material, you will need a "courtesy permission" from the original publisher if the material used exceeds fair use. Even if the original publication is copyrighted in your name, it is very common for the original publisher to control the reprint rights.

## Troubleshooting Permission Requests: FAQs

Obtaining the necessary permissions for your book can be a source of confusion and delay. Some of the frequent questions and complications are discussed below.

### **Who signs the permission agreement form?**

Unless otherwise stated on the contract or on the release form, authors should sign the license form from the granting agency. Please be sure to save a copy of all agreements and related correspondence for our files.

### **Who pays the fees?**

Unless otherwise contracted, authors are responsible for all fees related to permissions. (This includes any requests for complimentary copies of your work.) If the fees are excessive, call your editor right away. In some cases you may be able to negotiate more favorable fees with the rights holder. There may be a number of viable alternatives to pursue. For example, if you encounter high fees for a primary document reprint, you might want to explore a public domain source/document instead. For quoted excerpts, you may want to paraphrase so that the text falls within the range of fair use. In any case, discuss these issues with your editor as soon as they arise.

### **The permission states a copy of the book must be sent to them. Who takes care of this?**

This is considered a permission payment and unless otherwise contracted, is the responsibility of the author. Many rights holders include this statement as a formality, and can be dissuaded from the requirement if asked.

### **What is the print run?**

Many rights holders charge different fees depending on the potential market of your publication. The minimum print run you should ask for is 4500. Even though our initial print runs are often much lower, we need to request permission for a larger number to cover us in the happy circumstance of having the book go back for additional printings. If asked to divide the combined print run into print and e-book, ask for 3000 print/1500 e-book.

### **Is it ok to agree to “One-time use”?**

Many rights holders are willing to give “one-time use,” which can be defined in many different ways. It often means that the agency has granted permission to use the item in one *format*—e.g., hardcover only – or it could mean one *edition* only. If the response from the granting agency is ambiguous, please contact the permission source and request clarification.

### **The rights holder states that electronic rights are not available. What should I do?**

Unfortunately, you won't be able to use that material in your book. The economics of our program are built on publishing manuscripts in multiple formats. Publishing in print only would limit our markets considerably which would negatively affect our income and your royalties.

**What if the rights holder wants a “One-year term”**

Some organizations initially limit the term of the permission, which if too brief, may prevent our continuing to reprint your book. Please ask the rights holder for a minimum term of five years. If the organization does not extend the term, you will need to consider replacing the text or image with something that provides a longer term or falls under fair use.

**The granting agency states that they only control a portion of the rights (say, North American only). Is it necessary for me to contact the additional rights holders?**

Yes. All permissions must cover our minimum requirements, even if that involves multiple agencies. We require world rights for distribution purposes, since our books are sold throughout the world.

**I’d like to use material from a book published in 1946, and I can’t seem to determine who the rights holder is. Can I use this material?**

Maybe. First make sure you save the records of your research into determining the name the rights holder. This is important because the research shows a good faith attempt to secure the rights. A search of Google Books or copyright.com may help you to find the copyright holder. If you have contacted the publisher listed and discovered that they no longer hold the rights (oftentimes in cases like this, the rights have reverted to the author), they need to inform you of whom to contact for the rights. You may want to contact your editor to discuss the situation.

**I’ve sent three requests to the rights holder and have received no response. Can I still use the material?**

Most likely not. We prefer to have formal permission for all longer, copyrighted text excerpts/primary documents used within our publications. If this is the case, please contact your acquisitions editor.

**Do I need to request permission from a free Web site or blog?**

Yes, unless the website specifically states that permission is not necessary (as do many ".gov" websites). Most website material is indeed copyrighted, including that for nearly all nonprofit organizations. Check the bottom of the webpage for any indication of copyright information.

**I received verbal (oral) permission. Is that sufficient?**

Permission is needed in writing. When the completed manuscript is submitted, all letters granting permission should be included.

**What if material I want to include is licensed under a Creative Commons license?**

The only Creative Commons license we can accept is CC-BY. We cannot include any material that requires a “share-alike” component, and the license must permit commercial use.

**How do I handle citations?**

For any material not written specifically for your book—whether it be public domain, fair use, or permissioned—remember to indicate the *original* source. Use quote marks or block quotes, and include a citation to the original source. If permissioned, be sure to include the credit line exactly as requested by the rights holder. Please note that we cannot accept material sourced to Wikipedia.