



# How to Obtain Permission

*One way to make sure your intended use of a copyrighted work is lawful is to obtain permission or a license from the copyright owner.*

Permission is not required for every use of a copyrighted work, and not all unauthorized uses are infringing. But copyright law gives owners of copyrighted works a bundle of exclusive rights, including the right to reproduce their works or authorize others to reproduce them, subject to certain limitations defined in sections 107 through 122 of the copyright law. To determine if a particular use requires permission from a copyright owner, you need to evaluate whether one of these limitations applies to the use. The Copyright Office cannot grant permission to use copyrighted works.

In many situations, securing permission is the most certain way to ensure an intended use is not an infringement of the copyright owner's rights. For more information about limitations to copyright law, see FL 102, *Fair Use*.

## First Step: Research Copyright Status

Once you determine that obtaining permission to use a copyrighted work is warranted, the first step is to research its copyright status.<sup>1</sup> Consult the location on a work or its packaging that displays a copyright notice (such as the copyright page of a book or the legal notice on a website). Many works will have a copyright notice, which helps to identify the owner of a work.

But use of a copyright notice to secure copyright protection is no longer required under U.S. law. For works published on or after March 1, 1989, use of the copyright notice is optional. So the absence of a notice does not mean a work can be freely copied, adapted, distributed, publicly displayed, or performed.

Also keep in mind that copyright ownership can be transferred after publication, so the owner specified in a copyright notice may not be the current owner. Only the current copyright owner of the exact material to be used can grant permission for its use.

Some works may contain material originally published elsewhere, which the copyright owner of the larger work obtained permission to publish. For clues

about whether material included in a larger work may belong to someone other than the owner specified in the copyright notice, check to see if a work contains credits or an acknowledgment.

If a work does not contain a copyright notice, or you cannot locate the person or entity identified in the notice, contact the author or publisher of the work, who may control the rights or be able to refer you to the current copyright owner.

You may also want to consult Copyright Office records of registrations and transfers of ownership. Records created after December 31, 1977, are available on the Office's website, [www.copyright.gov](http://www.copyright.gov); pre-1978 records are searchable in the Copyright Office. Compilations of pre-1978 copyright registrations are also searchable at <http://archive.org/details/copyrightrecords>.

For more information about researching the copyright status of works, see Circular 22, *How to Investigate the Copyright Status of a Work*, available on the Office's website.

## Next Step: Contact Copyright Owner

Once you have determined the identity of the copyright owner, you will need to contact that person to request permission to use the work.

Groups representing publishers report that delays in granting permissions often arise because copyright owners receive inaccurate or incomplete information. Listed below are some facts that copyright owners typically need to know to process permissions requests. The nature of your project and the material you want to use will determine the specific facts you will need to supply.

- Author's, editor's, translator's full name(s)
- Title and other details about the work, such as edition or volume number, if applicable
- Exact material to be used, giving the amount or portion(s) of the work to be used, with as much specificity as possible
- Copyright date of the work

- Use to be made of the material
- Audience to whom the work will be distributed or otherwise made available
- Whether or not the material is to be sold
- Name and nature of your organization (for example, non- or for-profit)
- Your name and contact details

Contact a copyright owner or author as far as possible in advance of when you want to use the material specified in your permissions request. The first person you contact may not control the rights and may have to refer you to the correct copyright owner, or may need time to research the extent to which permission can be granted.

If a publisher published the work, direct your inquiry to the publisher's rights and permissions

department. Although many publishers grant usage rights to noncommercial organizations at no charge or a minimal charge, publishers may first have to determine whether they have the right to do so

You can also research contact details for individual authors through the Copyright Office's records.

#### **Note**

1. This document draws on Questions and Answers on Copyright for the Campus Community published in 2002 by the Association of American Publishers, the Association of American University Presses, the Copyright Clearance Center, the National Association of College Stores, and the Software and Information Industry Association.