**PERMISSIONS**

**An Introduction to Permissions**

All third-party material included in your manuscript must be evaluated to determine whether or not permission is required from the copyright holder. Copyright law extends protection to all media, published or unpublished, including the following: books, journals, government publications, websites, clip art, photographs, student or adult work created during classes and workshops, artistic or creative works, personal correspondence, and audio and video recordings. Copyright law is complex and can be confusing for authors. Before you read on to learn more about copyright and the permissions process at Corwin, take a moment to read through the [**Common Misconceptions about Copyright**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Common%20Misconceptions%20About%20Copyright.docx).

Corwin requires written permission from the copyright holder to include third party materials in your book *unless* the use can reasonably fall under “Fair use” (click [***here***](#Fair) for more information about how to determine whether or not something falls under Fair use). If your editorial team determines that permission must be obtained, you, as the author, are responsible for obtaining the permission.

It is important to start the permissions process as early as possible as you write your manuscript. We recommend that you contact the rights holders of any third-party content you want to include in your

manuscript as soon as you select it—ideally four months prior to the due date of your final manuscript. Obtaining permissions can be a lengthy process that requires perseverance and patience. Because proper attribution of the content needs to be ensured, the production of your book will be delayed if the permissions have not all been received with your final manuscript.

**How to Determine What Needs Permission**

Listed below are the different types of material for which Corwin Press requires you to obtain permission, *unless* the specific material you would like to use falls under the fair use standards, which are also described below. For specific examples of what types of materials need permission, read our [**Permissions Q & A**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Permissions%20Q%20&%20A.pdf).

Artistic or Creative Works

In addition to “poetry” or “lyrics” and “photos” listed below, paintings, sculpture, fiction, images, line art, and famous faces/body parts (models) require permission unless used under fair use. Fair use exceptions may be made when the material is analyzed or commented on within your work. Permission fees for these works tend to run high.

Your Own Previously Published Content

If you are reusing a portion of a previously published work that you authored, then you may already have permission to include this material. Check your contract with the original publisher in order to determine whether or not you retained this right. If you did not, you will need to contact the original publisher or current copyright owner for permission.

Book Excerpts

In general, excerpts of more than 300 cumulative words from a single full-length book will require permission. However, this will vary depending on exactly how the material is being used. If you have questions about this, please contact your editorial team.

Clip Art

Clip art is often available on the Internet, but—as with all other Internet content—that does not mean it is in the public domain or that it is free to use. Be sure that any clip art you use is from a source that clearly states that the material is free to be used in a published work. If that is not stated, you must obtain permission.

Figures or Tables

Any table or figure reproduced verbatim requires permission. Tables or figures that you have significantly transformed or adapted in order to advance knowledge may not require permission but are subject to evaluation by Corwin. The data in the figures and tables are not copyrightable. It is the creative expression, arrangement, and analysis of the data that is protected by copyright. If you are using only the data but you have changed the format or analysis of the data, permission is not needed.

*Note: In this instance, transformed means that new material has been added to the original work to extend or expand an idea and does not include merely editing down or rearranging the work.*

Government Publications

Most federalgovernment publications do not require permission; however, do not assume that none do. Works *by* the federal government are in the public domain, while works prepared *for* the government by someone else frequently are not. You must seek permission from all nonfederal government agencies in order to quote from any of their printed materials. This includes many state, city, and local governing boards such as school districts.

Websites/Online Materials

As with any other copyrightable material, reprinting material that appears online requires permission unless a particular use can be qualified as fair use. Just because something is on the Internet doesn’t mean it is in the public domain. Check the website for any copyright statements, which are usually at the bottom of the Web page as “Terms and Conditions.”

Interviews

If you are conducting an interview yourself, but you have not secured releases for the individuals you’ve interviewed, Corwin reserves the right to exclude or otherwise protect the identities of individuals or entities as necessary. If you are reprinting an interview from another source, you must obtain permission from the copyright holder.

Journal Articles or Anthology Chapters

Complete journal articles or chapters need permission. Short excerpts may fall under fair use, while longer excerpts may need permission. Whether or not a given excerpt is more or less than 150 cumulative words has been used as a general measure to determine if permission is needed, but it is not definitive. Yet again, consideration must be given to the portion used in relation to the whole—both in the original work and also in your manuscript. Is the “heart” of the material being used? Again, there is no legal basis for determining fair use based on the number of words used. If the new work includes an entire article or anthology chapter that has been previously published, permission must be granted by the copyright holder. Because it is frequently a condition that the chapter appears as it was published and not altered in any way, the permission request should specify whether there is any intention to adapt or edit the work.

Magazines or Newspapers

Whether or not a given excerpt is more or less than two sentences may be used as a general measure to determine if permission is needed. However, to qualify for a fair use exception, your use should constitute analysis or criticism of the content and not “replace” or “pad” the new work. Rights to the individual components of an article (e.g., photos, charts, etc.) may be held separately. If mastheads, photos, captions, or logos are to be included, these should be included in the request. (Regarding mastheads, logos, and other trademarks, please note that their use is governed by trademark law, not copyright law. Under trademark law, one may fairly use another’s trademark to describe the goods bearing the trademark.)

Personal Letters

Permission is needed for using personal letters or other documents, especially if the document is unpublished. The recipient owns the letter, but generally the author of the letter retains the copyright. If the copyright holder/creator of the letter is deceased, copyright transfers to his or her heirs.

Paraphrased or Summarized Material

If you do not use a close paraphrase or a direct quotation, you do not need to obtain permission. Be sure to clearly give due credit to the source of the material you are paraphrasing. Keep in mind that if you are paraphrasing extensively or paraphrasing the “heart” of the work, you may need to seek permission, especially if the paraphrased material is not being used for critical or analytical purposes.

Photos

In order to use a photograph in your manuscript, you must request permission from the copyright holder (usually the photographer) of the photo. In addition, a signed release from is required from any subjects that are identifiable—especially if the subject is a professional model or if the photograph was taken under circumstances where the person had a reasonable expectation of privacy. Photos of minors require releases from parents or guardians. Please contact your editorial team for the appropriate Corwin Visual Likeness Release Form.

Poetry or Lyrics

Any amount used, especially when used for effect rather than analysis, requires permission. Fees for this material may be high.

Materials for a New Edition

If you are writing a revised edition and plan to use the same copyrighted materials as in the first edition, chances are you will need to get permission again. Usually permission is granted for only one edition, and you will need to reapply for future editions. Please check with your editorial team to determine which permissions need to be requested.

Unpublished Work

Permission is needed in order to use any unpublished work in your manuscript. The creator of the work should have control over the first publication of the material, so you must obtain permission from that individual.

Student Work

Works created by students can be used in your manuscript only after securing written permission from the students. Materials created by individuals younger than 18 years of age require written permission from the students’ parents or legal guardians. Unpublished works need permission—for example, you would need to get permission if you were going to use excerpts from a student’s unpublished dissertation.

**Is It Fair Use? If Not, How Can I Revise It to Make it Fair Use?**

In order to determine whether or not something in your manuscript is fair use, consult the guidelines and examples listed below. If your material does not fall under fair use, but you wish to rework the material so that it can be considered fair use, the information included below will also help you determine how to do that. As always, please contact your editorial team if you have any questions.

General Factors Used to Assess Fair use

* *The purpose and character of your use of the material.* This is often considered the most important factor in determining whether or not something is fair use. Does your use add something new or transform the original material in some way? Does it add commentary or analysis? Is it used for a different purpose or in a different manner than it was used in the original? If so, your usage may be considered “formative use,” which would favor fair use. Merely reproducing material from the original would not constitute fair use.
* *The nature of the source work.* Is the source work a creative work or is it nonfiction? Is it published or unpublished? Fair use is favored if the source work is a published, nonfiction work.
* *The amount and substantiality of the portion used in relation to the source work as a whole.* Fair use is favored if the portion used is a small portion in relation to the overall source work.
* *The degree to which the portion used reflects the “heart” of the source work*. Fair use is favored if the portion used does not constitute the “heart” of the source work or the key content included in the source material.
* *The effect of the use on the potential market for the source work.* Will using it affect the potential market and income for the source work or serve as a substitute? If so, your usage likely will not fall under fair use.

Tables/Figures Are Considered Fair Use When . . .

* The author uses the table/figure without making any changes to it, AND (1) text has been added to discuss the table/figure, AND (2) the author uses only the portion of the table/figure that is necessary to make his/her point. *OR*
* The author substantially changes the table/figure (50% or more new content). Adaptation includes adding information or changing the look (manner or method) of how the information is presented.
* The table/figure contains factual information that can only be expressed or displayed in a limited number of ways. Keep in mind that the selection and arrangement of factual data is copyrightable, but NOT the data itself.

**Overview of the Corwin Permissions Process**

Now that you have a general sense of what permissions are and when they are needed, you are prepared to begin the process of requesting and organizing your permissions. The overall steps in this process are as follows:

1. The author completes a permissions log while writing the draft manuscript. See the section below “How to Fill in the Permissions Log” for specific directions for how to complete the log.
2. The author submits the log to Corwin in Word document format, along with the draft manuscript.
3. The editorial assistant reviews the log and the manuscript and determines which items need permission and which do not.
4. The author requests permission from the copyright holder for items that do need permission.
5. The author updates the permissions log and submits it to Corwin with the final manuscript along with a signed [**Permissions Checklist**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Permissions%20Checklist.docx)**.**
6. The author tracks the receipt of permission grants and pays any required fees.
7. The author sends copies of all permission grants to Corwin along with a final permissions log. This must be completed prior to typesetting your book (your editorial team will alert you as to when that date is).

**How to Prepare the Permissions Log**

The permissions log template is shown [***here***](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Corwin%20Permissions%20Log%20Template.doc). Most authors find it easiest to input items on the log as they develop their manuscript. This saves time by ensuring that you have the information you will need to complete the log. The permissions log is a valuable tool for:

* Identifying all third party material in your manuscript
* Providing Corwin’s editorial team with information about the extent to which you have adapted the material
* Tracking requests for and receipt of permission grants
* Recording restrictions, fees, and attribution requested by the rights holder

Items that Must Be Included on the Permissions Log

* Book Excerpts – Excerpts over 300 words
* Academic Journals – Content over 150 words
* Non Academic Magazines/Newspapers/Periodicals – Content over 50 words
* Author-created content that has been previously published
* Clip Art
* Figures or Tables
* Government Publications (including Public Domain material)
* Online materials
* Interviews
* Personal Letters
* Patient Information and/or Images
* Photos (even author-owned photos)
* Poetry or Lyrics
* Speeches
* Unpublished Works
* Works Created by Students

Fair Use: If you feel that any of the above items fall within the fair use guidelines, please include the item on the log, *with the word count for any text excerpts*, and explain in the comments section of the log why you feel it may be fair use. Your editorial assistant will then assess the items in question.

Items That Do Not Need to be Listed on the Permissions Log:\*\*

* Book Excerpts – Excerpts of 300 words or less from an academic or scholarly book, including paraphrased or summarized material, do not need to be on the permissions log.
* Academic Journals – Content totaling 150 words or less from an academic journal, including paraphrased or summarized material, does not need to be on the log.
* Non Academic Magazines/Newspapers/Periodicals – Content totaling 50 words or less from a non-academic journal, newspaper or magazine article, including paraphrased or summarized material, does not need to be on the log.

Notwithstanding the above guidelines, anytime the “heart” of the original work – the most important feature or essence – is being used, it must be listed on the log. Also, please note: while the above content does not need to be included on a log, *proper credit to the source* *must be given* within the text.

\*\*Exceptions: Any material—even if it’s only one line—of a creative nature (for example, a poem, song or famous quote), or of a potentially sensitive nature (controversial, potentially defamatory or libelous, etc.), must be listed on the permission log and flagged for further review by the Corwin editorial team. *When in doubt, include the material on the log!*

**How to Fill in the Permissions Log**

Please submit a permissions log *with your draft manuscript* so your editorial team can review it and determine which items will require permission. Your editorial team will review the log and determine which items need permission and which do not. This allows ample time for you to either obtain any necessary permission grants or to revise your manuscript to remove third party material that requires permission. Complete at least the following items:

|  |  |  |  |
| --- | --- | --- | --- |
| Chapter | | List all items by chapter number. | |
| Description | | Clearly label items within individual chapters (e.g., figures, tables, case studies, photographs, poetry, or prose extracts). For example, the second figure in Chapter 4 should be labeled as Figure 4.2 and should include a short description. Include a short description for photographs, as well. | |
| Full Source Information | | Include full bibliographic information for text excerpts, tables, figures, etc. taken from third party materials. If you created the item insert “Author created.” If the item was created by a student provide the student’s name. | |
| Copyright Holder | | List the copyright holder. This may be a publisher, a photographer, a private individual, a government organization, etc. | |
| Comments | | If you believe your use of the material qualifies as fair use, provide an explanation here. | |
| Please see below for a sample permissions log submitted with the draft manuscript.  [**Sample Draft Permissions Log**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Sample%20Draft%20Permissions%20Log.pdf)  **Timeline for Updating the Permissions Log and Submitting the Final Version** | | | |
| Key Date | Action to Take | | Why This Is Important |
| Upon submission of your final manuscript | Email your updated permissions log, indicating that all needed permissions have been requested. | | Corwin Editorial will not be able to submit your manuscript to production until the final log has been received and reviewed by our permissions department. |
| When you receive all the permission agreements | Submit a final, complete permissions log and copies of all received permission agreements. | | Corwin’s production department will not be able to send your book to typesetting until all permissions have been received. |

**How to Request and Submit Your Permissions**

Your first stop in requesting permissions should be the Copyright Clearance Center at [www.copyright.com](http://www.copyright.com). This site gives you the capability to search for the items for which you’re requesting permission and—if the items are available on the site—to instantaneously request, pay for, and download the associated permissions paperwork. For permissions that cannot be granted on this site, Corwin prefers that you use the template forms below to request your permissions. However, when requesting permission to reprint material, certain publishers or copyright holders may request that you fill out and submit the specific permissions request forms that they provide. In those cases, please fill out any forms required by the copyright holders. *Note: Many permission request forms will ask you to provide information about your book with Corwin, including the price of the book and the number of copies that will be printed. Your editorial team will provide you with this information.*

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[**Request for Permission to Use Material from an Interview**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Corwin%20Interview%20Release%20Form.doc)

[**Visual Likeness Release Form**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Corwin%20Visual%20Likeness%20Release%20Form.doc)

[**Audio Visual Likeness Release Form**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Audio%20Visual%20Release.doc)

[**Photographer Release**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Photographer%20Release.doc)

**Additional Tips for Obtaining Permissions**

* If you are requesting permission to use material from a publisher, your best bet is to contact the permissions department through the publisher’s website.
* When using another publisher’s permission request form, please request both electronic and worldwide rights. If possible, you should also try to obtain permission for all editions and all languages.
* If you do not hear anything within one month of the date you request permission, contact the permissions department by phone, e-mail, or fax. Persistence can be the key to receiving a timely response.
* When you receive a permissions form, check to make sure it includes electronic rights, as these must be obtained. Consult with your editorial assistant if you are having difficulty obtaining these rights.
* Note that in some instances, you may have to sign and return the permission letter and pay a fee before final approval is granted.

**Submitting the Final Permissions and Permissions Log**

The final permissions log and all corresponding permissions are due with your final manuscript. In addition to completing the columns described for the draft log, you should have now added in the dates on which permissions were requested and received. All of the permissions that you have received should also be labeled/numbered to correspond to the permissions log, and all permissions and the permissions log should be faxed or scanned/emailed to your editorial assistant. Please see below for a final permissions checklist to help you check over your work, as well as a sample of a completed permissions log.

[**Permissions Checklist**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Permissions%20Checklist.docx)

[**SAMPLE Completed Permissions Log**](file:///\\SAGESPECNAS\Departments\Corwin\Editorial\Author%20Guide%20--%20In%20process\02%20-%20Editorial\04%20-%20Preparing%20Your%20Manuscript\03%20-%20Permissions\samples\Sample%20Final%20Permissions%20Log.pdf)