



Tips on Seeking Permission from Copyright Owners

WHEN DO I NEED TO GET PERMISSION?

- **When your research includes works by other people, which are still in copyright and which you intend to publish or broadly disseminate in your own research:** if your research is being published or made available online, your use of significant amounts or types of 'third-party' copyright content may not be considered 'Fair Dealing' (and may not, therefore, be exempt from the need to obtain permission). For more information see 'Research' and 'Students' pages at <http://copyright.monash.edu.au/>
- **When you adapt a 'third-party' copyright work or create a new 'derivative' work out of third-party work/s** (eg translating some text; redrawing a diagram; altering an image; augmenting an existing table with new or different data).

FOR WHAT KINDS OF 'THIRD-PARTY' MATERIALS DO I NEED PERMISSION?

Example 1: Quotes, tables, extracts of text and data in publication

- Typically publishers may require permission for quotes of between 50-100 words from a single source (but it depends on the publisher). Check with them as to what they require.
- Tables are considered literary works under copyright law.

Example 2: Photos, images or diagrams

- Diagrams are artistic works under copyright law. You cannot simply redraw or reproduce without permission.
- A photo of a painting could include copyright in the underlying painting and separate copyright in the photo. Even if the painting is out of copyright, the photo may still be in copyright.
- You can not assume images or other works on the Internet are free to reproduce even if you can access them freely: you may need permission as for print sources. Check the website's 'terms of use'
- You will definitely need permission from the copyright owners to include segments or stills of commercially produced DVDs or videos. Contact the content producer, the media entertainment company, or the film studio.
- Is the image from a legitimate source? Is it online with the permission of the copyright owner? You should not use unauthorised images in research.
- If the image is from an image database or obtained under a licence (eg creative commons, flickr, Hulton Getty Archive) you must follow the relevant terms and conditions of that database or licence.

Example 3: Survey questions and instruments

- If you use a survey instrument or reproduce questions from other sources, you will need permission to use these 'third-party' survey elements
- If you purchase a survey online, you need to follow the terms and conditions of purchase (eg psychological tests sold online for use in teaching may not be available for research purposes).

WHO IS THE COPYRIGHT OWNER?

Usually the creator or author of work BUT

- The copyright owner can assign (sell) or licence rights (eg: author assigns or licenses their work to a publisher; film-makers assign or license their work to a media company)
- An employer usually owns copyright in work made by employees as part of their duties
- There is no register or list of records of Copyright owners: check for the copyright symbol and the name (© Megan Deacon 2007) as this indicates the copyright owner (though it may not always be correct)
- For websites, contact the webmaster to find out who the owner is or whop deals with permissions
- If there is no indication on a website as to the name of the copyright owner, this could mean the material is up online without permission!
- Collecting societies and professional organisations (VI\$COPY, APRA, CAL, etc.) may have contact information for copyright owners or may be able to licence material for use

WHEN THIRD-PARTY CONTENT COMES WITH TERMS OF USE OR PERMISSIONS

- Many websites and interactive media resources (CD-ROMs, DVDs, software CDs) provide copyright or licensing information 'up front': check the homepage footer or the 'about' menu on a CD-ROM or DVD-ROM. These may give express permission for certain kinds of uses, though often conditions will apply. Check to see whether your intended use will meet those terms and conditions and keep a print-out/written record if they do.
- Material could be available under a Creative Commons, GNU/GPL style licence. These are often quite flexible but observe the terms carefully: can you change the material? Must you make the new material you create available under same terms?

WRITING TO COPYRIGHT OWNERS

- Leave yourself plenty of time for permission: the copyright owner may be difficult to find or may not respond
- You cannot assume permission is granted because you do not get any reply to your request
- Always try to keep a **written record** of your permission negotiations with copyright owners. Use email, as you then retain a record of your correspondence. Often publisher websites or those of other organisations will have an email address or an online form for permission requests. You may need to follow up with a phone call to remind copyright owners of your request.

WHAT TO INCLUDE IN PERMISSION REQUESTS

- Your name and contact details; your organisation (eg Monash University)
- A clear identification of the material for which you seek permission; the amount you wish to use and how you want to use it: (eg publish digital version online; in a print journal article or book, etc.).
- Indicate whether your use is commercial or non-commercial purposes
- Number of copies made or number of users with access to the material
- If changes are made to the material, why those changes are important ... or that no change will be made
- Indicate that full credit for the source will be given and the acknowledgement will be in the form that the copyright owner requires