

# PERMISSIONS GUIDELINES FOR EQUINOX AUTHORS AND CONTRIBUTORS

## GENERAL POINTS

- Unless your contract states otherwise, you are responsible for clearing permission to use copyrighted material. That may mean that you handle the paperwork and pay fees or that Equinox pays fees but you handle the paperwork to clear permissions – details will be stipulated in your contract
- Please make clearing permissions a priority as we will not put your manuscript into production if you have not completely finalized any copyright clearances that you are responsible for under your contract. Publishers may be slow in responding or you may need to know what they are going to charge before you go ahead with your proposal or your final selection of material. If you think that the copyright holder's fees are too high for your project to support, it is worth asking for a refund with an explanation of why this would be justified. Keep a record of your correspondence as proof that you made every effort to track ownership and obtain formal permission.
- Err on the side of caution; copyright holders have an exclusive right to allow your use of the material or to disallow it, and they can stipulate exactly how you should acknowledge it and what fee it may involve. If they do not reply it does not mean that they have tacitly approved your request. Rights may have migrated to another publisher or reverted to the author or they may simply not have responded to meet your schedule
- Even if the author of the material you wish to re-use is aware of – and approves of—your proposed use, you will probably also need to obtain permission in writing from the original publisher. In any case, you need permission from *whichever party controls the rights*
- New editions usually require a new approach to copyright holders
- Any changes to material which you want to reprint or have permission to reprint need to be approved by the copyright holder. If you are making changes to text, this is something that the original authors will also usually be consulted about (i.e. if it changes the context in which assertions are made)
- You should request non-exclusive world English rights (print and electronic), including the United States, unless otherwise agreed with your editor. Publishers may ask further questions in which case refer to your editor or editorial contact. However be sure to note the following: For many works in English, you will find that there is both a British (usually controlling UK/Commonwealth rights) and a U.S. publisher sharing world rights (e.g. with major works of fiction). You will need to contact both parties. US laws and those of the UK/European Union differ regarding how

long copyright protection lasts – see below regarding Duration of Copyright Issues

- When you submit your manuscript (even if electronically), we need an ***acknowledgements list*** with the credit and copyright lines as provided by the copyright holders and we need original or good copies of their letters granting permission. If you are responsible for payment of any fees, we need proof that payment has been made. Number this in the order in which the items appear in your book or article.

### What Material Needs Formal Permission? Seeking Permissions

#### Textual Matter

- If you are compiling an anthology/reader you should be aware that book publishers are not likely to grant permission for ‘wholesale’ re-use of material from one work. Thus, it is not usually worthwhile to seek to reprint anything more than 20% of any single book. Copyright laws of the country of original or licensed publication determine whether a published work is protected by copyright and how much of it you may use without formal permission. These laws also determine how long works remain protected by copyright laws within the territories of original or licensed publication.

#### Fine Art/Photography/Screen Grabs/Film Stills/Figures and Tables/Advertisements

- Sometimes you will need to locate different sources for permission to reproduce artwork, maps or photography that is embedded in an original work that you wish to reproduce. This is considered ‘Third Party Material’ and you need to determine the original source and obtain permission. The publisher of the article or book whose text you wish to reproduce may not be able to help you!
- In order for us to reproduce the image that you have selected, you need to provide us with a photograph of it at the correct resolution and with all fees and permissions paid (check your contract for who pays these fees).

### What to Do if Copyright Owners Cannot be Reached?

- In extreme cases and where you are able to show that you have made every effort to obtain permission but have not had a response, then you may agree to go ahead to press and will insert a standard disclaimer indicating that all efforts were made to trace copyright holders.

## **DURATION OF COPYRIGHT**

### UK/European Copyright Law

The term of copyright lasts for 70 years from the end of the year in which the author died, when the author held copyright. Sometimes the publisher will have held copyright in which case the terms is also 70 years but dated from the end of the year of first publication. The latter system also applies to works of unknown authorship.

Works enter the Public Domain at the termination of these 70-year periods and may be reproduced without permission.

### US Copyright Law

In US law, the length of time a work is protected depends on whether it was first published on or after January 1 1978.

For works published on or after January 1 1978, a work is under copyright protection for 70 years from the end of the year in which the author died.

For works published between January 1 1964 and December 31 1977, copyright is deemed to last for 95 years from date of first publication.

Works published prior to January 1 1964 were required to seek renewal of copyright in year 28 following publication in order to qualify for the full 95 year term.

If you are uncertain whether copyright was renewed, contact the Library of Congress Office, [www.loc.gov/copyright](http://www.loc.gov/copyright), 101 Independence Ave., S.E. Washington DC 20559-6000

### **FAIR DEALING/FAIR USE**

What can be reused without formal permission (although always acknowledge sources) varies as below:

Note: If you use song lyrics or lines of poetry at the beginning of a chapter to section or as an Epigraph without having obtained permission, Equinox will automatically remove them from the text at the copyediting stage.

#### UK/European Conventions:

The 1988 Copyright Act did not specify how much of a work may be reproduced without permission for purposes of criticism or review. Instead, it merely refers to not using a 'substantial' part with permission.

Prose:

Conventionally this means no more than a single extract of no more than 400 words or a series of extracts none of which is longer than 300 words and which together do not amount to more than 800 words.

Poetry and Song Lyrics:

For purposes of criticism and review only,( not to 'set the tone' of your argument or as a epigraph) up to a maximum of ¼ of the length of the poem. Also, note that

'recognizability' is a factor as well, so that quoting even one line of a famous poem may require permission.

### US Conventions

Prose:

Up to a total of 400 words of prose or up to 50 words from an article or chapter.

Poetry and Song Lyrics:

One line of a poem and as above, fair use does not cover reproducing a line or lines of poetry or song lyrics at the beginning of a chapter or section or as an epigraph

### **FINE ART/PHOTOGRAPHY/SCREEN GRABS/FILM STILL/FIGURES & TABLES/ADVERTISEMENTS**

Agencies exist which specialise in fine art, photography or film images. Many of these do not control copyright, they merely supply high resolution stills or electronic files. You should always confirm whether or not you still need to seek permission to reproduce from a copyright holder.

### Paintings, Sculpture, Drawings, Prints

- If the artist died more than 70 years ago, the work of art will be in the public domain; if still alive or still under copyright, you need to obtain permission for reproduction of a copyrighted work probably involving payment of a *copyright fee*.
- The following agencies can help locate and clear copyright for a great many artists:

*Design and Artists Copyright Society (DAKS): Parchment House 13*

*Northburgh Street, London EC1V 0JP <http://www.dacs.co.uk>*

*Artists Rights Society (ARS): 536 Broadway, 5<sup>th</sup> Floor, (at Spring St), New York, NY 10012 <http://www.arsny.com>*

- You will need to obtain a photograph of the work and that will probably involve payment of a *reproduction fee* as you will need to obtain this from the gallery or owner of the piece. There are commercial picture galleries and resources which can provide images but always check that all permissions/fees have been paid when negotiating with such services (i.e. they may not clear copyright permissions)
- As with textual permissions, seek permission for world non-exclusive rights in an English language edition of your work (unless otherwise agreed with your editor)
- With all works of art (including photography) you will need to seek permission if you wish to alter the presentation in any way, such as cropping or overprinting or changing colours

### Photography

- Copyright in photographs may reside with the original publisher (depending on the type of work), with the photographer or with a Photographic agency. Look for who/what is credited as the 'Source' and apply there for permission.
- The copyright of a person's image is their own, so if you want to take a photograph of someone and use it, you need permission
- The same time frame of 70 years applies to photography as paintings etc. (see above)
- As with paintings, there are many web-based agencies that provide a range of photographers' works or are organized by theme e.g. Science Photo Library

### Film Still/Frame Grabs

- Fair Use/Fair Dealing conventions apply when film stills or screen/frame grabs are used for the purposes of criticism or review (but not if you wanted to use one on the cover of your book) so long as full acknowledgement of sources are provided and so long as only a reasonable number of images from one film or work are used. Include name of the film, director and producer
- Note that such images are often of poor reproductive quality and that there will probably not be anything we or our designers can do to improve them for print

### Advertisements

- Ads are not covered by Fair Dealing or Fair Use so you will need to go to the company whose product is featured or to the agency
- Always send a photocopy of what you want to reproduce and explain the context

### Redrawing

- Redrawing or adapting previously published artwork will require permission and must be acknowledged
- using raw data from which you derive an original drawing or table does not need formal permission but the source of the data should be credited