
SAGE PUBLICATIONS 2003 PERMISSIONS GUIDELINES

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I. INTRODUCTION

The author of an article published in a Sage journal is solely responsible for obtaining all necessary permissions, paying any associated fees (authors are encouraged to negotiate lower fees), and providing Sage with the necessary documentation. Sage will not pursue permission on the author's behalf. Permission must be granted in writing by the copyright holder and must accompany the manuscript. Permission to use, reproduce, and distribute the copyrighted material in all media (print and electronic) throughout the world in all languages must be granted; e-mailed permissions are acceptable. Because obtaining permissions can be time-consuming, it is important that authors begin the process before the manuscript is submitted to Sage. If permission is not obtained before manuscript submission, the author may have to delete the material and rewrite portions of the manuscript, or the article may have to be held for a future issue until the issue has been resolved or permission is obtained. This guide is intended to explain Sage's permission policy and provide guidance for authors, editors, and staff.

II. BASIC PRINCIPLES

PERMISSIONS OVERVIEW

In general, permission is required when an author copies, quotes, or paraphrases more than a minimal amount of another's copyrighted material or if the portion used is the "heart" or "essence" of the copyrighted work. Permission is not required if the material used is in the "public domain" (i.e., not protected by copyright) or if the author's use constitutes a "fair use" of the copyrighted material. Even when permission is not required, proper attribution to the source material should be given. These issues and specific examples of when permission is required and when it is not are more fully discussed in these guidelines.

There is no set mathematical formula or established specific number of words or percentage of a photograph, table, or chart that determines whether the use of copyrighted material requires permission. The copyright law calls for an examination of the particular facts on a case-by-case basis employing specified legal criteria. Such determinations are often extremely difficult to make with an adequate degree of certainty. Even those possessing the most intimate knowledge of the law and charged with the responsibility of its interpretation and application often reach conflicting conclusions on the same facts. Accordingly, in order to simplify and assist in the permissions process, Sage has established these guidelines based on its experience and industry practice.

WHAT IS COPYRIGHTED

Copyright protects an author's original expression, which, in addition to words and pictures, also includes the work's format, structure, organization, arrangement, sequence, style, and design. Facts, ideas, and procedures cannot be protected by copyright and may be freely used, but an author's expression of these facts—his or her means of describing or explaining them—is protected. Titles, names, short phrases, and slogans generally are not eligible for copyright protection but may be protected by trademark.

An original work of authorship is automatically protected by copyright at the time it is put into a tangible form from which it can be perceived or communicated. An author's manuscript is protected

by copyright as soon as it is printed or saved to a digital storage device, such as a computer disk. Copyright registration or inclusion of a copyright notice are not prerequisites for obtaining copyright protection.

The basis of copyright law in the United States comes from the U.S. Constitution, which gives Congress the power to “promote the progress of science and useful arts” by granting to authors, for a limited time, the exclusive rights in their works. The copyright owner is granted the exclusive rights during the copyright term to reproduce, distribute, adapt, license, publicly perform, and publicly display the work (subject to certain limitations as specified in the copyright statute).

The term of copyright for a work created by an individual is the life of the author plus 70 years. As the chart on page 11 demonstrates, the term of copyright is different depending on the status of the author(s), when the work was created, or when it was published. The copyright expiration date is often difficult to determine, so it is probably best to assume that any work copyrighted after 1922 is still protected.

WHAT IS IN THE PUBLIC DOMAIN

Public domain refers to works that are publicly available and may be used by anyone, anywhere, anytime, for any purpose without permission, license, or royalty payment. Materials in the public domain are

- works never copyrighted or no longer protected by copyright (i.e., copyright term has expired or copyright lost if published without a copyright notice when such notice was required by law to preserve copyright [pre-1989]);
- facts, ideas, procedures, processes, systems, methods of operation, concepts, principles, or discoveries;
- U.S. Government works (i.e., prepared by an employee of the U.S. Government as part of that person’s official duties), except certain databases and postage stamps. U.S. Government works are protected by copyright outside the United States; and
- material that is intentionally made available to the public to copy and use.

SUMMARY OF “FAIR USE”

The “fair use” doctrine is one of the most misunderstood aspects of copyright law. *Fair use* is a legal term developed over 200 years by the courts and was first codified in the U.S. Copyright Act of 1976. An author should not assume that the doctrine will allow the author to use copyrighted material without permission because the intended use seems “fair” to the author.

The fair use doctrine does not create a right to copy copyrighted material without permission, but rather is a limitation on the exclusive rights of the copyright owner. The doctrine exempts from infringement liability the use of copyrighted works for certain limited public interest purposes that will not materially impair the marketability of the original work by superseding it in the market. In practical terms, when fair use exists, it excuses an otherwise unauthorized, infringing use of a copyrighted work.

The fair use doctrine is found in Section 107 of the U.S. Copyright Act of 1976, but the statute does not define what constitutes “fair use,” and there is not an established number of words or a mathematical formula that determines how much of a copyrighted work may be copied and still be considered a “fair use.”¹ Rather, the statute sets forth the following four factors that must be evaluated and balanced in determining whether the use made of a copyrighted work in any particular case is a “fair use” or copyright infringement:

1. the purpose and character of the use, including whether such use is of a commercial nature, for monetary gain, and/or professional advancement, or for nonprofit educational purposes;
2. the nature of the copyrighted work (i.e., fact or fiction);
3. the amount and importance of the portion used in relation to the copyrighted work as a whole (i.e., both quantity and quality are considered); and
4. the effect of the use on the potential market for, or value of, the copyrighted work (i.e., Does it compete in the same market or for the same audience?).

All four factors must be considered; no single factor in and of itself is determinative. Additional factors may be considered by the court as it deems equitable (such as whether the work is published or unpublished and the good faith of the copier). The analysis and balancing required for a determination of “fair use” is not particularly abstruse, but it is acutely fact-intensive and situation-based, which prevents the formulation of any bright line rules of what constitutes “fair use.” It is intentionally designed that way so that the doctrine will remain flexible to accommodate the broadest range of situations and circumstances and adapt to technological changes. Through judicial decisions, though, certain tendencies can be discerned:

- The fourth factor, effect of the use on potential market for the copyrighted work, is often identified as the most significant factor, focusing usually on the likelihood of the new use supplanting or superseding the source material in the market; however, the first factor, purpose and character of the use, plays a major role in determining the weight accorded all the other factors.
- “Transformative” uses of copyrighted material (i.e., portions, quotations, or excerpts used in another productive manner or for a different purpose that advances the progress of science or the arts, such as a biography, criticism, news article, commentary, or scholarly work) are favored for fair use over “superseding” uses (i.e., verbatim copying or mere duplication, such as repackaging or photocopying). The more transformative the use, the less will be the significance of other factors that may weigh against a finding of fair use.
- Fair use for a commercial purpose (monetary gain or professional advancement) is almost always rejected; however, the more transformative the use the less significant is its commercial purpose since it is less likely to serve as a market replacement for the source material.
- The scope of fair use is greater with respect to the use of material from published factual works than nonfactual works and unpublished works.

¹ Section 107 is available from <http://www.copyright.gov/title17/92chap1.html#107>

- Greater leeway is accorded transformative uses in determining the amount and substantiality of the portion copied from the source material that might qualify as fair use.

If an author is at all unsure whether his or her intended use of copyrighted material is a “fair use,” then permission should be obtained. Should a dispute arise as to the author’s use (i.e., being sued for infringement by the copyright owner), the onus is always on the user to establish its fairness; the copyright owner need not prove the use is unfair. If the user fails to meet that burden, then he or she will be liable for copyright infringement. Under these circumstances, the consequences of an error in judgment can be very damaging, so authors are encouraged to take a conservative approach with respect to obtaining permissions.

III. SPECIFIC USAGE GUIDELINES

The guidelines that follow are meant to provide authors, editors, and staff with Sage’s interpretation of the fair use doctrine explained above as it applies to specific copyrightable material. Use the pages that follow as a guide to determine whether the material in question can be used without infringing on copyright.

QUOTATIONS FROM TEXT

QUOTATIONS FROM TEXTS THAT ARE NOT IN THE PUBLIC DOMAIN

For the most part, quotations from texts that are not in the public domain fall under the “fair use” category,² unless they are of works in their entirety or represent a substantial portion of the work,³ if they are lengthy (750 words or more for full-length books; 500 words or more for shorter works such as newspapers, magazines, or journals),⁴ if they encapsulate the heart or essence of the

² For a good summary of fair use, see <http://www.copyright.gov/fls/fairuse.html>.

³ Section 107 addresses the size of the quoted material in relationship to the size of the whole; if it is a substantial percentage, it exceeds fair use. The fair use section of the copyright Web site (<http://www.copyright.gov/fls/fairuse.html>) states that “there is no specific number of words, lines, or notes that may safely be taken without permission,” but rather spells out four factors that must be considered when determining whether use is fair (see page 4 of this document). This precludes naming a certain number of words or lines that can be used safely without infringing an author’s copyright.

⁴ Although copyright law does not define a certain number of words that can be used without permission from the copyright holder, Sage uses the standard of 750 words for books and 500 words for shorter works. Such a concise and practical guideline reduces ambiguity and reduces the danger of an author quoting too large a portion of text, thus infringing the rights of the copyright holder.

work,⁵ or if they are from creative works such as poems or song lyrics.⁶ Be cautious, also, if you are dealing with works in translation.⁷ (For a guide to whether the text you want to quote qualifies as being in the public domain, see the chart on p. 11.)

SCHOLARLY WORKS

The rule of thumb is that if the quotation is not substantial, is from a scholarly and noncreative work, and is being discussed in the text as a part of the argument, you do not have to ask for permission.⁸ So, a 300-word quotation from another study whose results you are comparing to your own does not require permission.⁹ Broadcast speeches fall under this rubric.¹⁰

CREATIVE OR UNPUBLISHED WORKS

If the work being quoted is a creative work (opinion, play, novel, short story, poem, song lyric) or is unpublished, you must usually obtain permission, particularly if you are simply inserting lines from a poem as an opening quotation or section header without discussing it in the text.¹¹ However, short, nonrepresentative portions of creative works used for analytical purposes in the text do not require permission.¹²

⁵ This reflects the third item of the fair use guidelines, the substantiality “of the portion used in relation to the copyrighted work as a whole” and the fourth item, “the effect of the use upon the potential market for or value of the copyrighted work” (see <http://www.copyright.gov/fls/fairuse.html>). If the quotation is such that it obviates the need to purchase or refer to the original work, it infringes on the rights of the copyright holder.

⁶ Creative works require special handling. Many authors use quotations as an epigraph without discussing them in text, which disqualifies them for fair use. A few lines from a poem can more easily be considered as a substantial percentage of the whole or as encapsulating the heart of a work. See Note 12 for further discussion.

⁷ See page 8 for Sage’s guidelines concerning translations.

⁸ See the detailed discussion regarding fair use on pages 3-5.

⁹ This refers to academic text. Our guideline is that a quotation of fewer than 500 words from a journal article can be used without requiring permission. See Note 4.

¹⁰ If a speech made in public by any person is contemporaneous or improvised, then it is not protected by copyright. If it was previously written down by or for the speaker, then it is copyrighted from the time it was written down. Accordingly, Sage considers copyrighted speeches to be “short works” as described in Note 4: Fewer than 500 words of a copyrighted speech can be used without seeking the permission of the copyright holder.

¹¹ See Note 6.

¹² This allows scholars to use short portions of a creative works for purposes specifically condoned by copyright law: “[fair use includes] quotation of excerpts in a review or criticism for purposes of illustration or comment” (<http://www.copyright.gov/fls/fairuse.html>).

TABLES AND FIGURES

(FIGURES INCLUDE PHOTOGRAPHS, ILLUSTRATIONS, AND MAPS)

TABLES

Permission is required for

1. tables that replicate 50% or more of another table¹³ and
2. tables that use 50% or more of a table from a foreign-government source.¹⁴

Permission is *not* required for

1. any amount of data taken from a text source¹⁵ and
2. data taken from a domestic government source (federal, state, or local).¹⁶

¹³ Sage's 50% rule for tables and figures is based on the "fair use" doctrine (<http://www.copyright.gov/fls/fairuse.html>). As stated on page 2 of this document, authors need permission to use a work in its entirety, to use a substantial part of a work, or to borrow the heart or essence of a work. In the case of tables and figures, to use half or more of the original constitutes the use of a substantial portion and/or the heart or essence of the work. Permission should, therefore, be obtained in such cases.

¹⁴ For an explanation of the 50% rule, see Note 13. There is a distinction between foreign and domestic government works (see the U.S. Copyright Office Web site at <http://www.copyright.gov>). Works from domestic government sources are in the public domain, whereas works from foreign government sources may or may not be. It is safer to assume that works from all foreign government sources may be copyrighted. It is up to the author seeking permission to prove to Sage that it is not.

¹⁵ The original presentation of facts in tabular form can be copyrighted, but facts themselves cannot (see the U.S. Copyright Office Web site at <http://www.copyright.gov>). Permission is not, therefore, needed for data extracted from text.

¹⁶ See note 14.

FIGURES

Permission is required for

1. images reproduced from any source, including all foreign-government sources,¹⁷
2. images that are adapted from any source and that replicate 50% or more of the original,¹⁸ and
3. images taken from a domestic state or local government source.¹⁹

Permission is *not* required for

1. figures that incorporate facts taken from a source and presented in an original form²⁰ and
2. images taken from a U.S. federal government source.²¹

TRANSLATIONS

Translations are derivative works; they are new works protected by copyright. Therefore, they can be treated just like any other sort of text, creative or noncreative, with regard to copyright and permissions issues. Sage urges caution, however, because authors have a tendency to ignore the copyright claims of modern translators of old and ancient texts. Such translations are not often in the public domain.

The need for permission to use translations of portions of literary and artistic works depends on the manner in which the translations are used.²² Permission is required to use a translation of a creative work as an epigraph to an article, chapter, or book.

¹⁷ The reproduction of an image constitutes the use of a work in its entirety, which exceeds the limits of fair use (<http://www.copyright.gov/fls/fairuse.html>). See Note 13.

¹⁸ See Note 13.

¹⁹ Images from a U.S. federal government source are in the public domain; images from a state or local government source can be copyrighted (see the U.S. Copyright Office Web site at <http://www.copyright.gov>).

²⁰ If a figure presents facts in an original form, the figure constitutes an original creation. See Note 15.

²¹ See Note 19.

²² Sage uses the same distinctions for the use of translations as for the use of the work in its original language. See Notes 4 and 12.

GOVERNMENT EMPLOYEES

U.S. GOVERNMENT WORKS

If all the authors of a work are U.S. Government employees/officials and the work was written as part of their official duties, it is a U.S. Government work and therefore is in the public domain and cannot be copyrighted.²³ Instead of a copyright line, Sage will include the following notice: “This article is a U.S. Government work and is not protected by copyright in the United States. © [year] Sage Publications outside of the United States.”

The works of state, local, or foreign government employees are not in the public domain.²⁴

WORKS DONE UNDER A U.S. GOVERNMENT CONTRACT OR GRANT

The copyright in works prepared under a U.S. Government contract is generally owned by the contractor; however, the U.S. Government has certain nonexclusive rights to use the work, the scope of which is dependent upon the nature of the work and which government agency is the contracting party. If the contract was with the Department of Defense, the Government’s use of the work is unrestricted. If a civilian agency was the contracting party, the Government’s rights are usually limited to a “government purpose rights license” (i.e., nonexclusive, irrevocable, royalty-free, worldwide license to use, modify, reproduce, release, perform, display or disclose the work by or on behalf of the Government) and a copyright notice and acknowledgement of the government sponsorship (including the contract number) will be placed on the work, as in the following example:

© [year] [contractor or Sage Publications] This work, authored by [contractor] employees, was sponsored in whole or in part by [government agency] under U.S. Government contract [number] and is, therefore, subject to the following license: The U.S. Government is granted a nonexclusive, irrevocable, royalty-free, worldwide license to use, modify, reproduce, publish, perform, display or disclose all or portions of the work and may authorize others to do so, for official U.S. Government purposes only, if the U.S. Government contract so requires. All other rights are reserved by the copyright owner.²⁵

For works created under a U.S. Government grant, copyright is generally owned by the recipient of the grant, subject to a government purpose rights license. There are no notice requirements.

²³ “Works by the U.S. Government are not eligible for U.S. copyright protection” (<http://www.copyright.gov/circs/circ1.html#piu>).

²⁴ U.S. state and local government publications can be copyrighted. Sage cannot assume that foreign government publications are in the public domain.

²⁵ Failure to include such notice and acknowledgment results in the Government obtaining unrestricted rights in the work, rather than a more limited government purpose rights license.

JOINT WORKS INVOLVING U.S. GOVERNMENT EMPLOYEES

If any coauthor of a joint work is not a U.S. Government employee, then it is not a U.S. Government work and not in the public domain, regardless of the extent of the contribution of each author.²⁶ Pursuant to the Copyright Act, the authors of a joint work are co-owners of copyright in the work; however, in this circumstance the copyright in the joint work is retained by the non-government employee author, unless ownership of the copyright is transferred or license rights granted to the U.S. Government by the non-government employee authors.

GOVERNMENT EMPLOYEES AND THE TRANSFER OF COPYRIGHT AGREEMENT

All authors of contributions—including authors of U.S. Government works—must sign Sage’s Transfer of Copyright agreement. Not every work authored by a U.S. Government employee is a U.S. Government work. Even if the contribution is a U.S. Government work, the government employee/author must sign Sage’s Transfer of Copyright agreement since issues other than U.S. copyright are addressed in the agreement which are as applicable to U.S. Government employees as they are to all other authors. Copyright exclusion for U.S. Government works extends only to U.S. copyright; U.S. Government works may obtain copyright protection in other countries depending on the copyright law of the particular country. Disposition of worldwide rights in the work is addressed in Sage’s Transfer of Copyright form, as well as other clauses relevant to U.S. Government employees, such as warranties and representations (as to originality, no prior publication, etc.), use of name and likeness, obtaining permissions, and obligations to correct proofs.

Transfer of foreign copyrights owned by the U.S. Government must be executed by an authorized official of the particular agency. The U.S. Government employee/author of the contribution is most likely not such an “authorized official.” In addition, U.S. Government employees may not have the authority to accept provisions regarding indemnification or choice of law, and in such instances those clauses can be crossed out.

²⁶ A “joint work” is defined in the Copyright Act as a work prepared by two or more authors with the intention that their contributions be merged into “inseparable or interdependent parts of a unitary whole.” There are two necessary criteria: (a) the intention of the authors to create a “unitary whole” is of paramount importance (a work consisting primarily of one or more U.S. Government works is not a joint work unless the government employee author and the non-government author both intended their separate works to be merged into a unified whole); and (b) each coauthor’s contribution must be copyrightable in its own right (i.e., it must be an original work of authorship, rather than unprotectible matter like ideas and suggestions). Although it is clear that copyright in a joint work is retained by the non-government employee author, there is an issue as to how much of the entire work is protected by copyright. If the coauthors collaborated together in such manner that one is not able to discern where one coauthor’s work ends and another’s begins, the joint work is an “inseparable unitary whole” and the entire work is protected. If each coauthor worked separately on his/her contribution with the intent that it be merged with the work of the other coauthor (for example, lyrics and music for a song or illustrations and prose for a book) then the parts of the joint work are interdependent and, in such case, the contributions are separable and one can isolate the contributions of the government employee. Here the law is unsettled as to how much of the entire interdependent work is protected by copyright. In either case, the copyright in the “unitary whole” is retained by the non-government employee author.

DURATION OF COPYRIGHT^a

Category of Work	Term of Copyright ^b
Created on or after January 1, 1978 ^c	
Single-author works	Author's life plus 70 years
Joint works	Last surviving author's life plus 70 years
Works for hire	95 years from first publication or 120 years from creation, whichever comes first
Anonymous or pseudonymous works	95 years from first publication or 120 years from creation, whichever comes first; however, if the identity of one or more of the authors is revealed in the records of the Copyright Office, then the term of copyright is as specified above for single- or joint-author works created on or after January 1, 1978, based on the life of the author(s) whose identity has been revealed.
Created, but not published or copyrighted before 1978 ^d	Same rules for the single-author works, joint works, works for hire, and anonymous or pseudonymous works mentioned above; except that in no case will the term expire before 2002 if the work remains unpublished, or before 2047 if the work is published before the end of 2002.
Created and copyrighted before 1978 ^e	
Originally copyrighted between 1964 and 1977	95 years from the year in which the copyright was originally secured
Originally copyrighted between 1923 and 1963	Total of 95 years from the year in which the copyright was originally secured (a first term of 28 years plus a renewal term of 67 years) if renewal registration was timely filed during the 28 th year, otherwise the work is in the public domain at the end of the 28 th year
Originally copyrighted before 1923	The work is in the public domain

a. Use this table to determine whether the material in question may be in the public domain. The Copyright Act of 1976 changed the way in which federal statutory copyright is secured and changed the duration of copyright. It also eliminated state common law copyright.

b. All terms of copyright run through December 31 of the year in which they would otherwise expire.

c. Copyright is secured automatically when the work is created (i.e., first written down, recorded, or set in other tangible form from which it can be perceived, reproduced, or otherwise communicated for more than a transitory duration). If the work was published between January 1, 1978 and March 1, 1989 without proper copyright notice, copyright is invalidated unless registration was made within 5 years after publication without the notice. For works published on or after March 1, 1989, copyright notice is optional.

d. Copyright is secured as of January 1, 1978.

e. Copyright is secured on the date published with a copyright notice or registered in unpublished form in the Copyright Office. If the work was published without the proper copyright notice, then the work fell into the public domain.

COPYRIGHT QUICK REFERENCE

Problem	Solution
SAGE'S PERMISSIONS POLICY	
When should an author begin the process of obtaining permission to use copyrighted material?	This process should begin several months before the manuscript is submitted to Sage: Obtaining permissions can be a time-consuming process.
What happens if I cannot obtain permissions by the deadline established by Sage?	The author can either rewrite that portion of his or her article to remove the material requiring permission, or Sage will pull the author's article from the issue.
A publisher wants to charge an author \$200 to reproduce a figure. Who is responsible for paying the fee?	The author is solely responsible for paying all necessary permissions and any associated fees. This is indicated clearly in the author's transfer of copyright agreement.
Will Sage pursue permissions issues for me?	No. The author is solely responsible for obtaining all permissions. If an author cannot obtain permission by the deadline established by Sage, the article will be pulled from the issue.
I received permission to use a figure, but permission was granted only for print. Is that acceptable?	No. Sage must receive written permission from a publisher to use material in both print and electronic form.
Are e-mailed permissions acceptable?	Yes, as long as Sage is given permission to use the material in both print and electronic form.

COPYRIGHT QUICK REFERENCE (CONTINUED)

Problem	Solution
QUOTATIONS FROM NONCREATIVE TEXT	
Is permission required to reprint 400 words from a scholarly text?	Permission is not required unless the quotation encapsulates the heart or essence of the work or is used simply as an epigraph.
Is permission required to reprint 600 words taken from an article in a scholarly journal?	Permission is required. It is Sage's policy that any quotation of 500 words or more taken from a short work, such as a magazine, newspaper, or journal article, does require permission. The standard is 750 or more words from longer works.
Is permission required to reprint 100 words from an unpublished scholarly text?	Permission is required for all unpublished works.
Is permission required to reprint 50 words from a newspaper article?	If the quotation does not represent a substantial portion of the newspaper article, permission is not required.
Is permission required to reprint 200 words from an essay?	Expository essays, such as essays that comment on political events or cultural trends, do not require permission to quote unless the quotation encapsulates the heart or essence of the work or is used simply as an epigraph. Purely creative essays do require permission to reprint.

COPYRIGHT QUICK REFERENCE (CONTINUED)

Problem	Solution
Is permission required to reprint 150 words from an autobiography?	Permission is not required unless the quotation encapsulates the heart or essence of a work or is used simply as an epigraph.
Is permission required to reprint words from a speech?	Text from contemporaneous speeches do not require permission; text from speeches taken from a copyrighted source do require permission.

QUOTATIONS FROM CREATIVE TEXT

Is permission required to reprint words from a poem or song?	Permission is necessary if the quotation represents a substantial portion of the work or is used simply as an epigraph. If, however, the quotation is a short, nonrepresentative portion of the work and is discussed/analyzed in text, permission may not be necessary. Please consult with your Sage production editor to determine whether permission must be obtained.
Is permission required to reprint lyrics from a song by a local band that has not produced an album?	Yes. The song has been made perceptible and is thus protected.
Is permission required to reprint words from a movie or play?	Permission is necessary if the quotation represents a substantial portion of the work or is used simply as an epigraph.

COPYRIGHT QUICK REFERENCE (CONTINUED)

Problem	Solution
Is permission required to reprint words from a novel or short story?	Permission is necessary if the quotation represents a substantial portion of the work or is used simply as an epigraph.

TABLES AND FIGURES

Can an author use or adapt a table from another source without permission?	Permission is required for all tables that replicate 50% or more of another table or 50% or more of any data from a foreign government source (this data is assumed to be protected by copyright).
Under what circumstances can an author adapt material from another source and present it as a table without asking for permission?	Any amount of data can be adapted from a textual (non-tabular) source without asking for permission. Authors can use any amount of data from a domestic government source (federal, state, or local) without asking for permission.
Can an author use or adapt a figure from another source without permission?	Permission is required to use images from any source, including all foreign government sources. Permission is required to adapt images from any source that replicate 50% or more of the original. Authors must seek permission to use images taken from any domestic state or local government source.

COPYRIGHT QUICK REFERENCE (CONTINUED)

Problem	Solution
Under what circumstances can an author adapt material from another source and present it as a figure without asking for permission?	Permission is not required for figures that incorporate facts taken from another source and present them in an original (graphic) form. Permission is not required to use an image taken from a U.S. federal government source.

TRANSLATIONS

Is permission required to publish a translation of a portion of a scholarly book?	No, as long as the quotation is less than 750 words, does not capture the heart or essence of the work in question, and is not used simply as an epigraph.
Is permission required to use a translation as an epigraph to an article, chapter, or book?	Yes, permission is required. Permission is not required to cite a translated portion of a book when the excerpt is discussed in the body of the text.

GOVERNMENT EMPLOYEES

Is permission required to use material from a U.S. Government source?	No, articles written by U.S. Government employees writing in their official capacity are U.S. Government works and cannot be copyrighted in the United States; however, appropriate credit must be given for use of the source material.
Is permission required to use material from a U.S. state or local government source?	Yes, material from state and local governments can be copyrighted.

COPYRIGHT QUICK REFERENCE (CONTINUED)

Problem	Solution
Is permission required to use material from foreign government sources?	Yes, material taken from foreign government sources may have copyright protection. Permission must be obtained before using material from a foreign government source.

DURATION OF COPYRIGHT: SPECIFIC EXAMPLES

Two lines from a book of poetry were written by an anonymous author and published in 1910. Is permission required?

No permission is needed; the poem is in the public domain. The poem would have fallen into the public domain on December 31, 1985.

A paragraph from a novel was created in 1889 but the novel was not published until 1980, 80 years after the author's death. Is permission required to use excerpts from the novel?

Permission must be obtained unless the excerpts are short, non-representative portions of the novel and are analyzed in text. Copyright is protected until December 31, 2047. Works created before January 1, 1978 and published between then and December 31, 2002 are protected for the author's life plus 70 years or December 31, 2047, whichever comes later.

I wish to use quotations from a short story that was published in 1972 with the proper copyright notice. Do I need to obtain permission?

Permission must be obtained unless the quotations are short, non-representative portions of the work and are analyzed in text. Copyright is protected until 2067. Works published between 1964 and 1977 have a 28-year copyright term and a 67-year automatic renewal.

COPYRIGHT QUICK REFERENCE (CONTINUED)

Problem	Solution
Is permission required to use extensive excerpts from Dickens's <i>David Copperfield</i> ?	No permission is needed; the novel is in the public domain. Any work copyrighted before January 1, 1923 is in the public domain.
Is permission required to reprint an entire poem that was published in 1960, if the author of the poem failed to file the renewal of copyright in 1988?	No permission needed; the poem is in the public domain. Any work copyrighted after January 1, 1923, but before January 1, 1964 has a 28-year copyright term. A 67-year renewal takes effect if registration is timely filed; otherwise the work is in the public domain.

REQUEST FOR PERMISSION TO REPRINT MATERIAL FOR SCHOLARLY PURPOSES

To copyright holder: _____

Address _____

From author: _____

Address _____

Title of Work or Figure/Table: _____

by Author(s)/Editor(s): _____

that appeared in _____

Complete Journal or Book Title, Broadcast, Newspaper, or Periodical Edition and Copyright Date
page number(s) _____

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