

Frequently Asked Copyright Questions

How do I obtain permission to reproduce copyrighted material?

Copyright permission request forms can be obtained from the Copyright Services office (WL 562) in paper form or downloaded from the Copyright Services web page in PDF or Word file format.

Copyright Services will contact the publisher, request copyright permission, record and file the permission, and request payment for the royalties. Copyright Services is also a member of the Copyright Clearance Center on behalf of Western Washington University. Copyright Clearance Center is a non-profit organization established to expedite and coordinate copyright permission requests from the publishers.

What does copyright clearance cost?

Publishers will grant permission with fees varying from free to as much as \$5.00 per page/per copy. If royalty fees are excessive, the faculty member will be notified by Copyright Services and given the opportunity to decide if the royalty costs outweigh the benefits of using the material.

How long will it take to obtain permission?

The time it takes to receive copyright clearance can be as little as 24 hours or as long as 8 weeks. Copyright Services can offer an opinion for response time if prior contact with the publisher has provided information. Copyright Services will do everything possible to facilitate and expedite requests.

What is a copyright?

The copyright law grants owners of copyright (authors and other creators and publishers) the sole right to do or allow others to do each of the following acts with regard to their copyrighted work: to reproduce all or part of the work, to distribute copies, to prepare new (derivative) versions based on the original work, to perform and display the work publicly.

Copyright protection covers both published and unpublished works. The fact that a previously published work is out of print does not affect its copyright.

What types of works can claim copyright protection?

Copyright exists in "original works of authorship" which are "fixed in a tangible medium of expression". Among the types of works which are subject to copyright protection are literary, dramatic, musical, choreographic and pictorial works, graphic works, pantomimes, sound recordings, sculptures, motion pictures and audio-visual works. These categories include factual works (including dictionaries and directories), video cassettes and computer programs and databases.

How long does a copyright last?

If a work was created on or after January 1, 1978, the duration of copyright, for most works, is the life of the author plus 50 years. For works created before January 1, 1978, duration is for 28 years plus a 47-year renewal and should for practical purposes be considered to be 75 years.

How do I find out who owns the copyright for a particular work?

Most works contain a notice of copyright. You should consult both the page containing the copyright notice as well as any acknowledgement pages in the work. If you have a photocopy or other reproduction that does not contain a notice of copyright or acknowledgements, you should consult an original copy of the work to determine if the original has the information you need. The information contained in such a copyright notice may not always reflect accurately the identity of the current copyright owner of the material in question. Contacting the publisher is the best method to determine copyright ownership.

Since March 1, 1989, notice of copyright is optional, so the absence of a copyright notice does not mean the material can be freely copied.

Am I infringing someone’s copyright if I make multiple copies and either distribute those copies for free or require their return after use?

You may be infringing. You do not have to sell the copies or permanently dispose of them in order to infringe the copyright owner’s rights.

If I assign a journal article for students to read, can students, on their own, go to the library and copy it for their own use?

Reproduction in libraries and archives is governed by Section 108 of Title 17, United State Code. It allows “the isolated and unrelated reproduction or distribution of a single copy” on separate occasions not in excess of fair use. The congressional reports clearly state that the section does not authorize “the related or concerted reproduction of multiple copies” regardless of whether the copying occurs on a single occasion or over a period of time and of whether the copies are intended for use by one individual or by the individual members of a group (such as a class of students).

Can I make a copy of an entire work or a substantial part of a work for my personal use without getting permission from the copyright holder?

There is no automatic exemption for making even one unauthorized personal copy of a copyrighted work. Nevertheless, the “Fair Use Guidelines” (see page 12) provide that a teacher may make a single copy, for scholarly research or for use in teaching or preparing to teach a class, of the following works:

A chapter from a book;

An article from a periodical or newspaper;

A short story, short essay or short poem;

A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

Other than under the fair use guidelines, can I copy material freely without worrying about infringing someone’s copyright?

Works in the public domain may be freely copied; however collections and edited versions of works in the public domain may be protected by copyright. Works which are in the public domain include works that have never been the subject of copyright protection and works whose term of copyright protection has expired.

Absence of notice of copyright cannot be relied upon to indicate that a work is in the public domain. In fact, for works created on or after March 1, 1989, notice is not required. Similarly, the fact that the author is deceased or the book is out of print does not mean that the work may be copied. When in doubt about the status of a work, it is best to contact the publisher’s copyright permission department to determine whether the work is still under copyright or in the public domain.

Certain works created by the U.S. government, including documents prepared by an officer or employee of the federal government as part of that person’s official duties, may also be freely copied. The right to copy U.S. government-created works without permission does not extend to documents published by others with the support of U.S. government funds, grants or contracts, or to portions of government documents which contain copyrighted material from other nongovernmental sources. It also does not extend to publishers’ edited, annotated or compiled versions of such documents.

I wrote an article that was published in a journal. Do I still need to get permission?

Yes, because the journal usually controls the rights to the articles it publishes. Your contract will state if the author retains copyright ownership. Occasionally publishers will waive the fee if you are the author, but permission will need to be requested.

This book is out of print. Can you make me a copy?

Copyright is still valid on out-of-print materials. The publisher or copyright owner will need to be contacted for permission.

I ordered a book which has not arrived in the bookstore. Can I still make copies for the class?

No, not without getting permission from the publisher. Most publishers will rush a request if the books are on order.

If permission was granted for these materials last quarter, do I need to apply for permission again?

Yes. Permission is granted in most cases for one-time use only. If you plan to use the same material for more than one quarter, Copyright Services can include multiple quarters in the request to the publisher. Some publishers will grant permission for a longer period if the dates of use are defined in the request.

I need this copied now. Can I fill out a permission request now, make the copies, and pay royalties later?

No. Copies cannot be made until written permission is received from the copyright holder. It is a violation of federal law to make copies without permission. Some publishers require special conditions and not all requests will be granted.

The publisher did not respond to a permission request. Can you make copies anyway, because at least you have proof that you tried to get permission?

No. Publishers are not required to respond. No response is equal to a denial. Remember, permission must be received in writing.

I know the author of this book, and he/she said it was okay for me to make copies. Is that legal?

Only if the copyright belongs to the author. Often the publisher of the book controls the rights. With each request, Copyright Services is required to research who the copyright belongs to. If the author does control the rights, we need to get permission in writing from the author.

Can I get my own copyright permission?

Yes, however you are responsible for payment of the royalty fee. When permission is requested through Copyright Services, the office will process payment of the royalty fee. If you do obtain your own permission, please attach a copy of the publisher's response to the Copy Services work request or include it with the student class manual request form.

Can I make copies of material obtained on-line through the Internet?

Material on the Internet is sometimes accompanied by copyright permission information (example: "Posted with permission on http://_____. You may print or save a copy of this story for your own use. All other use requires permission from _____.") If you intend to distribute multiple copies in the classroom, you must request permission from the source. If you are charged a search or download fee for obtaining access to material, the material is usually covered by copyright. To make multiple copies for classroom distribution, permission would be required. Currently, writers groups, publishers and database producers are debating electronic publication rights in court.