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When you submit your manuscript, all permissions and related rights issues must be resolved and documented as part of your delivery. **You should start this process right away**. Leaving this important and often time-consuming task until the last minute can have dire consequences for your project, including delays and additional costs.

The suggestions and recommendations that follow are meant to serve as guidelines only. Nothing contained in this document constitutes legal advice. If you seek legal guidance, we recommend engaging your institution’s counsel or your own personal attorney.


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## 1. Properly Citing Quotations

Cornell University Press follows the *Chicago Manual of Style* for all of their publications, with few exceptions. Please refer to the current edition of that guide for specifics on format. You may also refer to their Citation Quick Guide here: <https://www.chicagomanualofstyle.org/tools_citationguide.html>

In general, if you reuse text or images, regardless of the size or format, from any source in your manuscript, for any purpose (including reusing your own work) you should be citing the original source as completely as possible. If you believe you might have an exception to this rule, please contact your editor.

### 1.1 Reusing Your Own Previously Published Works

 If any part of your manuscript contains material you have published previously (e.g., journal articles), you must verify that you have the right to reuse this material in your Press publication. We ask that you submit a copy of your journal agreement in lieu of a permission letter as documentation of these reuse rights. If your agreement does not allow for republication or adaptation in your book project, you will need to obtain permission from the publishers.

 If you are reusing your own work to support the same argument, acknowledging the original publication is crucial to avoid self-plagiarism. Book chapters that have been adapted from journal articles should have their provenance identified both in the acknowledgments and in a citation at the beginning of the chapter. If you are reusing bits and pieces (whether single sentences or longer passages), those should be treated as quotations, and you should cite the original work.

## 2. Copyright Basics

### 2.1 Works Published inside the United States

The U.S. copyright laws have been revised several times over the years. This has resulted in a fragmented and often difficult-to-navigate terrain of statutes for works that originated in the United States. The Cornell University Library’s [Copyright Term and the Public Domain](https://copyright.cornell.edu/publicdomain) chart can help you navigate the status of any work you may wish to reuse in your manuscript.

### 2.2 Works Published outside the United States

Most foreign countries protect a work for at least seventy-five years after the death of its author (or ninety-five years after publication if it is a work of corporate authorship). The United States has reciprocal copyright relations with most nations, and you must seek permission to quote according to the same guidelines that apply to U.S. works.

### 2.3 Quotations of Prose

You need to secure permission for all substantial prose quotations. As there is no specific word count, you must use your best judgement, in conversation with your editor, about when permissions might be required. Whether it is one substantial block quote from an in-copyright work, or if the accumulation of quotes from the same in-copyright work becomes substantial, permissions should be sought. To be clear, this is a cumulative amount *per source*. If the material quoted represents a significant portion of a work (such as a long excerpt from a short newspaper column), permission must be secured regardless of the total number of words.

If the material quoted is the work of a popular commercial writer or of a contemporary or recent dramatist or writer of fiction, it would be wise to secure permission even if the number of words quoted falls significantly under five hundred in one passage or two thousand throughout.

You must also obtain permission to quote extensively from in-copyright editions of works of long-dead authors. Of course, you are always free to quote without limit from an earlier edition now in the public domain.

### 2.4 Translating from Foreign-Language Works

When a copyrighted foreign-language work has not been translated into English, translation of small amounts of material may be considered fair use. Translations of long passages or several lines of poetry should be cleared with (and may even have to be approved by) the foreign publisher.

In some cases, the original publisher may have sold exclusive English translation rights to a publisher, who can insist that you use the authorized translation. If you wish to use your own translation, check with the original foreign-language publisher to see whether exclusive rights have been sold and are still in force. (It is possible, too, that a translation under contract may not yet be in print.) In some cases, publishers will grant you the right to make your own translation, particularly if the existing translation is known to be controversial. In other cases, publishers or trustees can be very strict.

### 2.5 Use of Unpublished Materials

Quoting from unpublished material that is still protected by copyright is a frequent, delicate, and complicated challenge. You may be able to assert fair use in quoting a sentence or two from unpublished work if the material is not the “heart” of the work and cannot be construed as libelous, an invasion of privacy, or giving rise to some other actionable offense unrelated to copyright law.

Accordingly, we ask that you either paraphrase your long quotations with appropriate citation or write to the repositories that hold the materials, telling them what you wish to quote and sending us copies of your correspondence. A repository may give you outright permission; it may list restrictions placed on the use of material; it may supply the name of the writer’s heir and require you to obtain permission from that heir.

If finding the heir proves impossible, you should keep copies of all correspondence as evidence of your good faith effort. Although the responsibility of rights clearance and assertion of the right to reproduce is the responsibility of the author, the editor may challenge your suspension of the search and ask you to either try again to obtain rights or otherwise edit your manuscript. You should bear in mind that if you quote more than a sentence or two, or if the material presents the writer (or addressee) in a way that an interested party could see as objectionable, the risk of litigation increases.

Some archives require that you observe certain conditions if you use their material; most request a specific form of acknowledgment. Archives that possess copies or microfilms of original materials, even though they do not control reproduction rights, sometimes charge a fee for services.

The use of unpublished snapshots, drawings, and other illustrative material also requires permission.

### 2.6 Conversations, Interviews, and Private Letters

The guidelines given in section 2.5 pertain to unpublished materials in public and private collections. Private letters to you or your colleagues, or conversations and interviews, should not be quoted, or even paraphrased, without permission. The use of unpublished letters of government officials, unless the letters have been released to public libraries, usually requires permission from the government agency.

Even casual conversations should be considered akin to interviews. Unless both parties are aware that the conversation is “on the record” and intended for use in publication, it should not be reused without permission. An interview release form is available in the appendix to this document.

Private letters that are not to you, but between two other parties, are considered unpublished works, and should be handled carefully per section 2.5.

### 2.7 Quotations of Poetry

Cornell University Press encourages authors to review the Center for Media & Social Impact [Code of Best Practices in Fair Use for Poetry](https://cmsimpact.org/code/code-best-practices-fair-use-poetry/), a document created in collaboration with The Poetry Foundation. Although this is not an absolute guide, it should help inform your decisions and determinations. You can learn more about the fair use determination process in section 3.3, below. \

#### Epigraphs

One common use of poetry and lyrics is the epigraph. As per the previous paragraph, Cornell University Press encourages authors to review the CMSI Code of Best Practices in Fair Use for Poetry (section 5 of that guide discusses epigraphs).

### 2.8 Tables, Maps, and Figures

Visual materials are also protected by copyright, and if you wish to reproduce them, you must secure permission. If you have modified someone else’s table, map, or figure, such as a line drawing, your credit line should include a phrase such as “adapted from,” “based on,” or “modified from.” If you have used data from several sources to make your own table, graph, or chart, you do not need permission from each source, but your credit line should attribute the data to the appropriate sources.

Maps and tables lacking originality or creative additions (i.e., base representations of fact) may not meet the threshold for copyright protection. If you are unsure whether the material you wish to use meets this threshold, please contact the Press. As with text quotations, fair use may be asserted in some cases.

### 2.9 Photographs

Photographs not taken by you personally require written permission from the creator or copyright holder. This also applies to reproductions such as scans or any other type of replication of artwork or other materials not in the public domain.

If the photograph is of another image (i.e., any two-dimensional work of art) with no additional artistic expression added by the photographer (e.g., lighting, angle, composition of a scene, etc.), the photograph does not have its own copyright and is instead a reproduction of the underlying work. So, if the photograph is a “slavish reproduction” of a painting in a museum, permission would be required from the museum (or the copyright holder; the museum who owns the work should be able to inform you who that is). The exception to this is if the underlying work is in the public domain. A reproduction of the *Mona Lisa* would be in public domain since the painting is in the public domain. Likewise, a reproduction of *Guernica* would not be, because that painting is currently protected by copyright. Many museums and photographers try to enforce some ownership over reproductions that should be considered public domain. Best practice is to investigate the status of the underlying work and check resources such as Wikimedia Commons to see if a high-resolution reproduction is available.

If you are taking your own photographs, please keep privacy and likeness rights in mind. If you are in a business or private residence, you must have written permission to use pictures taken. If you take a photograph of a person in a public place, please review local laws for any privacy restrictions. While releases are not required in many public places, local laws may vary. Likewise, if the image is to be used for promotional purposes (for example, the cover of your book as opposed to the inside of it), a release will be needed to exploit the image in that fashion. If the subject of the photograph is identified in the text, you should consider obtaining a release from them regardless of legal requirement. This is less likely if it is a public figure (e.g. a politician), but it again depends on the local laws where the picture was taken. A sample release form is included in the appendix.

### 2.10 Works of Art

Most museums and other collections set strict requirements for the use of photographs of objects in their possession with respect to the quality of reproduction, fee, and form of acknowledgment. The fact that you have secured a photograph from a picture service or other source usually does not relieve you of the responsibility of obtaining written permission from the museum, unless the underlying work is in the public domain. Some photographs of works of art are the property of photographers or other private persons, whose permission must be sought. The copyright to a work of art may also reside with the artist even if another party has purchased the work. You should, of course, investigate this possibility; you may need to write to the artist, the collector, and the photographer.

As mentioned previously, exact reproductions of works in the public domain do not enjoy the same protections as other reproductions. If, for example, you wished to use the *Mona Lisa* in your book, you could do so without receiving permission from the Louvre. However, a photograph that is not a “slavish reproduction” but instead a recent shot in a museum that included other works or was at an angle, etc.: that photograph would likely be protected by copyright and would require permission.

### 2.11 A Note on Due Diligence with Images

The internet provides us access to nearly limitless resources, including images. Although it may be tempting to use images found in a basic web search, you are responsible for finding the authoritative version of the image you want to use in your book. If you are unsure about the provenance of images you find on the web, we encourage you to work with your institution’s library to research their origin. You may also find that you are able to access a great deal of information doing a [reverse image search using Google Images](https://support.google.com/websearch/answer/1325808?co=GENIE.Platform%3DAndroid&hl=en).

### 2.12 Commissioning New Works (Work-for-Hire)

You may be in need of a custom map or figure that the Press is unable to create on your behalf. Although the Press may assist you in locating an artist or cartographer to hire, you should be careful to clearly lay out the terms of your arrangement with that creator in writing. Under U.S. law, *you* and not the creator will be the copyright holder of the work *only* if all parties expressly agree to that in writing. For more information on this, [please see Circular 9 from the Copyright Office](https://www.copyright.gov/circs/circ09.pdf). A sample work-for-hire agreement may also be found in the appendix of this document.

### 2.13 Edited Volumes

Scholars compiling collections of new or previously published works are responsible for providing their Press editor with the contact information for all contributors on execution of the publication agreement. The Press staff will then send electronic agreements to each contributor to obtain the appropriate publication rights. Final manuscripts will not be accepted if any contributor has failed to sign an agreement with the Press. Volume editors are required to vet contributions to ensure that the authors’ assertion of rights compliance is valid. Any needed permissions to reprint must be secured prior to manuscript submission.

## 3. Exceptions

### 3.1 Public Domain

A work is in the public domain if it is no longer under copyright protection or if it failed to meet the requirements for copyright protection. Works in the public domain may be used freely without the permission of the former copyright owner.

Determining whether a work is in the public domain, and therefore free to use in your work, can sometimes be a tricky process. Cornell University Press recommends that you work with a librarian at your institution to help navigate the determination. You may also wish to seek legal advice from an attorney depending on the nature of the work you wish to use.

U.S. government documents are usually not copyrighted, but this is not necessarily true for documents from local or state governments in the United States, nor is it universally true for government works outside the United States.

Cornell University Library maintains a chart, [Copyright Term and the Public Domain in the United States](https://copyright.cornell.edu/publicdomain), which may be used to guide your determination.

There are several resources available to determine whether a work that required registration renewal was renewed. Ultimately, this determination may take quite a bit of research. It might be necessary to consult multiple resources to conduct due diligence. Here are a few you might find helpful:

<https://cocatalog.loc.gov>

This public catalog includes works registered since 1978.

<https://www.copyright.gov/vcc/>

This experimental database holds the registration and renewals of works from 1870 to 1977. Text search is available for only a small subset of records at this time.

<https://library.stanford.edu/collections/copyright-renewal-database>

Stanford's Copyright Renewal Database describes itself as “a searchable index of the copyright renewal records for books published in the US between 1923 and 1963. Note that the database includes only renewal records, not original registrations, and only Class A (book) renewals received by the US Copyright Office between 1950 and 1992.”

### 3.2 Creative Commons

Works that have a Creative Commons license do not necessarily require permission. The licenses are designed to simplify the process of reuse according to the will of the copyright holder. Those authors who wish to reuse the material in ways not covered by the licenses must still contact the rights holder for permission, unless a fair use assertion is being made.

Although an increasing number of scholarly written works have CC licenses, you may find a much larger benefit in a resource such as CC Search, which facilitates users searching for licensed images.

<https://ccsearch.creativecommons.org/>

For more information on how to reuse and give appropriate attribution for CC-licensed works, please visit <https://creativecommons.org/use-remix/>.

### 3.3 Fair Use

Cornell University Press is a strong proponent of fair use. As the author is responsible and liable in the case that a fair use defense is not appropriate, please exercise care and thoughtfulness when positing that your reuse of copyrighted material falls under the fair use defense. To do that, we ask that for each claim of fair use in your project, you include a completed fair use checklist (see appendix). This document will not only provide documentation of your reasoning but will instruct you on the basics of how fair use works. Because the Press has a stake in any outcome, your editor may challenge your assertion and request that permissions are obtained. We encourage you to have this conversation early in your process to avoid delays after submission.

For a better understanding of fair use and related issues, we recommend reviewing Stanford’s fair use resources here: <https://fairuse.stanford.edu/overview/fair-use/what-is-fair-use/>.

## 4. Permission Procedures

As you review your materials to understand their rights status, you may find that you have material for which you need to seek permission or a license to include that material in your book. We strongly encourage you to prioritize this analysis as you work on your manuscript. Talk to your editor early and often to ensure a swift transmission of your manuscript into the production process once you submit. You have probably realized by this point in the document that the permissions review, requesting, and receiving process can take time and resources. We ask that you plan ahead to prevent your project from being delayed.

### 4.1 Requesting Permission

Even though a work may be copyrighted in the name of its author, the publisher usually controls the rights to reprint material. Please address requests for permission to the publisher. It is very likely that the publisher will have specific procedures they want you to follow to request rights. This may be via an online form or to a specific email address. We suggest you investigate to find the preferred request method before sending any emails or letters to ensure an efficient turn-around. For an example letter that includes the appropriate request language (if requesting via correspondence and not an online form), please see the appendix.

Because we sell our books throughout the world, please be sure to specify in your requests that permission cover nonexclusive world rights. More than one publisher may be involved; if so, you will probably have to contact all of them. Likewise, we require the grant of rights to cover all formats and editions.

It will, of course, be necessary for you to give credit (author, title, place, publisher, and date) and acknowledge the permissions in your book in a particular way. Some publishers stipulate both the location and the form of acknowledgments, and their instructions must be followed. If you wish to put all of your acknowledgments at the beginning of the book, it may save you time if you tell publishers of your plan in your first letter; they may consent. Please pay close attention to any credit or other requirements communicated by a rights holder, as these need to be communicated to the Press in the permissions log to ensure compliance. In addition to a completed permissions log, the Press requires copies of all your permissions correspondence, including documentation that permission is granted for each item that requires it.

If a rights holder denies your request, or if they only allow a more restrictive license than what the Press requires, please contact your editor for advice.

### 4.2 Copyright Clearance Center

The Copyright Clearance Center is a commercial business that acts as a clearinghouse for text reuse permissions. Using this as a resource to identify rights holders, or to secure permissions where possible, may save you time. Additionally, CCC acts as the primary and exclusive rights agent for many publishers, making it a good one-stop-shop, or at the very least a resource for research and orientation.

<http://www.copyright.com/>

That said, there may be content uses for which CCC is not able to provide licenses. For those, you will be instructed to contact the rights holder directly.

You should not expect CCC to provide any fee-free permissions. To appeal for a lower fee (or no fee) you may need to contact the rights holder directly.

### 4.3 Fees

Payment is usually the responsibility of the author. Fees may be negligible or they may be waived, particularly for scholarly use; sometimes, however, they are so high that the author may decide against using the material. Some institutions may grant permission but then follow with a high bill late in the publication process. If the fee situation is not clear to you, it is wise to make a specific inquiry before committing to use the material. Also, if your project is likely to involve high permission costs, you should discuss permissions with your editor before finalizing your content and initiating requests.

If a rights holder requests copies of the book in lieu of payment or as a condition of granting permission, you are responsible for supplying these copies, including any cost associated with it. You may choose to use your own complimentary copies or purchase copies at your author discount to fulfill this requirement.

### 4.4 Documentation Requirements

In order to expedite the movement of your manuscript through the production process, we ask that you document all material from outside sources using our Permissions Log (see appendix). You must fill out separate log sheets for each category of material: figures, tables, and text (long quotes and archival material).

Excluding acceptable short quotations (which should be cited but not logged), you are required to submit documentary backup for the following:

* Previous published text that is not yours
	+ Documentation options:
		1. Permission letter signed by the verified rights holder
		2. In certain cases, detailed correspondence with the verified rights holder will be accepted. Consult with your editor to see if this is appropriate and acceptable.
		3. Completion and acceptance by the Press of a fair use checklist
* Your own previously published work
	+ Documentation options:
		1. A copy of your agreement with the publisher
		2. Permission letter signed by the verified rights holder
		3. In certain cases, detailed correspondence with the verified rights holder will be accepted. Consult with your editor to see if this is appropriate and acceptable.
* Images
	+ Documentation options:
		1. Permission letter signed by the verified rights holder
		2. In certain cases, detailed correspondence with the verified rights holder will be accepted. Consult with your editor to see if this is appropriate and acceptable.
		3. Completion and acceptance by the Press of a fair use checklist
* Work-for-hire
	+ Documentation options:
		1. A copy of the agreement with the contractor