



# Copyright and Permissions Guidelines

CORWIN PRESS

# Copyright and Permissions Guidelines

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# FAIR USE QUICK-GUIDE

When can you reproduce and use another person's work? You can reproduce and use another person's work if the reproduction may be considered "fair," such as where it is being used for criticism, comment, teaching, scholarship, and research.

Consider these four factors:

## **1. Is the purpose and character of your use to transform the original work?**

- Does your work add something new to the copyrighted material? If yes, then it does transform the work. Examples include:
  - Adding commentary or analysis to the original work.
  - Providing new insight to the original work.
  - Building upon or extending to the original work.
  - Adding new meaning to the original work.
  - Providing a different purpose or manner to the original work.

If the copyrighted material is reproduced verbatim without any supplementary or changing material, it is not transformative.

## **2. What is the nature of the original work?**

- Does the original work contain factual information? Fair use is more frequently found if the original work is factual rather than creative or artistic.
- Has the original work been published? Fair use is more frequently found if the original work is published rather than unpublished, because legislative policy supports that an author has the right to control the first publication of his/her work.

## **3. What amount and substantiality of the original work is being used?**

- Does your work only use the portion of the original work that is necessary to make your point? Fair use is more frequently found if you do not take more than you need.
- Is the portion of the original work that you are using the "heart" of the original work? Even if you use only a small portion of the original work, that portion cannot be the most important feature of the work.

There is no set amount or percentage of the original work that may be used to determine fair use. Comparing the word counts between the original work and your work may be used as a guide, but the amount of the original work that may be used as fair use varies depending on the **context** of your use – look at how you add something new or otherwise transform the original work.

- 4. *Would your work serve as a substitute for the original work?*** Fair use is more frequently found if your work will not compete with the original work in the marketplace.

After considering these four factors, how is it determined if fair use applies?

Meeting factor #1 above is necessary for a determination of fair use. After determining #1 has been satisfied, the next step is to weigh the other three (3) factors. If your use leans toward fair use in at least two (2) of the remaining factors, fair use should apply. Many times, your analysis will fall in the gray area. If this is the case, contact Corwin Press Editorial for assistance.

# PLAGIARISM, DEFAMATION, AND PRIVACY RIGHTS QUICK-GUIDE

## PLAGIARISM

- Gives the impression that you have written or thought something that is not your work
- Intentional or unintentional use of another person's expression or ideas without properly crediting the source
  - Writings, tables, charts, graphics, concepts, theories, interpretations, observations, hypotheses, research findings, data, notes, study models, and the organization or logic of another's argument
- Includes:
  - Omission of quotation marks
  - Paraphrasing source material without citation
  - Falsely assuming authorship by wholly expropriating another's work and passing it off as one's own
- Consequences—censure, suspension, fines, dismissal from employment, and revocation of a degree or professional license
- Use citations for:
  - Direct quotations
  - Borrowed ideas
  - Paraphrases and summaries
  - Facts that are not common knowledge

## DEFAMATION AND INJURIOUS FALSEHOOD

- Defamation—a false statement of fact that tends to harm the reputation of an individual or business entity by exposure to contempt or ridicule, lowering the estimation of the community, or deterring others from associating or dealing with the defamed individual or entity
- Injurious falsehood—derogatory false assertions about business entities that are harmful without being defamatory, such as disparagement of quality of a product or service

## PRIVACY RIGHTS

- Laws differ from state to state.
- Four kinds of privacy rights:
  - Public disclosure of private facts—revealing truthful private or embarrassing facts about a person without legitimate public concern or newsworthiness
  - False light—falsely portraying a person as something highly offensive that he or she is not
  - Intrusion upon seclusion—intrusion into private areas or affairs, including wrongful use of tape recorders and cameras
  - Misappropriation of name or likeness/right of publicity—unauthorized use of a person's name, photograph, likeness, voice, or endorsement to promote the sale of a commercial product or service

## The Permissions Process

It is important to start the permissions process as early as possible as you write your manuscript. We recommend that you contact the rights holders of any third-party content you want to include in your manuscript as soon as you select it, ideally four months prior to the due date of your final manuscript. Obtaining permissions can be a lengthy process, requiring perseverance and patience. Because proper attribution of the content needs to be ensured, your work's production will be delayed if permissions have not all been received with your final manuscript.

### Determining Whether Permission Is Required

**P**rior to including any third-party material in your work, you will need to consider whether permission is required from the copyright holder. This determination will be based on several factors, including the type and amount of material you are using, the proportion of that content relative to the original publication, and how you are using the material within your own work. Guidelines to assist you with this decision are set forth in Part 3: Identifying Material That Requires Permission.

### Organizing Your Manuscript's Permissions—The Permissions Log

The Permissions Log is an indispensable tool for organizing your permissions in a way that will be easily transferable to Corwin Press when you submit your manuscript. The Permissions Log is a required deliverable with your manuscript,

and you should begin the Log as soon as you begin identifying the third-party material you want to include in your work. The Log template included here as a [Permissions Log \(Blank\)](#) is the required form for this use and was developed by Corwin Press for efficiently organizing and tracking the permissions for your manuscript. The Permissions Log provides important information for each item of permissioned material, such as the attribution requested by the rights holder.

In addition to third-party content for which permission is required, please also include in the Log any material created by you that appeared in another publication so that proper attribution can be included. If you have adapted material from another source, please indicate this in the “Full Source” column on the Log and provide the original source information. If you feel that the adaptation falls under “Fair Use” (see “Fair Use” in Part 2), then please note “Fair Use” in the “Comments/Status of Request” column on the Log. Our Permissions Department will review material identified as Fair Use for final determination.

List all items within the Log by the chapter number in which they appear. The Log will be used by our Permissions staff to ensure that all permissions have been received and to send out complimentary copies. In addition, the Log will be the basis for determining the permissions needed for future editions of your work. The Log will be used by our Production staff to ensure that sources and credit lines are accurately inserted in your work.

Clear identification of the material is essential for record keeping. If you are seeking permission for material within individual chapters (e.g., figures, tables, case studies, photographs, poetry, or prose extracts), they should be clearly labeled. For example, the second figure in Chapter 4 should be labeled as Figure 4.2 and should include a short description. Another example would be the first photograph of a small girl eating grapes in Chapter 10. This would be labeled as: Photo 10.1 “Girl eating grapes.”

If you are the editor of a handbook, reader, or anthology, this is simply a case of numbering the chapters/readings in your work (e.g., 1 to 23). Note that if there are any chapters that contain excerpts and/or line art from different sources, these should be labeled separately. For any third-party material used by the contributing authors, you should ensure that all required permissions have been obtained.

The first draft of the Permissions Log should be included when you submit your draft manuscript. See the Example First Draft ([Permissions Log Number 1](#)).

A complete Permissions Log (see Example Final Manuscript [[Permissions Log Number 2](#)]) should be submitted to Corwin Press with your final manuscript, together with copies of all received permission agreements. All permissions should have been requested by the time you submit your Final Manuscript and all permission agreements must be submitted to Corwin Press by the time your book goes to typesetting.

## Where Should the Permission Request Be Sent?

After you have determined that permission will be needed, you will need to locate the copyright owner. We strongly recommend that you request permission as soon as you determine that you will use the material. **Do not wait until the manuscript is complete.**

Below is a description of the types of material most commonly used and the recommended first point of contact. If the copyright administrator is a publisher, address your request to the attention of the publisher's permissions department. Your best bet for a quick response will be to contact the permissions department through the publisher's Web site. We always prefer that you use Corwin Press permission request forms, but some publishers have their own online forms for requesting permission. In this case, using the publisher's online form will ensure that you will provide all of the information the publisher needs to process your request. When using another publisher's form, please verify that it includes needed rights, as advised by your editorial team. Be aware that even with complete information, the turnaround time will most likely not be quick, as these departments handle a high volume of requests. If you do not hear anything within one month of the date you request permission, then we recommend contacting the permissions department by phone, e-mail, or fax to make your presence and/or urgency known. Persistence can be the key to receiving a timely response.

Published/Textual  
Material

In most cases, the copyright will be administered by the publisher of the original work. If the work is out of print, the rights may have reverted back to the author, but the publisher should still be your first point of contact as it can often provide information for contacting the author.

Web Pages/Internet  
Content

Often the copyright information for Web pages will be at the bottom of the page or provided under the "Terms and Conditions" link. For an example, see Yahoo's page at [www.yahoo.com](http://www.yahoo.com). This particular page also provides a link for copyright and permissions information.

Personal Letters

When attempting to locate the copyright owner of personal letters, keep in mind that in most cases, the copyright owner is the writer of the letter—not the recipient or owner of the physical letter. If the letter has not been published, contact the writer of the letter. If the writer of the letter is deceased, the copyright will have transferred to his or her estate.

Photos

You may need to send out several requests in order to get permission to use a photograph. More often than not, photograph copyrights will be retained by the photographer and will not be held by the publisher of the book in which the photograph appeared. Check the credit line for the photograph, and contact the photographer or credited institution. When using photos of individuals, be sure to additionally secure a visual likeness release from all identifiable subjects in the photo, using the [Corwin Press Visual Likeness Release Form](#). If the subjects are minors, their legal guardians will need to provide the release.

Artwork

Contact the creator of the work for permission. If the creator is deceased, then contact the person's heirs.

***Finding the right copyright holder—a word of caution:*** Make sure that the material you want to use (such as a photograph or chart) was not used by permission in the work in which you found it. To determine whether copyright to the material is held by someone other than the publisher of the work, check the credit line cited under the table/figure/photograph or in a footnote. Sometimes the credit will be given in the back of the book on a credit page.

## Preparing the Permissions Request

For each item that requires permission, you will need to complete a permission request form. Whenever possible, use the request form provided by Corwin Press in these guidelines, as it will ensure that you receive the necessary rights for all editions, formats, media, and supplementary material, as needed for the optimal distribution and marketing of your work. Although it's always best to use the Corwin permission request form/s, some publishers insist that you use their permission request forms. If so, you can usually apply for permission on the publisher's Web site.

If you apply for permission through the publisher's Web site, or the copyright holder requires you to use their own permission form, be sure to carefully review the terms of their agreement. Check with your Editorial Team to ensure that it includes the necessary rights. Also note that in many cases, you may have to sign and return the permission letter, and possibly pay the permission fee, before final approval is granted.

If you submit your request by fax or via U.S. postal service, be sure to keep a copy of your request letter and material for your own records.

If you intend to adapt or change a particular item, most copyright holders will need to view a photocopy of your adaptation. Please include this with your request.

Label each permissions letter with a description of the material it relates to (including chapter number) so that you can quickly identify approved permissions that you receive.

Requesting  
Permission Through  
the CCC

You may wish to process your requests for permission through the Web site of the Copyright Clearance Center (the "CCC"), located at [www.copyright.com](http://www.copyright.com). The CCC represents millions of published works and may be able to provide an instant response to your request.

## Managing the Responses to your Requests

The different responses you may receive after requesting permission are addressed below. Be sure to track the responses on your Permissions Log as you receive them so that you know when permission for an item is complete and when additional action is required to complete the process.

Permission Is  
Granted

Update the Permissions Log with thorough and complete information for each permission grant.

Be sure to note all rights, consideration, and use restrictions specified by the grantor.

Keep a copy of all permissions agreements for your own records, and submit the original agreements to Corwin Press with your Final Manuscript.

Make sure that permission agreements forwarded to Corwin Press are clearly labeled, and state the material the permission agreement relates to. These should match your Permissions Log.

Credit Lines

It is very important to note any credit lines required by the rights holders. You should include this credit on the Permissions Log exactly as noted on the permission letter, so that it may be accurately included in the printed book. If no particular credit line is requested, then a standard credit line formatted to meet the style of your work (Chicago, MLA, APA) may be created by the Corwin Press Production Department.

Notification of  
Transfer of  
Copyright

If you are notified that the copyright to the material you want to use has been transferred to another party, then you will need to begin the request process again with the new copyright holder.

What If the Fees Are  
Too High?

If the copyright holder requests a fee that you feel is too high, consider asking to negotiate a lower fee. If you cannot negotiate a lower fee, your other options include finding alternate material, paraphrasing the material, or dropping the material. Keep in mind that if you choose to use alternate material, you may need to renew the permissions process, which could delay the production schedule of your work.

Complimentary  
Copies

Some copyright holders may ask for complimentary copies of your work. Note how many copies of the work are required on the Permissions Log. Corwin Press will fulfill this requirement upon publication of your work.

Permission Is  
Denied

If permission has been denied, you cannot use the material in your work. You should always plan for alternative material in case this happens.

Additional  
Permission Is  
Required

If the publisher's permission is conditional on obtaining permission from the author or other parties, you must do so. The grant is not valid without this. Repeat the process you followed when sending the original request to the publisher.

What If Permission  
Is Granted  
Verbally?

We **cannot** accept verbal permission. Permission must be granted in writing so that we have complete records for your work.

## Unanswered Requests

Track All  
Attempts to Find  
Copyright Holder  
Information

At times you will not be able to get a response or locate the copyright holder. Maintain records of each attempt you make to contact the copyright holder on your Permissions Log, including the date of contact and the means (e.g., telephone, mail, e-mail, fax).

If You Are Unable  
to Locate the  
Copyright Holder

Record that you have been unable to make contact with the copyright holder and contact your Editorial Team as soon as possible about a delay in response. They and the Corwin Press Permissions staff can assist with these situations. Keep in mind that if the copyright holder cannot be located for any material, the material will likely need to be dropped.

## Permissions Completed

Double Check  
Your Log Against  
the Agreements

You should have applied for any needed permissions with the aim of having all permissions in hand when submitting your final manuscript in order to avoid delays in your work's production. The final complete Permissions Log and any labeled permission agreements should be provided to the Publisher together with your final manuscript. Any outstanding and forthcoming permission agreements should be promptly forwarded to your editorial team.

Since you have been keeping track of the permission agreements as they come in on your Permissions Log, double check the log against the letters to make sure you are providing your Editorial Team and the Permissions Department with accurate and complete information. This will ensure that the permissions process will not hold up the production schedule of your work due to any confusion or questions regarding rights.

Prior to  
Submitting  
Permissions Log

Prior to submitting Permissions Log together with your final manuscript see Permissions Checklist under section "The Permission Log and Sample Forms" section of these guidelines.

## Copyright

**C**opyright law is complex and extends protection to an author's original works without regard to the media in which it is created—books and other publications, audio and visual recordings, broadcast and news media, films, software programs, CD-ROMs, the Internet—whether or not they are published.

We intend to provide you with a brief overview of U.S. copyright law in the way that it may directly apply to you. This is not an exhaustive explanation of copyright law, but an introduction intending to provide a better understanding of the permissions requirements and process as a whole.

### What, When, and Why of Copyright

Written permission must be obtained for use of all copyrighted material that does not fall under the “Fair Use” exception of the copyright law. Works not protected by copyright are in the public domain and may be used freely.

**What:** Copyright protects original works of authorship fixed in any tangible form of expression. Facts and ideas are not copyrightable.

**When:** Copyright comes into existence when a work is created in a tangible form for the first time. It does not need to be published or registered to be protected. Copyright in works published in the United States before 1923 has expired, and those works are now in the public domain. A work published after January 1, 1978, is protected by copyright for the life of the author, plus 70 years. Works created and published before January 1, 1978, have several different possibilities. Please refer to the table below. This will allow you to calculate whether the work you desire to use is still protected under the copyright law.

## Length of Copyright Term Table

Work Created/Published	Length of Term
Published on or before December 31, 1922	Expired (Public Domain)
Published between 1923 and 1963	If original term of copyright was renewed, 67 years. If not - in public domain.
Published between 1964 and 1977	28 years for first term plus 67-year extension for second term
Created before 1/01/1978 but not published	Life of creator plus 70 years or 12/31/02, whichever is greater
Created before 1/01/1978, but published after 1/01/1978 and before 12/31/02	Life of creator plus 70 years or 12/31/2047, whichever is greater
Created on or after January 1, 1978	Life of author + 70 years

**Why:** The purpose of copyright protection is to promote the progress of the arts by giving authors the exclusive right to their works for a limited time, that is, to give authors an incentive to create. This is a well-established concept and is, in fact, stated in the U.S. Constitution. Copyright protects both you, as an author of an original work, and the authors of works you are using in your own manuscript. Copyright gives the owner the exclusive right to reproduce and distribute copies of his or her work, adapt or revise his or her work for any purpose, and publicly display or perform his or her work, with certain limitations as specified by the U.S. copyright law. Ensuring the appropriate treatment of intellectual property rights is why the permissions process is integral to the completion of your manuscript.

## Public Domain

Works are in the public domain if they have never been or are no longer protected by copyright. Nearly all works created by employees of the U.S. government (but not state governments) are excluded from copyright protection by law and are in the public domain (see itemized list below for specific information on government works).

It is a myth that content found on the Internet is more likely to be in the public domain. Assume that the content you find online is copyrighted unless it expressly is identified as being in the public domain. The content or even the Web page itself will often be copyrighted. See the bottom of the Web page for copyright notice, often under “Terms and Conditions.”

A work does not become public domain because it is no longer in print—standard copyright guidelines still apply. The rights may have reverted back to the author from the publisher, but the work will continue to be protected until the specified amount of time of copyright protection has expired.

## Fair Use

### What Is Fair Use?

The fair use doctrine is a limitation on the exclusive rights of the copyright owner. It provides an equitable means for allowing others to use the owner's copyrighted material without permission but only applies under certain circumstances. Congress' purpose in carving out the fair use doctrine was to promote the creation of works that would benefit society, that might otherwise be discouraged if copyright were necessary. Fair Use is generally applied to uses deemed to serve the public interest, such as the free dissemination of information, the public's right to be informed, and the expansion of scholarship and research by building on the work of predecessors (e.g., criticism, commentary, news reporting, teaching, scholarship, or research).

There are no absolutes in determining whether a use is a "Fair Use," but it is a determination based on several factors and is always made on a case-by-case basis. The ultimate determination of Fair Use can only be made by a court, but authors and publishers have to make informed decisions using the same criteria that would be employed by a judge.

After considering the Fair Use factors explained below, if you believe that your use of copyrighted material falls under the fair use doctrine, then you do not need to obtain written permission from copyright owner(s) of the work.

### What Are the Fair Use Standards?

Four factors are weighed to determine whether use of content is a fair use, as follows:

1. The purpose and character of your use of the material. This is often considered the most important factor. Among the things considered are whether your work is a work of scholarship, criticism, or research. Does your use add something new or transform the material in some way? Does it add commentary or analysis? Is it used for a different purpose or manner than the original (this is referred to as "transformative" use)? These uses would all favor Fair Use. Merely reproducing the material for the same purpose as in the original works against Fair Use.
2. The nature of the source work. (Is it a creative work or scholarly, fiction or nonfiction? Is it published or unpublished? Fair Use is favored if the source work is a published, nonfiction work.)
3. The amount and substantiality of the portion used in relation to the source work as a whole. (Also, does the portion used reflect the "heart of the work" of the source work?)
4. The effect of the use on the potential market for the source work. (Will using it affect the potential market and income for the source work or serve as a substitute?)

The use for criticism, comment, scholarship, and research are the most important public policy considerations underlying the Fair Use doctrine. Fair Use determination means you don't need written permission, but correct attribution is still required.

Facts and ideas are not copyrightable. Remember, it is the author's expression of a fact or idea that is protected by copyright.

Here are two sites that offer "Fair Use Analysis Worksheets" that may be of assistance:

<http://www.lib.umn.edu/copyright/checklist.phtml>  
<http://www.lib.umn.edu/copyright/FU-checklist.pdf>

How Does Corwin  
Press Determine  
Fair Use?

Word count is often used by publishers for the complicated task of Fair Use analysis. However, the purpose and nature of the use is a more reliable indicator of probable Fair Use than word count or other quantitative evaluation. For example, the 350/550 words from a journal or book should serve only as a general alert to evaluate Fair Use and would be more applicable for weighing use in a book than use in a journal article. Consideration must always be given to the length of the whole in not only the original work but also the new work. Does the use constitute the "heart" of the work?

The use **must be** "transformative" and productive, and it must employ the quoted matter in a different manner or for a different purpose from the original. A quotation of copyrighted material that merely repackages or republishes the original is unlikely to pass the test of Fair Use and would simply "**supersede the objects**" of the original. The quoted matter should be used as raw material, transformed in the creation of new information, new aesthetics, new insights, and understandings. Transformative uses may include criticizing or analyzing the quoted work, exposing the character of the original author, proving a fact, or summarizing an idea argued in the original in order to defend or rebut it. It may also include innumerable other uses.

Is There Material That  
CANNOT Be Used  
Under the Fair Use  
Standards?

See the itemized list of material for specific information located in Part 3 of this document.

Credit

Even if you determine that the material you are going to use does not need permission and falls under “Fair Use,” *it is essential that you acknowledge the source with appropriate credit.*

If You Are Not Sure  
Whether Your Use  
Constitutes Fair  
Use

If you are not sure whether your use constitutes Fair Use, consult with your Editorial Team for help in making a determination.

## Identifying Material That Requires Permission

Listed below are the different types of material for which Corwin Press requires you to obtain permission, unless the specific material you would like to use falls under the Fair Use standards.

### Itemized List of Materials

Corwin Press requires written permission from the current copyright holder to reprint or adapt the following copyrighted materials, unless the use can reasonably fall under “Fair Use” (see Part 2 for more information regarding “Fair Use”):

Anthology  
Chapters

See “Journal Articles.”

Artistic or Highly  
Creative Works

In addition to “poetry” or “lyrics” and “photos” listed below, paintings, sculpture, fiction, images, line art, and famous faces/body parts (models) require permission unless used under Fair Use. Fair Use exceptions may be made when the material is analyzed or commented on within your work. Permission fees for these works tend to run high.

Author Previously  
Published Content

If you are reusing a portion of a previously published work you authored, then you may already have permission to include this material. Check your copyright agreement with the original publisher in order to confirm whether you retained this right. If not, you will need to contact the original publisher or current copyright owner for permission.

Book Excerpts

Evaluate the substance of the material used rather than the word count. The general guide of more than 550 cumulative words from a single full-length book

has been used. However, consideration must be given to the portion used in relation to the whole in not only the original work but also the new work. Is the “heart” of the material being used? Has the new material been presented or quoted in a different manner or for a different purpose from the original?

Clip Art                      Clip art is often available on the Internet, but as with all other Internet content, that does not mean it is in the public domain or free to use. Be sure that any clip art you use is from a source that states it is free to be used in a published work. If this is not stated, you must obtain permission.

Figures or Tables              Any table or figure reproduced verbatim requires permission. Tables or figures that you have significantly transformed or adapted in order to advance knowledge may not require permission but are subject to evaluation by Corwin Press.

The data in the figures and tables are not copyrightable. It is the creative expression, arrangement, and analysis of the data that is protected by copyright. If you are using only the data and the format or analysis is not being used by you, permission is not needed.

Note: In this instance, *transformed* means that new material has been added to the original work to extend or expand an idea and does not include merely editing down or rearranging the work.

Government Publications              Most **federal** government publications do not require permission; however, do not assume that none do. Works *by* the federal government are in the public domain, while works prepared *for* the government by someone else frequently are not.

You must seek permission from all nonfederal government agencies in order to quote from any of their printed materials. This includes many state, city, and local governing boards such as school districts.

Internet/Web Sites              As with any other copyrightable material, reprinting Internet or Web materials requires permission unless a particular use can be qualified as a Fair Use. Just because something is on the Internet doesn’t mean it is in the public domain. Check the Web site for any copyright statements, usually at the bottom of the Web page as “Terms and Conditions.”

Interviews                      If you cannot secure a release, depending on the nature of the interview and whether you will identify the participants in your work, Corwin Press reserves the right to exclude or otherwise protect the identities of individuals or entities as necessary. If you are reprinting an interview from another source, you must obtain permission from the copyright holder.

Journal Articles or Anthology Chapters              Complete journal articles or chapters need permission. Short excerpts may fall under “Fair Use.” Lengthy excerpts may need permission. The general guide of more than 350 cumulative words from a single article or chapter has been used to measure whether permission is needed, but it is not definitive. Yet again, consideration must be given to the portion used in relation to the whole of not only the original work but also the new work. Is the “heart” of the material being used? Again, there is no legal basis for determining Fair Use based on the number of

words used. If the new work includes an entire article or anthology chapter that has been previously published, permission must be granted by the copyright holder. Because it is frequently a condition that the chapter appears as it was published and not altered in any way, the permission request should specify whether there is any intention to adapt or edit the work.

Newspaper or Magazine

Two or more sentences may be used as a guide for determining whether permission is needed to use trade or news material. However, to qualify for a Fair Use exception, your use should constitute analysis or criticism of the content and not “replace” or “pad” the new work. Rights to the individual components of an article (e.g., photos, charts, etc.) may be held separately.

If mastheads, photos, captions, or logos are to be included, these should be included in the request. (Regarding mastheads, logos, and other trademarks, please note that their use is governed by trademark law, not copyright law. Under trademark law, one may fairly use another’s trademark to describe the goods bearing the trademark.)

Personal Letters

Permission is needed for using personal letters or other documents, especially if the document is unpublished. The recipient owns the letter, but generally the author of the letter retains the copyright. If the copyright holder/creator of the letter is deceased, copyright transfers to his or her heirs.

Paraphrased or Summarized Material

If you do not use a close paraphrase or a direct quotation, you do not need to obtain permission. Be sure to clearly give due credit of the source you are paraphrasing. Keep in mind that if you are paraphrasing extensively or paraphrasing the “heart” of the work, you may need to seek permission, especially if the paraphrased material is not being used for critical or analytical purposes.

Patient Information and/or Images

A breach of privacy can occur if a patient is identifiable from a published photograph, image, or details from a referenced case report. It is the author’s responsibility to obtain an informed patient consent where necessary.

Photos

In addition to permission from the copyright owner (usually the photographer) of the photo, a signed release is required from the subject if it is an identifiable person and the photograph was taken under circumstances where the person had a reasonable expectation of privacy or if the subject is a professional model. Photos of minors require release from parents or guardians. Please use the Corwin Press Visual Likeness Release Form (also available in electronic format from your Editorial Team).

Poetry or Lyrics

Any amount used, especially when used for effect rather than analysis, requires permission. Fees for this material may be high.

Second Edition

If you are writing a revised edition and plan to use the same copyrighted materials as in the first edition, chances are you will need to get permission again. Usually permission is granted for only one edition, and you will need to reapply for future editions.

Speeches	Other than political or campaign, speeches that have been fixed in a tangible form require permission. (Transcription or recodation into tangible form is difficult to determine; therefore, it should be assumed that the speech has been recorded.)
Unpublished Works	Permission is needed prior to use of any unpublished works. The creator of the work should have control over the first publication of the material.
Works Created by Students	Works created by students need written permission from the students. Materials created by individuals younger than 18 years of age require written permission from the students' parents or legal guardians. Unpublished works need permission—for example, in the case of using a student's dissertation.

## Other Concerns

This section describes some important legal considerations you must keep in mind as you prepare your manuscript. Plagiarism, Defamation, and Privacy Rights discussed in this section are serious offenses that will, if not avoided, delay and possibly cease the publication of your manuscript. Please familiarize yourself with these terms to avoid any such delay. Please see the [Plagiarism, Defamation, and Privacy Rights Quick-Guide](#) attached for your easy reference.

### Plagiarism

What Is  
Plagiarism?

Plagiarism is the intentional or unintentional use of another person's expression or ideas in your writing without properly crediting the source. Plagiarism covers a wide range of abuses, from the omission of quotation marks when directly quoting a few sentences from a source, to paraphrasing source material without citation, to falsely assuming authorship by wholly expropriating another's work and passing it off as one's own. In addition to writings, tables, charts, and other graphics, plagiarism extends to the use without attribution of another's concepts, theories, interpretations, observations, hypotheses, research findings, data, notes, study models, and the organization or logic of another's argument. Whatever the form, the effect of plagiarism is to give the impression that you have written or thought something that you have, in fact, borrowed from someone else.

What Are the  
Consequences of  
Plagiarism?

Universities and professional licensing bodies have the legal authority to investigate, determine, and punish plagiarism. Censure, suspension, fines, dismissal from employment, and revocation of a degree or professional license, even years after the plagiarism was committed, are penalties that can be imposed for plagiarism and that, in general, have been upheld by the courts. In addition, an author whose work has been plagiarized may be able to obtain remedy through the courts.

How Can  
Plagiarism Be  
Avoided?

Plagiarism can be avoided by providing appropriate citations whenever you use any of the following:

- Direct quotations
- Borrowed ideas
- Paraphrases and summaries—When paraphrasing, use your own original sentence structure and word choice. If your own sentences parallel the source so

closely that the result is really closer to quotation than to paraphrase, it is plagiarism, even if you have cited the source.

- Facts that are not common knowledge (i.e., other than general information or standard information of your discipline)

## Defamation and Injurious Falsehood

An essential element in meeting the highest scholarly standards is the absence of any defamatory material in the work. Authors can be sued for money damages. Defending against an allegation of defamation is both time-consuming and expensive, may cause delays in publishing the work or the withdrawing of copies already published, and, ultimately, may result in the imposition of monetary damages. To assist its authors in meeting such standards, Corwin Press is providing some basic principles relating to defamation and the closely related law of injurious falsehood. The fundamental principle that should be followed is to ensure that all statements in your work purporting to be facts are true and that the truth can be demonstrated by reference to source material or other justification.

What Is  
Defamation?

A false statement of fact is defamatory if it tends to harm the reputation of an individual or business entity by exposure to contempt or ridicule, lowering the estimation of the community, or deterring others from associating or dealing with the defamed individual or entity. When the defamatory statement is published in writing or other permanent form, it is libel; when published orally, it is slander.

What Is Injurious  
Falsehood?

Derogatory false assertions about business entities that are harmful without being defamatory are generally termed *injurious falsehoods*. One form is the false disparagement of the quality of a product or service, which is referred to variously as trade libel, commercial disparagement, product disparagement, product defamation, and slander of goods. Injurious falsehood is of particular relevance to researchers and scholarly authors whose work involves matters of public concern—for example, the environment, food and nutrition, public health—and who may report harm, or potential harm, to the public caused by particular products or certain corporate business practices.

If you have any question whatsoever about material in your work, talk with your Acquisitions Editor. Keep in mind that courts do not accept ignorance of the laws as a defense. Corwin Press counts on you to omit any defamatory material from your work, and by signing your contract, you have agreed to do so.

## Privacy Rights

Public Disclosure  
of Private Facts

This type of invasion occurs when truthful private or embarrassing facts are revealed about an individual without relation to a legitimate public concern. This includes information about a person's private sexual conduct, medical condition, criminal record, finances, or educational records. Unless there is a related public interest or if the material is newsworthy, revealing such facts may be actionable. The social value of the material disclosed and whether such material is

newsworthy plays a greater role with respect to disclosure of private facts about public figures and public officials.

False Light

A false light claim can arise anytime you unflatteringly portray—in words or pictures—a person as something that he or she is not. A typical "false light" problem can arise where a misleading caption is published with a photo (for example, a caption describes a bystander at an unlawful demonstration as a "participant"). False light invasion of privacy occurs when information is published about a person that is false or places the person in a false light, is highly offensive to a reasonable person, and is published with knowledge or in reckless disregard of whether the information was false or would place the person in a false light. False light includes embellishment (false material added, which places someone in a false light), distortion (the arrangement of materials or photographs to give a false impression), and fictionalization (works of fiction containing disguised characters that represent real people or references to real people in fictitious articles).

Intrusion Upon Seclusion

Privacy is invaded when one intentionally intrudes, physically or otherwise, upon a person's solitude or into his or her private area or affairs. Intrusion is a claim often based on the act of news gathering. It occurs when information about a person is gathered in a place where that person has a reasonable right to expect privacy—for example, by spying on the person at home, secretly eavesdropping on telephone conversations, or opening the person's mail. It may involve the wrongful use of tape recorders, cameras, or other intrusive equipment.

Misappropriation of Name or Likeness/Right of Publicity

Misappropriation is the unauthorized use of a person's name, photograph, likeness, voice, or endorsement to promote the sale of a commercial product or service. Some states recognize a right of publicity, which protects a celebrity's commercial interest in the exploitation of his or her name or likeness. In some jurisdictions, this right may descend to heirs or be assigned to others after the person's death.

## The Permission Log and Sample Forms

The following pages include a permissions checklist, blank and sample permission logs, which have been discussed in detail throughout the guidelines, as well as sample permission request forms and visual release forms.

Electronic versions of the permissions log and the permission request forms, as well as checklist may be downloaded from the Corwin Press website at: [www.corwinpress.com](http://www.corwinpress.com) under “Publish with Corwin Press” and “Corwin Press Manuscript Guidelines” link.

## PERMISSIONS CHECKLIST

Before forwarding your permission log to Corwin Press, please review the following checklist, and check the applicable boxes. Please note that applying for permissions can be a lengthy process, and all permissions should be requested at least 2 – 3 months prior to your Final Manuscript due date.

### **Draft Manuscript and Log**

#### **1. Permission Required** (check one of the following two options):

- I have listed all third party material (photographs, tables, illustrations and other items) and all photographs for which I hold copyright on the Permissions log, completing at least the first 4 columns of information. [If you check this box, please go to question 2 and complete the rest of the checklist].

**OR**

- No third party material or photographs of identifiable people are used in my work. All material is my original work to which I own copyright and no permission is needed from third parties. [If you check this box, your checklist is complete]

#### **2. Fair Use and Public Domain**

- I have listed all third-party material included in the book that I believe is either Fair Use or Public Domain, and have provided an explanation in the Comments section. Corwin Press's permissions department will review these items.

#### **3. Permission Requested**

- I have requested permission from the copyright holder/s of any third-party content I'm using and have indicated the request date on the permissions log. I have requested permission for both print and electronic media.
- I have requested a "Visual likeness release" from all identifiable people and/or their legal guardians to use their images/photographs, and have noted the request date on the log.
- Upon receipt of permission agreement/s I have labeled each permission agreement according to the Permissions Log. For example: Chapter 1, Figure 1.4.

### **Final Draft and Log**

- Any permission agreements I have received have been signed and fees paid for. I have made copies, and sent signed agreements and payments (where requested) to the rights holder.
- I have listed on the log any credit lines required by rights holders as stated in the permission agreements.
- I have completed the Permissions log with the information I have received to date. I have labeled all permission agreements received with the item it is for. I am forwarding a signed and completed Permissions Log, as well as any original hardcopies of permission agreements to my Corwin Press editorial team. I will promptly forward any additional agreements received to my editorial assistant.
- I have kept a copy of each permission agreement for my own files, for future reference or in the case of future editions.

# Permissions Log (Template)

Author: [\[click HERE and enter Author Name\]](#) Title: [\[click HERE and enter Title of Book\]](#) Updated by: [\[click HERE & enter Name\]](#)

Last updated: [\[click HERE and enter Date of Most Recent Revision\]](#)

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A complete permissions log (all columns filled out) should be submitted to your Editorial Team when you submit your final manuscript. Please remember that in accordance with your author agreement, you have represented and warranted that you will identify and obtain all necessary permissions needed for the manuscript. You have also agreed to notify us of any material added during later revisions of your manuscript that may require permission. Please note that for all original photographs including identifiable persons, you must obtain a visual likeness waiver from each identifiable person.

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# Permissions Log—Sample **First** Draft Manuscript (Permissions Log Number 1)

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**Title:** Behavioral Learning

**Updated by:** Jane Doe

**Last updated:** 10/1/08

**Manuscript status:** Draft  Final

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A complete permissions log (all columns filled out) should be submitted to your Editorial Team when you submit your final manuscript. Please remember that in accordance with your author agreement, you have represented and warranted that you will identify and obtain all necessary permissions needed for the manuscript. You have also agreed to notify us of any material added during later revisions of your manuscript that may require permission. Please note that for all original photographs including identifiable persons, you must obtain a visual likeness waiver from each identifiable person.

All permission request forms, samples, as well as detailed Permissions & Copyright guidelines can be found on the Corwin website at <http://www.corwinpress.com/authorPermissions.sp>.

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2	Table 2.1 Storying stories.	“Storying stories: a narrative approach to in-depth interview conversations” by McCormick, C., in <i>International Journal of Social Research Methodology</i> , v. 7(3)	Taylor & Francis	6/1/07						

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2	Table 2.2 Results of student survey	Author adapted from table "Students of NY Public Schools, 1976" originally published in <i>Time</i> magazine, September 1982 issue, p. 46 (see photocopy attached).		NA					Fair Use—no permission needed because of author adaptation and analysis in text	
13	Case Study "Trauma and Childhood Memories." By Dr. Brenda Hanson, p. 400	"Trauma and Childhood Memories." Dr. Brenda Hanson.	Brenda Hanson	7/13/07						
13	Reading, p. 400 Preves, Sharon E. 2003. "Beyond pink and blue" in <i>Intersex and Identity</i> by Sharon Preves.	Preves, S. E. <i>Intersex and Identity: The Contested Self. 2003</i>	Rutgers University Press	5/29/07						
13	Full article Interview with Emily (fictitious name) from <i>Irish Journal of Women's Studies</i> , 2000	Interview with Emily (fictitious name) from <i>Irish Journal of Women's Studies</i> , 2000.	Cork University Press	6/15/2007						
13	Taped conversation, p. 475	Murphy's taped conversations (Travis).	Shaun Murphy	6/22/2007						
17	Margaret poem "This is our life" p. 480	"This is our life" in <i>European Journal of Psychotherapy, Counselling and Health</i> , 3(3) 389. Routledge (Taylor & Francis) by McLeod & Lynch (2000)	Routledge Taylor & Francis	6/27/07						

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2	Table 2.2 Results of student survey	Author adapted from table "Students of NY Public Schools, 1976" originally published in <i>Time</i> magazine, September 1982 issue, p. 46.	NA	NA	No perm. nd.	No restrictions	No restrictions	0	Fair Use—no permission needed because of author adaptation and analysis in text	Need to credit the original source.
13	Case Study "Trauma and Childhood Memories." By Dr. Brenda Hanson, p. 400	"Trauma and Childhood Memories." Dr. Brenda Hanson.	Brenda Hanson	7/13/07	8/1/07	All editions. World rights.	No restrictions.	No fee. 3 comp. copies.	e-mailed <a href="mailto:bhanson@aol.com">bhanson@aol.com</a>	"Trauma and Childhood Memories," by Dr. Brenda Hanson.
13	Reading, p. 400 Preves, Sharon E. 2003. "Beyond pink and blue" in <i>Intersex and Identity</i> by Sharon Preves.	Preves, S. E. <i>Intersex and Identity: The Contested Self</i> . 2003	Rutgers University Press	5/29/07	8/1/07	1/e. World Rights.	E-book rights.	\$1030. 2 comp. copies	Contacted <a href="mailto:marlie@rutgers.edu">marlie@rutgers.edu</a>	From Preves, S. E. <i>Intersex and Identity: The Contested Self</i> . Copyright © 2003 by Sharon E. Preves. Reprinted by permission of Rutgers University Press.
13	Full article Interview with Emily (fictitious name) from <i>Irish Journal of Women's Studies</i> , 2000	Interview with Emily (fictitious name) from <i>Irish Journal of Women's Studies</i> , 2000.	Cork University Press	6/15/2007	7/10/2007	1/e. World rights	E-rights granted.	\$375.		From Interview with Emily (fictitious name) from <i>Irish Journal of Women's Studies</i> , 2000.
13	Taped conversation, p. 475	Murphy's taped conversations (Travis).	Shaun Murphy	6/22/2007	6/26/07	All editions,. World Rights	No restrictions	0		Reprinted with permission of Shaun Murphy
17	Margaret poem "This is our life" p. 480	"This is our life" in <i>European Journal of Psychotherapy, counselling and health</i> , 3(3) 389. Routledge (Taylor & Francis) by McLeod & Lynch (2000)	Routledge , Taylor & Francis	6/27/07	7/27/07	1/e. World rights	E-rights granted.	\$250		McLeod, C. & Lynch, M.D. (2000). This is our life. <i>European Journal of Psychotherapy, counselling and health</i> , 3(3) 389. Copyright © Routledge, Taylor & Francis. All rights reserved.

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Author/Editor: **McCormick, C.**

Volume/Issue: **v. 7(3)**

Title of Selection: **Storying stories: a narrative approach to in-depth interview conversations**

Type of Excerpt: **Table – Storying Stores, p. 67**

Excerpt length: **1 Table**

This material is to appear in my forthcoming book:

Title: **Story Telling with Children K-12**

Authored/Edited by: **Tanya Smith & Jay White**

to be published by: **Corwin Press**

- Scheduled Publication Date: **12/7/2008**
- Estimated Page Length: **475 pages**
- Initial Print Run: **4700**
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Signature\_\_\_\_\_

Signature of Legal Guardian for\_\_\_\_\_

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