# COPYRIGHT AND PERMISSIONS

**•** Any written or visual work is copyright upon its creation and in the name of the creator.

• The standard is that the work, **whether published or unpublished**, is copyright for the life of the creator, plus 75 years. This is the law in the United States. International copyright law is covered by treaty. If you are considering using a modern foreign document, you should consult the RTTP Publications Director.

• When copyright expires, the work is said to be in the “public domain” and may be quoted or used freely with proper attribution. For instance, anything written by Mark Twain is now in the public domain.

* An exception to the rule above is works in translation. The date for copyright purposes is the date of the translation. Copyright typically lies with the translator or his or her estate. An alternative, if the underlying work is otherwise in the public domain, is to translate the work yourself or ask a colleague to do so.

• With exceptions, noted below, you must get permission from the copyright holder to use the material in any commercial work. (This includes a book published by a not-for-profit press, such as a university press).

• Some copyright holders will require a fee for permission to use their material. You are responsible for all such fees.

• It is important in preparing your manuscript that you keep a careful, running list from the very beginning of where you got material that you quote or want to use as a core text or images you want to use.

• Though it is a gray area, because L3 games are behind a paywall (members only), it is highly preferable that you have permissions before the game is posted to the RTTP website.

• Though a written work is copyright on creation in the name of the author, standard publishing contracts state that the work will be copyright in the name of the publisher. Unless an author is vigilant and asks that clause be amended, he or she may find the work copyright in the name of the publisher. If that happens, permission must be obtained from the publisher.

• In the case of a visual piece, for instance, a painting, the creator may sell or give away the work to a collector or a museum. The artist, however, retains copyright. Permission to use it may be granted by **either** the artist or the owner. For most photographs you would want to use, the owner can grant permission. If you are uncertain about a particular photograph, contact the RTTP Publications Director.

* An exception to the above rule is if the art was “work for hire.” For instance, the image on the cover of the Norton edition of *Red Clay, 1835* was commissioned by *Reader’s Digest* for a book on Indians. In the case of a work for hire, permission must be granted by the owner.
* There are also print equivalents of work for hire. This might be encyclopedia entries in which the individual author is credited, but the entry was commissioned and paid for by the publisher. Another example is articles in newspapers or magazines (this includes online publications). The copyright is held by newspaper or magazine, not the reporter of writer in the byline.

• In some cases, you can avoid the need for permission if you change the form of the material. This is clearest in the case of scientific, or similar, data.

* For example, in *Chicago, 1968*, the author wanted to use Gallup polling data, but the organization wanted a large fee. Instead, he placed the data in a chart. In effect, he was simply quoting the data and citing to the original source. The authors of the environmental sciences games summarized copyright scientific data in tables.

• Copyright materials are subject to “fair use.” This allows an author to quote a copyright work. How much quoted material constitutes fair use depends upon the use to which it is put and the length of the copyright work.

* For example, if you were making up a course reader, you might be able to include a book chapter or an entire essay. For use in a published work, you could not do this. For a longer work, it is generally safe to use an aggregate of 500 words. If, however, the work quoted is a short newspaper article, fair use would be less.

• If you are considering excerpting a work as a core text, check with the RTTP Publications Director, who will advise and coordinate.

• Fiction and poet enjoy more protection than nonfiction works as to what is fair use. For a novel or a short story, depending upon length, the 500-word rule should still apply. For a poem, you cannot use more than four lines without permission (assuming the poem is longer than that). Some publisher prefer to be safer and will not permit more than two lines without permission. Song lyrics are subject to the same constraints as poetry.

• Some copyright holders are more zealous and demanding in protecting their copyright than others. Disney and the estate of Martin Luther King stand out. The King estate, in particular, seeks to require permission (and payment) for use of Dr. King’s words, whatever the length. This does automatically mean they are correct, but if you want to quote or use material by Dr. King, you should check with the RTTP Publications Director.

• For some works, especially older works, where it is hard to determine or locate the copyright holder, it may be permissible to use the material without permission. This is especially true if you have made a good faith attempt to locate the holder. For instance, you want to include a book chapter from a book published in 1940, and you can neither locate the holder nor determine when he or she died, you are probably safe in using the material. Similarly, if it were an article published in an obscure newspaper that has gone out of business with no successor, you are probably safe. If you are in doubt, check with the RTTP Publications Director.

• Governmental documents, such as laws or speeches in the *Congressional Record* are always in the public domain. This applies to other public documents, such as those of the United Nations. (United Nations treaties or covenants are public domain. Other UN documents may or may not be, but they are still subject to fair use.) It may or may not apply to documents produced by other public groups such as NGOs or labor unions. It is also worth noting that articles read into the *Congressional Record* become public domain. Again, check with the RTTP Publications Director.

• The RTTP Publications Director has a model permissions request letter.