



REQUEST FOR PERMISSION TO REPRODUCE IMAGES & GUIDE

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Request for Permission to Reproduce Images Instructions

Sample Request for Permission to Reproduce Images

1. Overview

Research and writing, whether business, academic, or legal, does not exist in a vacuum. Books and essays often incorporate photographs or other images, not all of which are generated by the author himself. Those images, graphics, photographs, and other content are often copyrighted. With certain exceptions for academic or personal use, U.S. copyright law prohibits the use of this copyrighted material without permission.

Use the enclosed document to ask a copyright holder for permission to reproduce its images. You can provide detailed information about how the images will be used and the extent of their incorporation into your publication. The copyright holder will have sufficient information to make its decision, and you will be well on your way to getting rights to material you need to complete the publication of your work.

2. Dos & Don'ts Checklist

- A copyright is a form of protection provided by federal law to creators of “original works of authorship.” This includes literary, dramatic, musical, and artistic works, both published and unpublished. In other words, copyright protects any form of an idea’s expression, and therefore extends to items like maps, charts, artwork, cartoons, and screen displays. These types of materials must be treated the same way as written material. The author or creator of a copyrighted work can prevent others from copying, performing, or using the work without its consent. Because of this, any third party intending to reproduce a portion of the copyrighted work must first obtain the permission of the copyright holder. Failure to do so could result in a lawsuit and substantial fines.
- Not every use of another person’s copyrighted material will be considered a copyright violation. There is a concept in American copyright law called “fair use,” and it allows third parties to use copyrighted works if that use is for purposes of criticism, comment, news reporting, teaching, scholarship, or research. There are other factors involved in assessing whether unauthorized use is fair use (including the purpose of the use, the nature of the copyrighted work, the amount used, and the effect of the use on the market or value of the copyrighted work), and it’s not always an easy or clear determination. The best practice is to obtain permission from a copyright holder in every context, rather than risk the damages and costs that could result from a lawsuit.
- Another type of material that does not require a user to request permission to republish it is work existing in the public domain. A work in the public domain is not simply a work that is publicly available; rather it is either not currently protected by copyright or it never was protected by it. Public domain works generally fall into one of the following categories:
 - General information (e.g., facts or numbers)
 - Materials created by the U.S. government
 - Items that had copyrights that expired because of time or because the holder didn’t renew the copyright. For example, vintage art produced before 1923 is usually in the public domain.
 - Materials created before 1989 that lacked proper copyright notices

- Provide as much information as possible to the copyright holder. They have the right to deny you the use of their property, and giving a clear picture of how their work will be used may make them more likely to give their consent.
- Consider that if you are using an image that contains embedded images from yet another source, you will be required to obtain permission from the owner of the embedded image as well as from the owner of the larger image.
- Determining who holds the copyright in a given image can be complicated, but there are certain basic steps that can help in most situations. If you are using material initially published in a book, the copyright holder is listed on the page after the title page. If you are using material initially published in a journal or periodical, contact the publisher of the work (which usually owns the copyright in all of that work's contents). Information on the publisher of a journal or periodical can usually be found in the masthead. If you cannot find information on the copyright holder of the image you wish to reproduce or reprint, contact the U.S. Copyright Office or review the archives available on its website (www.copyright.gov).
- Getting commercial rights in a photograph is usually a two-step process. First, you must obtain rights from the copyright holder of the picture. The holder could be the photographer, a stock photo house, or some other company. Second, you must obtain rights for anything in the picture that needs additional clearance (e.g., model release, celebrity permission, trademark rights, etc.).
- As with photographs, getting commercial rights for artwork is also a two-step process. In the first step, you must locate the copyright holder of the art, which is usually the artist or his or her heirs. This is true regardless of who owns the work itself. In the second, if you need to use a photograph or other reproduction of the work in order to reproduce it yourself, you will need to obtain the permission of the owner of the photograph or reproduction. This secondary work has its own copyright, and separate permission is therefore needed.
- If you want to reproduce another company's trademark in your work, you will need to obtain their permission to do so. However, there may be a separate process that the company has in place to request trademark rights. Talk to the company to determine what information they may need from you to process this request.
- It may seem odd, but you can't use your own material if its copyright is owned by your publisher. You'll have to obtain the publisher's permission to reproduce your own work.
- Make your request early in your process to avoid delays in your overall work. If you are submitting a manuscript or work to a journal, periodical, or publisher, you may be required to present evidence of permissions received together with this submission.
- The copyright holder may impose certain conditions on allowing the use of its image. This often includes a requirement that credit be presented in a specific way (e.g., immediately next to the image, using certain language only, etc.). The copyright holder may provide you with a separate Permission to Reproduce Image Agreement that will address these and other conditions and requirements.

- The enclosed document requests permission to reprint the image in one edition or issue of the publication only. Most licenses to use images will only allow the material to be used in one edition or issue. If there is a second or third publication of your work, you will need to obtain additional permissions for each such edition.

3. Request for Permission to Reproduce Images Instructions

1. Select the bracketed phrase that best describes what you are requesting permission to do with the Image(s) (i.e., reproduce, publish, or reproduce and publish). Include the name of the artist, the title of the piece, and the date on which it was created or published. If published, the date should be found in the first few pages of the work in which it first appeared. If applicable, try to provide additional information about the medium in which the work was created (e.g., oil painting, lithograph, etc.) and its approximate dimensions. If there is an ID number available (either through a museum or other organization), feel free to include that as well.
2. Select only one of the two sentences to indicate whether you already have a reproducible copy of the Image(s). If yes, select the first bracketed sentence and include a good copy of the copy that you have in your possession. The Copyright Holder may wish to provide you with a better copy if the one you present is insufficient to represent its work. If you do not already have a copy, select the second bracketed sentence. Select the bracketed word that best describes the format in which you want to receive the copy, or insert your own description into that space.
3. Write in the title of the publication that will reproduce the Image(s). Also include the author, editor, or compiler of the new work, the publisher and its address, and the use to which the Image(s) will be put. This can include a designation of the publication type (e.g., trade edition, paperback, hardback, CD-Rom, DVD, Intranet, magnetic media, etc.) and should include as many details as possible about the new publication. For example, consider providing relevant information about:
 - Publication date
 - Expected retail price
 - Total expected sales (or distribution) for the (edition of) publication
 - No. of pages (entire publication)
 - No. of pages (requested Image(s))
 - No. of printed copies
 - Circulation (e.g., countries, special markets, etc.)
4. There are two options provided and you should choose the one that best characterizes how the reproduced image will be used. If the anticipated use will not be for educational purposes, select the first option. If it will be for educational purposes, use the space provided to explain specifically the academic purpose intended.

5. There are some options in the tagged sentence, and you should customize it to suit the request you are making. If you are asking that the reproduction rights be granted worldwide, include that word. Select the word that best describes the context in which the image will be reproduced or published (i.e., if you are publishing a book, the word 'edition' may be appropriate; if a journal, the word 'volume' might apply). If none of the suggestions seem relevant, describe any other limitations on the type of publication you will be creating.
6. This sentence asks the person or company to which you're directing the letter to confirm that they do, in fact, own the copyright to the requested images (and reproductions). If not, it asks for the name of the real copyright holder(s) so you can direct further requests to the right party.
7. The last paragraph acknowledges that the enclosed document does not constitute permission to use the Images requested. Instead, it is a request for that permission. Other steps need to be taken (and fees paid) before the process is complete.

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Form Sample

REQUEST FOR PERMISSION TO REPRODUCE IMAGES

*[Your Street Address]
[City, State, and Zip Code]*

[Insert Date]

*Copyright Permissions Department
[Publisher's Name]
[Publisher's Company]
[Publisher's Address]
[Publisher's City, State, and Zip Code]*

RE: Request for Permission to Reproduce Image(s)

Dear _____,

I am writing to request permission to [reproduce] *and/or* [publish] _____
below (the "Image(s)"): ❶

Artist:

Title: