

PERMISSION GUIDELINES FOR AUTHORS

WHEN AND HOW TO CLEAR PERMISSIONS FOR THE USE OF THIRD PARTY MATERIAL IN YOUR JOURNAL ARTICLE

Last updated September 2014

Note: The law governing copyright, especially as it refers to non-print media, is far from clear but the following guidance is offered in good faith; of necessity, these guidelines are not comprehensive, but rather a simplification of the law governing copyright. Furthermore, these guidelines are based on English Law only. You should always seek advice when in doubt (contact details will be provided below).

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1 What Rights Do You Need to Obtain?

Seeking permission can sometimes be a protracted process. While we hope this will not be the case for you, we strongly recommend that you begin as early as possible.

Even before you submit your article to the journal, please ensure you that you explore the copyright situation for the material you wish to use in your article, identify any relevant copyright holders, and establish whether you are likely to be able to obtain permissions from them.

When seeking permission to reproduce any kind of third party material in an Oxford Journals publication, please request the following:

- non-exclusive rights to reproduce the material in the specified article and journal published by Oxford Journals, a division of Oxford University Press
- print and electronic rights, ideally for use in any form or medium. If not possible to secure such broad-ranging rights, we do need the right to make the content available online (see below)
- the right to use the material *for the life of the work* (no time-restrictions such as one year etc on the licence granted)
- world-wide English-language rights. If rights for all languages can be secured, this is preferable.
- the right to use images with a resolution of 300 dpi in the PDF version of the journal, or 72 dpi in the HTML version

2 Why Are These Rights Needed?

Oxford Journals are published in both in print and online formats, making them available through a variety of methods of access. By online, we mean the simultaneous publication of the tables of contents, abstracts (where applicable) as well as the full text of the journal in PDF and HTML formats on the Web. The journals are used by individuals and institutions in the format of their choice: print and online; print only or online only. We also sell individual articles to end users either in print or online format, and need to keep an article intact for this purpose. In order for Oxford Journals to maintain consistency in the high quality and content of its journals (regardless of the users preferred format and method of delivery), we need to ensure that we secure ALL of the rights specified above.

3 When Should You Clear Permissions?

You are obliged to clear all necessary permissions prior to publication. We advise that you should begin doing so as early as possible. Copies of each permission should be provided to the editorial office of the journal.

4 What is covered by copyright?/Is it still in copyright?

Terms of copyright in literary, dramatic, artistic and musical works (whether published or not) depend both on (a) when and where the work was first published; (b) if and when the author has died, and (c) the residence and nationality of the author. The rules are complicated, but the general rule is:

- copyright expires 70 years after the end of the calendar year in which the author died;
- if a work was unpublished (and this term has a broad meaning including public performance and broadcasting) at the date of the author's death, then the period of copyright protection will be the longer of:
 - 70 years after the end of the calendar year in which the author died; or
 - 50 years after the end of the calendar year in which the work was first published (in the case of works first published before 1 August 1989) and 50 years from 1 January 1990 (in the case of works first published after 1 August 1989)

In the case of an unpublished document you will need to seek permission from the owner of the document as well as the owner of any copyright in the document.

5 Do I Get Permission?

Make sure you do not apply for permission when you do not actually need it! There is one important circumstance under which permission is not required, and you should consider carefully whether it applies in your case. Please also check section 7.5 below.

5.1 Fair Dealing' (UK) and 'Fair Use' (US)

'Fair use' is part of the legal framework in the US, allowing the use of short extracts without the need for permission. In the UK, however, we have 'fair dealing' which is very different: it is not part of copyright law, and is a much weaker provision.

Under 'fair dealing' there are specific instances in which copyright material may be used without seeking formal permission from the copyright holder/publisher. UK law permits fair dealing with certain types of copyright material for the purposes of research (non-commercial) and private study, criticism or review, or the reporting of current events. Such use will not infringe any copyright in the material provided that it is accompanied by a sufficient acknowledgement. The use must be 'fair'. What constitutes fair dealing or fair use requires a case-by-case analysis, and needs to be determined in a fair-minded and honest manner. To help assess whether material falls within the fair dealing guidelines the following considerations should be made:

- The extent to which the use competes with exploitation of the copyright work by the owner. For example, would it be seen as an acceptable substitute to the buying public?

- Is the work unpublished? You cannot rely on fair dealing for the purpose of criticism or review if the material is unpublished
- How much of the original work are you using and the significance or importance of those extracts. There are no word-number rules that can be safely applied. As with the assessment of substantial use, whether or not such use is fair will depend on the situation (including, but not limited to, the length of the material) from which the material is taken as well as the significance or importance of the material concerned. Short works such as poems and song lyrics are treated as individual works.
- Is the material truly being used in the way claimed? For example, is it really being critiqued or reviewed or simply reproduced?
- What is the purpose of the use? Was the use really necessary to make the point in question or could less have been used?

Be aware of the difference between using content inside the book and on the cover. For example, if a quote is being used on the cover it won't be covered under fair dealing as it is not being used for criticism or review, and will therefore always require permission.

In the UK 'fair dealing' terms can vary widely: some publishers display the criteria they apply for 'fair dealing' on their websites, and this can be a useful starting point. Please bear in mind that it may take several weeks to clear permission, if it is needed. Rights holders may also demand to read and/or approve the text before publication.

All extracts should be acknowledged.

If you have any queries about the fair dealing/fair use provisions, please seek further advice.

5.2 Figures

Fair dealing and fair use provisions do not apply to illustrations or figures in books, since each illustration or figure is treated as a separate copyright item. You will need to obtain permission to reproduce them from the publishers, or where they are credited to third parties, from those third parties.

5.2.1 Images from websites

Websites such as Google Images and Wikimedia Commons offer a large number of images which appear to be freely available for republication. These include, for example, photographs of original works of art which themselves are no longer protected by copyright because their period of copyright has expired.

However, the situation is complicated by the fact that a separate copyright exists in the (modern) digital image, even if the object of the photograph is itself out of copyright.

It is currently unclear whether such photographs can be freely reproduced in new publications, under the terms offered by such websites or by other licences they mention. Currently, the copyright position for such images has not yet been tested in a

UK court of law. Web pages frequently include nothing more than a disclaimer, placing the onus entirely on the publisher to establish whether anyone controls rights in that particular digital image, and to uncover their identity.

For the moment, therefore, we do not wish to republish in Oxford Journals, images which are obtained from sites such as these if you, as author, are unable to identify the original source of the digital images. We suggest you follow up directly with the rights holder or website owner. We will be happy, of course, to review this position if a UK legal precedent is set in future.

Instead, if the original work is housed in a museum or gallery, most museums now actively license digital images of their own objects, and many even insist that these are the images which are favoured in publications. In these circumstances you would need to apply to them for permission to use a digital image which they provide.

Alternatively, if the images are engravings or prints reproduced from books which are themselves clearly out of copyright, you will need permission from the owner of the physical copy of the book. We understand that it can seem counterintuitive for journal authors/editors to clear permissions when the original work may already be in the public domain. The permission you are seeking, however, relates to the digital image, rather than the original work itself.

We appreciate that this can be a confusing area, particularly for authors outside the UK where copyright regulations may differ, and further advice is available for specific instances.

5.2.2 Web links

Please avoid using links to any images or other material on a website. Although we appreciate the benefits of providing links, we would not be able to monitor whether those links remain 'live' over a period of time, or even whether they might be directing people to a site that was breaching copyright.

Links can be restricted or break down, so they are not an ideal solution over time for providing pointers to content or images. We therefore recommend that instead you locate images which can be made available for publication within the body of your article.

5.2.3 Details from an image

If you wish to use a detail from an image, bear in mind that you will need to make this clear in your request. Most rights holders will want to see a mock-up of the actual detail you plan to use, before they grant you permission to go ahead. This will also apply if you wish to apply text to an image, such as on a journal cover.

5.2.4 Redrawing a figure

If you choose to redraw a figure, the closer your drawing resembles the original, the more careful you will need to be about copyright issues. If you redraw an image without making substantial changes, then the copyright status is unaffected: in other words, if the original figure is protected by copyright, then you will still need permission to publish a redrawn version of the same figure.

5.3 Poetry, lyrics and other material

Poetry publishers and individual poets (or their estates) are understandably very careful about the permissions they authorize from important works.

Our advice therefore is always to check with the publisher or rights holder whether permission will be necessary or not. These are classed as literary works, and they are likely to have at least one level of copyright protection. In the case of lyrics and/or any other material that may be of a particularly high profile, even if you think ‘fair dealing’ may apply, it is best to seek permission as there is often a qualitative value attached to it.

In certain cases they may insist on seeing every intended use of poetry, however brief, so that they can assess for themselves whether fair dealing applies.

5.4 Film stills

See Section 6.7 below for guidance on the use of images from films and television including stills, film clips, posters etc.

5.5 Charts and tables

If a table is taken directly from another publication it will of course need permission. The same is true of a copy or redrawing which incorporates only minor modifications: if permission would have been needed for the original figure, then it will also be needed for a copied or modified version.

However, if you make substantive changes to a chart or table, you may effectively be creating a new copyright and you would not need to clear permission, although we would still recommend alerting the original authors as a courtesy. Unfortunately, there is no legal definition of what constitutes substantive changes, so if you are in any doubt about whether or not you have created a new work, we strongly recommend that you should seek permission anyway.

In all cases, original sources should be fully credited.

5.6 Screenshots from a website

Under certain circumstances, screenshots from a website can be used under ‘fair use’ without seeking permission. As yet there are no fixed rules about this, but the majority of websites will contain some form of copyright or proprietary rights notice. The following may help you determine whether or not permission is required:

- in the text, refer to each image directly for criticism or review
- don’t use more images than you really need
- avoid screenshots containing trademarks, pictures or text which may be themselves protected by copyright
- check any legal notices on the website relating to the use of screenshots
- avoid replicating a large proportion of a single website
- avoid placing screenshots from different sources alongside each other so as to criticize one of them

If you are not sure, check with the editorial office of the journal.

5.7 Music

Some of our journals appear with written music, and with downloadable sound examples for the online versions. You should always seek advice when in doubt, but in essence it is necessary to ensure that clearance is gained for the following:

- reproduction and distribution in printed form of copyright textual or graphic material or music;
- reproduction in electronic form and dissemination online of copyright textual or graphic material or musical or dramatic works;
- reproduction in electronic form and dissemination online of copyright sound material (e.g. a sound recording); and
- reproduction in electronic form and dissemination online of performances of music and/or words (e.g. a song embodied in a sound recording).

While the owner of the rights in a sound recording may also own or control the rights (e.g. of the performer) in the performance recorded, it would be wise to get confirmation of this from that owner when seeking a clearance, and to make it clear that a licence of both categories of rights is being requested.

Finally you must respect the author's moral rights. This means being careful to ensure that the author and source of any material used are identified sufficiently, and that no material used is subjected to any derogatory treatment.

5.7.1 Music Copyright

There is no restriction on the inclusion of non-copyright materials in either the printed or the electronic version of the journal, but be aware that there may be rights in performances of public domain works.

New editions: A new copyright may exist in a new edition of an existing work. If the new edition contains material alterations which suffice to make the totality of the new edition an original work, then the new edition will be a new copyright work. This is so whether or not the existing edition is in the public domain. Copying the existing work will require no consent if it is in the public domain, but that copying must be done from the existing work and not from the new edition. If the existing work is still protected by copyright, then permission for use must be obtained from the rights owner. If the new edition is used and the old edition is still in copyright, permission must be obtained from the owner of the rights in the new edition and, if that owner does not also own the rights in the old edition, from the person who owns the rights in the old edition. Copyright on typography and music setting (engraving) lasts for 25 years from publication.

5.7.2 Sound recordings

In the case of sound recordings, copyright in the recording generally lasts for fifty years from release. Release has a wide meaning and includes broadcast and public performance. That means that you do not need permission to reproduce clips from *original* recordings that were released over 50 years ago; reissues (for instance CD compilations of historical recordings) may however be protected by a new copyright, as will sound recordings which have been remastered or digitally enhanced. Rights of performers performing on sound recordings generally last for the same period as the copyright in the sound recording.

5.7.3 Multiple copyrights

As you will gather from the above, a single publication will have multiple copyrights. For a musical score, these typically include the composer, the editor or arranger (if any), and the music setting; in the case of songs and operas the lyrics or libretto will be copyright, too. The publisher will normally handle all these rights. For a recording there will be a number of separate copyrights relating to the performance but they will usually all be handled by the record company, although it may sometimes be necessary to get separate permission from performers; you should check with the record company. Where the work itself is copyright, however, you will have to obtain permission for that separately from the publisher. Material can be considered out of copyright only if *all* the relevant copyrights have expired.

5.7.4 Transcriptions and ‘diplomatic copies’

Under certain circumstances, ‘diplomatic copies’ or transcriptions of written music can be reproduced without permission.

If you are reproducing an image (even if redrawn) of an original music manuscript, you would normally need permission from the owner, whether or not the item in question is protected by copyright. If you are reproducing a facsimile of the manuscript, permission would therefore be needed.

If, however, in your transcription you have made sufficient changes so as effectively to create a new copyright, then the requirement to clear permission no longer applies. Unfortunately there is no clear legal definition of what might constitute sufficient changes, so this can be difficult to assess.

If you believe that the figures you wish to reproduce might fall into this category, you will need to consider to what extent your copy or transcription reproduces the original manuscript.

Such images should always be published with an acknowledgement for the original source. Clearly, any critical apparatus or other modern material would be protected by copyright in the usual way.

This is a complex topic and further advice is available for specific instances.

6 I need permission, so what do I do?

You need to write to the copyright holder or owner of the rights in the material you want to reproduce:

6.1 Material from books/journals

The best contact, in the first instance, is the original publisher. Even if the author retained the rights to the material, it is likely that the publisher will handle permissions centrally. If not, they will be able to refer you to the appropriate place.

6.2 Photographs

The copyright in all photographs taken after 1 August 1989 will be owned by the photographer, unless there is an agreement to the contrary. For photographs taken between 1 June 1957 and 1 August 1989, the 1956 Copyright Act defined the author as the person who owned the material on which the photograph was taken. The date of the photograph being taken is therefore essential. The length of the period of copyright for photographs is that outlined in Section 4 above.

6.3 Images/Illustrations from Museums, Art Galleries

6.3.1 If the original work is in copyright

Bear in mind that some images carry more than one level of copyright, and you will need permission from each of the relevant copyright owners.

An example of this would be a photograph of a work of art: if the original work is still protected by copyright, you will of course need permission from the artist or their representative/estate. It is very likely that, in addition to this, you will also need to clear permission to reproduce the photograph, usually from the museum or gallery, since under UK law the digital image carries its own distinct copyright.

6.3.2 If the original work is out of copyright

Even if an object or work of art is clearly no longer protected by copyright, many museums and galleries actively license permissions to reproduce their own photographs of such objects in their collections, and they may insist that their own image is the only one which should be used for publication. A distinct copyright exists in photographs such as these, so the galleries are offering permission relating to the photograph, even though the original work itself may be out of copyright.

Check with the institution to see if they are licensing images in this way: it will often be clear from their website.

6.4 Your own photographs

If you possess your own copy of an out of copyright book, and you have taken your own photographs of images from the book, you will be able to use those photographs in the journal, just including an acknowledgement of the original publication.

If, however, you have taken photographs from an out of copyright book which belongs to a library or institution, then you will need to seek permission from the owner of the book to use such photographs specifically for publication.

You may have taken photographs, with permission, whilst visiting a library or museum, but often that is permitted on the understanding that such photos are for study and research purposes only. Unfortunately that would not cover the republication of that image, so in a situation of this kind you will need to ask specifically for permission to use your own photographs for publication in the journal.

6.5 Permission for use in the online journal without a time limit

All authors need to secure permission for use in both the print and online versions of the journal without a time limit.

Customers and readers understandably do not wish to see images blanked out in the online version, so Oxford Journals is actively working with some of the major rights holders to explain our need for online rights without a time limit.

In recent months we have been encouraged to see that a number of major institutions have revised their permission policies for journals, and are now able to grant the rights we need. Below, you will find an extract from a much larger table of key rights holders, and the availability of online permission for images in their collections. Note that this sets out the situation only to the best of our knowledge and experience at the date of writing (see the date at the top of this document). This area is evolving rapidly, so please check for up to date information. We would also encourage you to let us know if your experience differs from that described below.

A full and updated version of the table below is available on request.

Copyright Holders allowing / not allowing online use of their material in the online journal archive without a time limit

This is an extract from a longer list which is updated frequently: the latest version is available on request. THIS EXTRACT LAST UPDATED SEPTEMBER 2014

Copyright holder	Online Permissions	Terms	Updated
Artists Rights Society, NY	currently unclear	US equivalent of DACS. Contact Clare Painter for our most recent guidance	Sep-14
Art Resource	allowed without a time limit		Jun-12
Ashmolean Museum	allowed without a time limit	Authors should use the code <u>OUP-OJ5/10</u> in their application: the museum will understand by this that you are applying for permission to reproduce images in both the print and online forms of the relevant journal without a time limit. They will apply a 25% discount from their normal rates.	May-10
Bibliothèque nationale française (BnF)	allowed without a time limit	See http://www.bnf.fr/en/collections_and_services/reprographic_services/a.us_e_of_bnf_documents.html . They ask to see the article at proof stage so that they can raise the invoice.	Sep-14
Bodleian Library	allowed without a time limit	Authors should mention OUP when applying, otherwise they will be charged the standard rates. Agreement made with James Allan/Josie Lister September 2010.	Sep-10
British Library	allowed without a time limit	Specifically mention OUP in your request	May-12
British Museum	allowed without a time limit	Journal authors can benefit from the lower fees negotiated as part of the OUP Academic agreement signed with the British Museum in 2011. See the full version of this list for details.	Aug-11
DACS	limited or prohibited	Active negotiations ongoing: check with Clare Painter.	Sep-14
Eliot, T.S.	currently	See also the entry on FABER.	Sep-14

	unclear	Permission for online use has recently been agreed: contact Clare Painter for latest information.	
Faber	currently unclear	<i>Permissions from Faber are very slow, please begin as early as possible.</i> Apply to Emma Cheshire emma.cheshire@faber.co.uk and mention OUP Journals in your request. Faber may also need to consult individual poets/estates which can take time. Contact Clare Painter for the latest information.	Sep-14
Getty Images	currently unclear	contact Clare Painter for our most recent guidance	Sep-14
Google Earth	limited or prohibited	Google maps are copyright. There is a permissions tool at http://www.google.com/permissions/geoguidelines.html However the information on that page is limited and it would not be easy to find anyone at Google to contact about this. If the permissions tool is not helpful, you might like to consider replacing the map with one from another source.	Apr-14
Google Images and Wikipedia	limited or prohibited	Google generally don't hold rights to the material they display. Look at the credits on the specific webpage, as a starting point.	Apr-14
Google Maps	limited or prohibited	Google maps are copyright. There is a permissions tool at http://www.google.com/permissions/geoguidelines.html However the information on that page is limited and it would not be easy to find anyone at Google to contact about this. If the permissions tool is not helpful, you might like to consider replacing the map with one from another source.	Apr-14
Hills, Geoffrey	currently unclear	Ongoing discussions: contact Clare Painter	Sep-14
Hughes, Ted	currently unclear	See Faber	Aug-13
Larkin, Philip	currently unclear	See Faber	Aug-13
Library of	currently	contact Clare Painter for our most	Sep-12

Congress	unclear	recent guidance	
National Portrait Gallery, London	allowed without a time limit		Apr-13
New England Journal of Medicine	currently unclear	New England Journal of Medicine is not a signatory to the STM Guidelines and nor is the Massachusetts Medical Society (publisher). Permissions are mostly through Rightslink, and with fees to pay if that is what it shows for the image in question. Some fees seem to be high.	Nov-13
RMN/Reunion des musees nationaux	currently unclear	RMN is represented in North America by Art Resource (see separate entry).	Jul-14
Scala Archives	limited or prohibited	time limit	Jul-11
STM Publishers	allowed without a time limit	Under the STM Permission Guidelines, signatories can either chose to require people to obtain “express” permission (as OUP do) or alternatively publishers can opt out of this requirement (e.g. Elsevier). This effectively means that providing we keep to the STM guidelines, we are free to reuse Elsevier material without contacting them directly (with an acknowledgement). For details of the STM publishers that have opted out of STM and the STM guidelines see attached link http://www.stm-assoc.org/copyright_and_legal_permissions_guidelines.php	Sep-14
VAGA	currently unclear	contact Clare Painter for our most recent guidance	Jul-13
Victoria and Albert Museum	allowed without a time limit	New fee structure agreed: see the full version of this list for details.	Feb-14
Wikimedia Commons	limited or prohibited	Wikimedia Commons generally don’t hold rights to the material they display	Sep-14
Wikipedia	limited or prohibited	Wikipedia generally don’t hold rights to the material they display	Sep-14

6.6 Music

In most cases the best place to start applying for permission is with the music publisher. Publishers of most music published in the UK can be found by searching on the web site of the Music Publishers Association <http://www.mpaonline.org.uk>.

You need to write to the copyright holder or owner of the rights in the performance, explaining what you want to reproduce and the nature of the publication; you may have to pay a fee. In the case of textual and graphic material there will normally be little problem; publishers and libraries are used to handling such enquiries.

You may wish to include or adapt the following when writing: "[name of journal], which is published by Oxford Journals, a division of Oxford University Press, is a scholarly journal with a limited print run. It is also published in an electronic (web-based) version, accessible only to authorized users. I am therefore seeking clearance for both the printed and the electronic versions of the journal for the life of the work. As a scholarly publication, the journal does not offer any remuneration to authors and I would therefore ask you to consider reducing or waiving any fees in respect of this permission."

6.6.1 *Sound recordings*

The situation is more complicated in the case of sound recordings, largely because record companies are not yet used to handling such requests. As you will only be reproducing a short extract from a recording, an enlightened company will see this not as undercutting sales but as offering free publicity. For this reason it may be advisable, when writing to large companies, to address your letter to the marketing rather than the rights division.

You may wish to include or adapt the following when writing: "[name of journal], which is published by Oxford Journals, a division of Oxford University Press, is a scholarly journal with a limited print run. It is also published in an electronic (web-based) version, accessible only to authorized users. The electronic version includes a facility for sound examples, and I am writing to request permission to include and use an extract from one of your recordings as a sound example in the way just described, for the life of the work. Full details of the recording will be given. As a scholarly publication, the journal does not offer any remuneration to authors and I would therefore ask you to consider reducing or waiving any fees in respect of this permission."

A problem you may run into is being offered permission for the electronic version on the basis of a fixed-term or renewable license only, which we would unfortunately be unable to accept. In this case, contact the editorial office.

You may have difficulty in determining exactly who holds the rights for older recordings. [The National Sound Archive](#) (a division of the British Library) has information on this and will be glad to advise you. The National Sound Archive may also be able to supply CD copies of recorded extracts for journal submissions, with the copying charges paid by the Archive from an educational trust fund (but please note that responsibility for copyright and other rights clearance remains with the contributor).

6.6.2 Mechanical rights and performance rights

(1) In the UK: MCPS/PRS Alliance. The MCPS (mechanical rights for sound recordings, UK) and PRS (performing rights, UK) have formed an alliance which means that it is possible to apply to both of them for permission in tandem. This is good news and should make research and clearance more straightforward:

<http://www.mcps-prs-alliance.co.uk>.

(2) In the US: Mechanical rights: The Harry Fox Agency in New York is roughly equivalent to MCPS for the US: <http://www.harryfox.com>.

6.6.3 Musical extracts from films

Unlike the reproduction of film stills (where film companies sometimes have little interest in granting permission for academic publications), film companies are very keen to license permissions for the use of musical extracts, and will usually charge. Academic publications might be an exception, and we can expect them to be a little more flexible for a journal article, but it means it is very important to emphasize academic journal publication whenever submitting a permission request to a film company.

6.6.4 Music in facsimile

Permission for music in facsimile works in much the same way as any other illustrative material, so permission should usually be sought for use of the photograph, even if the original object (such as a book) is out of copyright. Usually the best place to start is with the publisher, or in the case of an out of copyright book, the library or collection where the book is held. Where the music itself is still in copyright, then of course the rights have to be cleared as well.

6.7 Film and Television Images including Film Clips and Posters

6.7.1 Using images from a film

Like other creative works, film and television stills, studio photographs, posters and other film-related images are protected by copyright and it is important that authors seek permission wherever that is necessary. We acknowledge that it can be an involved process in obtaining permissions, especially from large film companies. Do check to see whether permission is necessary before initiating negotiations with the rights holder: see below.

6.7.2 Do I need permission for film and TV material?

Under certain circumstances, in particular where the purpose of reproducing the image is in order to criticize or review the work in question, it is not necessary to seek permission for the use of film and television stills within your journal article although

you should acknowledge the owner.

Some companies may charge very high fees, which would be more appropriate to a commercial publication rather than an academic journal, and in certain cases there may also be additional fees (you might not be told how much) payable to the actors featured in the images.

It is important to establish what sort of image you wish to use:

- a) printed matter such as a poster (see Section 6.7.3); or
- b) a posed studio photograph or a photograph which is not part of the running of the film, although it may have been taken in the same studio or location, at or around the same time as filming (see Section 6.7.3); or
- c) a still taken from the film itself (see Section 6.7.4); or
- d) a clip taken from the film or video, which you wish to feature on the journal web site (see Section 6.7.5).

6.7.3 Photographs, Posters etc relating to films and TV

For the reproduction of studio photographs, posters, other printed matter, and other single complete images, authors should attempt to obtain permission, following the same guidelines as for any other complete image. You should establish whether the photograph is still protected by copyright, as for any other visual image, and apply for permission from the owner of the copyright if necessary.

6.7.4 Film and Television Stills

Our view is that it is not necessary to obtain permission to reproduce film stills, as long as they fulfil *both* the following criteria:

- film stills should be used in the article directly for criticism and/or for review: it is not enough to use such images purely for illustration
- authors should not use an excessive number of images: really no more than is necessary to demonstrate the point you are making in the article

6.7.5 Film and Television Clips and Videos

In the same way as for stills, film clips and extracts of video should be used specifically within the context of the article for criticism and/or review. Each clip should be no longer than is necessary to illustrate the point made in the text, and certainly they should not be so extensive that they effectively become a shortcut for buying a copy of the complete film.

File formats: we can accept delivery of film clips and videos in most commonly used file formats, including .avi, .mpg and .mov formats. If you are unsure about the format you wish to use, ask the editorial office for the relevant Oxford Journals Production contact, so you can check with them directly.

6.7.6 Material not used for criticism or review in the article

If you wish to incorporate additional, supporting material as a way of enhancing the article online, we can do so using this material as Supplementary Data. However, you will need to seek permission because this constitutes promotional use, rather than use for criticism and review as described above.

6.7.7 Credits

You should provide full credits for the source of every image or clip, whether or not you have sought permission.

7 Requesting Permission

When requesting permission to reproduce the material, it is essential that you include details of all the rights we need. You will need to state at the top of your request the name of the journal, title of your article, and details of the images or other material you wish to reproduce.

Sometimes permission for ‘all languages’ is charged as an additional fee, and for certain journals it may not be necessary: if in doubt please check with the journal office.

To help you with the process, we have produced a Permission Request letter which you will find in Appendix A at the end of this document, and also on the Oxford Journals website. You do not have to use this template letter, but many authors have found it helpful in making the permissions process quicker and easier.

Some rights holders insist on using their own standard form for permission requests, and this is acceptable as long as the permission covers the print and online rights we need. Together with these guidelines and in particular, the wording provided in the template letter, we hope that the process of clearing these permissions will be straightforward.

7.1 If you identify the rights holder but they are slow to respond

Sometimes copyright holders may be slow to respond to permission requests. In those circumstances we would ask you to persist, perhaps trying an alternative email address or phone number from the institution’s website, where available. Frequently, rights holders do grant permission once you get hold of the relevant person, although we do appreciate it can be time-consuming and sometimes frustrating getting to that point.

It’s important to note that if we know (or believe we know) who holds the rights but they are slow to respond, this does not mean we can classify the material as an orphan work: that term is used for works which are still in copyright, but whose copyright owners cannot be found, even after diligent, good faith search.

7.2 Best efforts

It is not enough to write to the copyright owners and then assume that permission will be given in due course. By being the owner of the copyright, the rights holder is able to prevent others from copying the work so they are well within their rights to say no. Every effort should therefore be made to trace and then obtain the required rights from the copyright holder. By 'best efforts' we would normally expect that no more than three or four attempts be made to contact a rights holder. If at this stage, there has been no success, please try and find an alternative piece of material to use.

Should this not be possible, please inform the editorial office of the journal concerned about the problem you are experiencing and a 'case-by-case' decision can be made about how to proceed. Please note that when deciding to proceed with the inclusion of a copyrighted works without permission, there is always the possibility and associated risk that you may be infringing someone's copyright. Oxford Journals is committed to ensuring that as much as possible of an author's original choice of third party material (illustrations, images, figures etc) is included in their article. However, sometimes the only entirely safe course of action is not to use the material.

7.3 If you have difficulty tracing the rights holder

- search on the internet, if not already done, as this can often provide a lot of useful information
- contact one of the following useful organizations to see if they can help:
 - **WATCH (Writers, Artists and their Copyright Holders):** <http://tyler.hrc.utexas.edu/> This is a database containing primarily the names and addresses of copyright holders or contact persons for authors and artists whose archives are housed in libraries in North America or the UK.
 - **British Association of Picture Libraries and Agencies (BAPLA):** www.bapla.org.uk
 - **Design and Artists Copyright Society (DACS):** www.dacs.org.uk
 - COPAC (University Research Library Catalogue: <http://copac.ac.uk/>), while unable to give detailed rights information, will help to establish who was the first publisher of a title
- if the copyright owner cannot be traced then authors/publishers have to accept the risk that going ahead may well infringe someone's copyright. As mentioned above, the decision to do this should be made following communication with the journal editorial office and/or Oxford Journals.

7.4 If you still cannot get them to respond

- consider the possibility of using an alternative piece of material
- very occasionally an author reaches a complete impasse, and in those circumstances you should contact the journal office so that we can consider each case individually, especially if an image is fundamental to an article

7.5 Circumstances in which no permission is needed

7.5.1 Anonymous or pseudonymous works

If you are quoting from a work which was made after 1 August 1989, then copyright will not be infringed if:

- it is not possible ‘by reasonable enquiry’ to identify the author; and
- it is reasonable to assume copyright has expired or that the author died at least 70 calendar years ago.

Unfortunately the picture is not so clear for works made pre-1989. If in doubt, advice should be sought from the editorial office of the journal.

7.5.2 Out of copyright

The period of copyright, typographical right etc has expired. All that is required is a full acknowledgement to the original source.

7.5.3 Public domain

The advice from our Legal Department is that it is only really appropriate to consider a work as being in the public domain once the period of copyright has expired. However, for older works it is important to ensure that there are no typographical rights that require clearance or acknowledgement.

In the case of US works, when authored by an employee of the US Government it is standard practice for the copyright to reside with the Government and the works to be considered as being in the public domain. However, it is important not to assume that this is the case. Unless specifically informed otherwise, permission should still be sought to reuse the material.

7.5.4 Fair dealing/fair use

When the fair dealing/fair use provisions as outlined in Section 5.1 above can be applied.

8 What to do if when there are restrictions or unacceptable terms

You are granted permission, but there are restrictions or terms and conditions attached, such as a time limit or fee, which you do not want to accept:

- a) go back and negotiate the terms/fee. Most rights holders are prepared to negotiate.
- b) if the rights holder is unwilling or unable to grant online rights, we can accept print permission alone, but the material would have to be blanked out in the online version of the journal. This is not ideal either for the article or the journal as a whole, but we can do this if necessary. In this case it is essential that you let the journal editorial office and the production office know which permissions have/have not been cleared, as early as possible.

- c) if you have been offered online rights for a limited period of time, go back and request permission *for the life of the work*. Emphasize that the material will be used in a scholarly journal, and that it will only be used within the context of the relevant journal article. Some reassurance about how the images will be used might help them to accept unlimited use within the journal article, even if that is an exception to their usual terms. If you still cannot agree with the rights holder, we can blank the material out online, as in (b) above
- d) permission granted using a rights holder's own form, or by email or letter/fax is fine, and you are not obliged to use the template letter we have provided. However, the wording does need to cover the rights we need: in particular, permission to reproduce the material in both the print and electronic forms of the journal without a time limit.

9 Other sources of information

The Publishers Association permission guidelines

http://www.publishers.org.uk/images/stories/AboutPA/PA_Permissions_Guidelines.pdf

Joint permission guidelines from the PA and the British Academy

http://www.publishers.org.uk/images/stories/AboutPA/Joint_Guidelines_on_Copyright_and_Academic_Research.pdf (2008)

STM Publishers' Guidelines

In addition to fair dealing above, it may not be necessary to clear permission for material covered under the STM Publishers' Guidelines. A number of STM (scientific, technical and medical) publishers, of which OUP is one, have signed an agreement whereby material can be reproduced, up to a certain limit, free of charge. Some signatories have opted to receive express permissions for material that is to be reproduced, meaning that permission still needs to be requested, but that it should be a quick process to secure this and a fee will not usually be payable. Some signatories have opted out of receiving express permissions, and in these instances you may simply use the material you require without seeking permission, up to the limits outlined below.

The limitations on material that may be used free of charge are as follows:

- Up to three figures (including tables) from a journal article or book chapter, but:
 - not more than five figures from a whole book or journal issue/edition; and
 - not more than six figures from an annual journal volume
- Single text extracts of less than 400 words from a journal article or book chapter, but:

- not more than a total of 800 words from a whole book or journal issue/edition

We advise checking the STM Publishers website: <http://www.stm-assoc.org/permissions-guidelines/> for the latest guidelines and list of signatories if you are planning to use any material that falls within these guidelines.

Crown copyright material

In Britain permission may be needed to quote from or use materials in which the Crown holds copyright.

Crown and Parliamentary copyright material includes:

- Bills & Acts of Parliament, Statutory Instruments, Statutory Rules and Orders, Press releases of Crown bodies
- Hansard reports, Parliamentary reports
- All works created by an officer or servant of the Crown in the course of his or her duties

However, much of this information can be used freely under the Open Government Licence as long as the appropriate attribution is used in order to acknowledge the source of the material. For details of what is covered under the Open Government Licence, the attributions to be used, and general information relating to Crown copyright and public sector information visit the National Archives website at <http://www.nationalarchives.gov.uk>.

By contrast with Britain, in the USA materials that the government owns are in the public domain and may be freely used without permission, though the source must still be cited in full and acknowledgement made.

10 Any other queries

- a) In the first instance, talk to the editorial office of the journal concerned. The journal office will also be able to put you in touch with Oxford Journals' permissions consultant, if necessary.
- b) Alternatively, contact your Publisher, or phone OUP and ask for Journals Production, stating the name of the journal. You could also contact the Business Development and Rights department at Oxford Journals by emailing journals.permissions@oxfordjournals.org with details of your query.

APPENDIX A - Template Permission Request Letter

You do not have to use this letter but may find it useful if the rights holder does not wish to provide their own.



OXFORD JOURNALS
OXFORD UNIVERSITY PRESS

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To: _____

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Oxford Journals is preparing to publish the following article:

Article
title: _____

in

Journal title (including volume and issue if known):

More information about the Journal can be found at:
www.oxfordjournals.org

Scheduled Publication date (if known): _____

Material Requested: _____

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Figure/table/illustration details. Reproduced/ [insert name of publication and full reference including year of first publication] with permission from [insert name of rights-holder]

If permission is granted, please indicate by ticking the relevant section below and providing any additional details of the terms and conditions of use that we will need to take into consideration when reproducing the material.

PLEASE TICK THE APPROPRIATE BOX, CONFIRMING THE RIGHTS BEING GRANTED:

Print and online rights (Please note that we are unable to accept time limited licenses for online use. As with the print version of a journal, the material will be available to users of the online edition for the life of the work. For both practical and economic reasons, we are unable to commit to re-applying for permission after a certain period of time. For further clarification please contact: journals.permissions@oup.com)

[] **Print only rights** (If print only rights are granted, we will not make the material available in the online version of the journal. For readers accessing the online version only of the journal concerned, this will unfortunately mean that they cannot view the article in its entirety.)

COMMENTS *Please specify here, or append, your Terms and Conditions for re-use otherwise the image(s) will be used according to Oxford Journals' standard terms. For example do you have specific credit line that you would prefer to be used; would you like to receive a copy of the journal issue containing the material etc?*_____

PERMISSION NOT GRANTED: If you decide not to grant this permission, I would be grateful if you could specify your reasons for doing so below:-

PERMISSION IS HEREBY GRANTED/NOT GRANTED AS SPECIFIED ABOVE (PLEASE DELETE AS APPROPRIATE) BY:

SIGNED: _____
POSITION: _____
Date: _____

If you need any further information to help process this request, please do not hesitate to contact me.

I look forward to hearing from you.

Yours faithfully/sincerely