

- Step 1: Determine if permission is needed
- Step 2: Identify the copyright holder or agent
- Step 3: Send written request for permission
- Step 4: If the copyright can't be located
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Links to information resources

- Guides for locating copyright holders
- Services or agencies that grant permissions
- Sample model permission letters
- Further reading on obtaining permissions

Copyright permissions are often needed when creating course materials, research papers, and Web sites. Permission may be needed whenever you use a work in a way that infringes the exclusive rights granted to a copyright holder, i.e., reproducing part or all of a copyrighted work without permission. The following is a step-by-step guide to aid you in planning strategies to obtain permission to use copyrighted works for educational purposes.

**Step 1: Determine if permission is needed for the work you want to use.**

a) Is the material protected under copyright law? Remember some items are not protected by copyright, see What types of works and information make up the public domain.<sup>1</sup> If the work is in the public domain, it can be used without asking for permission.

b) Does the use fall outside the limits of fair use? After analyzing your specific situation by applying the four factors of fair use<sup>2</sup> and concluding that your use is not fair use, you must obtain permission from the copyright owner. Common examples that require written permission from the copyright owner include: copying for commercial use, unpublished works, some specialized works such as illustrations, and consumable materials, such as workbooks or standardized tests. See UC Guideline, Copyright Requiring Prior Written Permission from the Copyright Owner.<sup>3</sup>

Assuming your work is copyright protected and your use does not meet fair use criteria, the next step is to identify the copyright owner.

**Step 2: Identify the copyright holder or agent.**

For print publications, generally the publisher is the owner of the copyrights and can grant permission for your use. If the publisher is not the copyright owner, they can probably direct you to the copyright owner.

Depending on the work, permission may be required from more than one source. For example, if you wish to use a photo from a journal, the publisher may own the copyright for the photo but if the subject of the photo is a well known person, you may also need to obtain permission from the individual in the photo and the photographer.

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<sup>1</sup> Copyright education web site, <http://copyright.lib.uci.edu/publicdomain.html#b>

<sup>2</sup> Copyright education web site, <http://copyright.lib.uci.edu/fairuse.html#2>

<sup>3</sup> Copyright education web site, <http://copyright.lib.uci.edu/pgrcmtrgiv.html>

For more information on locating copyright holders and services and agencies that grant permissions, see [Guides for locating copyright holders](#)<sup>4</sup> and [Services and agencies](#)<sup>5</sup>.

**Step 3: Send written request for permission to use. Remember to give yourself ample lead time, as the process for obtaining permissions can take months. Decide if you are willing to pay a licensing fee/royalty.**

For more information on writing letters of permission, see [How do I use something legally?](#)<sup>6</sup> and [Sample model permission letters that can be modified.](#)<sup>7</sup>

**Step 4: If the copyright holder can't be located or is unresponsive (or if you are unwilling to pay a license fee), be prepared to use a limited amount that qualifies for fair use, or use alternative material**

**Step 5: Consult others as needed.**

Contact your **OTT Campus Contact**<sup>8</sup> to locate the office on your campus that can assist you in obtaining permission and in any contractual negotiations, including payment of fees and royalties. Contact campus [Library Copyright Contact](#)<sup>9</sup> to assist you in identifying and locating copyright holders, publishers, or licensing agents.

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<sup>4</sup> Copyright education web site, <http://copyright.lib.uci.edu/permission.html#guides>

<sup>5</sup> Copyright education web site, <http://copyright.lib.uci.edu/permission.html#services>

<sup>6</sup> UCOP Office of Technology Transfer, <http://www.ucop.edu/ott/crothers.html#use>

<sup>7</sup> Copyright education web site, <http://copyright.lib.uci.edu/permissionletters.html>

<sup>8</sup> Copyright education web site, <http://copyright.lib.uci.edu/campconott.html>

<sup>9</sup> Copyright education web site, <http://copyright.lib.uci.edu/campconlib.html>