

UNC Press Guide to Securing Art and Text Permissions

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I. OVERVIEW

As an author, or as editor of a collective work, your contract with UNC Press places responsibility on you for obtaining the necessary permissions for publication. You may need to seek permission for use of any material in your book to which you do not hold the rights and that is protected under copyright law.

Such material falls into two general categories: images and text.

This guide is meant to help you understand when you may need to obtain permission for images or text, and when you may not need to obtain such permission. UNC Press encourages you to consider your options for **fair use**, and to understand the terms of **public domain**, before embarking on the permissions process.

By ensuring that you have the proper permissions in place and maintaining clear documentation of your process, you help protect yourself and UNC Press from facing legal action for copyright infringement.

The permissions process can take some time, especially if you are planning to include a lot of artwork in your book, or if your book anthologizes previously published works. Because **all rights information must be checked by Press staff before copyediting can begin, any necessary permissions paperwork must be submitted with your final manuscript**. We encourage you to start the process early to avoid causing delays to your book's publication schedule.

Please read the "Definitions" section carefully, and contact your editor early and often with any questions.

II. DEFINITIONS

Before we get into how to find images and obtain permission, it's important to understand a few key terms:

- public domain
- fair use
- copyright holder
- licensing agreements for high-resolution files

You'll want to consider whether an image or text is in the public domain or falls under fair use before starting to seek permission.

- Public domain. Works in the public domain are not protected by copyright, generally either because the work was never under copyright in the first place (ie., works produced by the U.S. government) or where the copyright period has expired. You may reproduce works in the public domain without permission (although you should give full citation to your source). **All materials published in the United States before January 1, 1923 are in the public domain**. For more information, please see <https://copyright.cornell.edu/publicdomain>

- [Fair use](#). Fair use is a set of exemptions built into U.S. copyright law meant to safeguard the right to use copyright-protected materials for the purposes of criticism, commentary, news reporting, and scholarship. There is no single litmus test for determining whether something does or does not qualify as fair use. Rather, fair use entails a complex of legal guidelines and precedents that needs to be actively exercised and defended to remain intact.

For an overview of fair use and the “four factors” that are considered in a fair use analysis, see <https://copyright.cornell.edu/fairuse>. Should you claim fair use for a copyrighted image or text extract, we ask that you write up and submit a brief statement with your rationale. Many of our authors have found the language in the [Cornell Fair Use Checklist](#) helpful in articulating their rationale.

UNC Press strongly supports fair use doctrine and encourages its authors to assert fair use of materials where appropriate. That said, Press staff cannot offer legal advice or guidance on the merits of fair use claims. Ultimately the responsibility to make a claim rests with the author, and you should seek advice from legal experts or campus copyright officers if necessary.

- [Copyright holder](#). If an image or text extract does not fall under fair use or public domain, you’ll need to contact the copyright holder and ask for permission. A copyright holder owns the rights to such material, and it is not uncommon for a copyright holder to charge a fee for use.

Note: Such a fee for permission may be separate from the cost of providing a reproduction of an image for use by the Press in producing your book. If the copyright holder cannot provide a high-resolution reproduction of an illustration for the Press’s use, you may need to secure a separate licensing agreement from the party providing the reproduction. See the next definition for more about this.

- [A licensing agreement for a high-resolution file](#) allows you to obtain and use a digital, high quality version of an illustration. For most photographic illustrations to be reproduced in black-and-white, the Press requires a high-resolution file at **a size of at least 5”x7” at 300ppi**.

Please read [the Press’s Digital Art Guidelines](#) now so that you fully understand our digital art requirements. If you have any questions, just contact your editor and editor’s assistant—we’re more than happy to help, and asking questions early will save you a lot of time and effort later.

III. MINIMUM AND PREFERRED PERMISSIONS REQUIREMENTS

At minimum, **all interior text and art must have non-exclusive world rights for print and ebook. Ebook rights are primary publication rights and are therefore not optional.** Please understand we cannot permit the use of an image or text in a book if ebook rights are not clearly provided in permissions/licensing documentation.

Our **preferred permissions language** for interior text and art: *world rights for all editions (including electronic/ digital formats), use in promotional materials (such as our catalog), in subsidiary licenses (such as translations or book clubs), and versions made by nonprofit organizations for blind or physically handicapped persons.*

We provide a form with this language for you to use with rightsholders (see UNC Permissions Form under “IX. Additional Resources”). You’re welcome to edit the top portion as needed for each text and image situation. Just leave intact the rights request language at the bottom.

Some copyright holders and institutions will not sign the UNC Press permission form and instead ask you to sign their own use agreement. This is fine, but **please review the use agreement with your editor before you sign and pay for a scan.** We need to ensure that the agreement meets our minimum permissions requirements and doesn’t include restrictive grants of rights/use.

Rightsholders will frequently specify permission for “one-time use” in their grant of rights. The Press generally interprets “one-time use” to mean use in a single edition of the book published in any format. So, it would cover a print copy, a digital copy, and so on, so long as it is the same edition of the book.

IV. HOW TO OBTAIN PERMISSION FOR ILLUSTRATIONS: A STEP-BY-STEP GUIDE

1. Select an illustration you’d like to include in your book. Make sure your selection has been discussed and approved by your editor. (Generally, your editor will want to review all illustrations with you at once.)

2. Select a place to secure a high resolution reproduction, ideally one that won’t demand a high fee or include use restrictions (ie., a good research library or nonprofit organization). Remember that we strongly encourage you to **share all outside licensing agreements with your editor before you sign and pay for a scan.**

3. Consider whether use of the image qualifies as **public domain** or **fair use** (see discussions above). If you wish to claim fair use, remember to describe in writing a brief justification; you’ll need to submit this justification to the Press when you turn in your final manuscript, illustrations, and permissions.

4. If necessary, seek permission from the copyright holder. As with high resolution file licensing agreements, we strongly encourage you to **share with your editor and editor’s assistant all outside agreements before you sign and pay for rights.**

V. WHAT ABOUT TEXT PERMISSIONS?

We encourage you to apply the **fair use guidelines** for use of copyrighted text that supports your argument/is involved in analysis. You do not need to write a justification for your fair use of primary or secondary text used for these purposes. You also do not need to secure permission for brief quotes of primary and secondary sources. These should be cited using conventional standards of attribution.

The following situations do NOT require permission to reproduce text:

- Your own previously published work, to be reprinted in verbatim or close-to-verbatim form, where the publication agreement specifies that you may reuse the material in your own authored book;
- Your own previously published work, where you have retained publishing rights;
- Your own previously published work, where you have made substantial revisions to the earlier version
- Brief quotations of copyrighted primary or secondary source material that is appropriately cited and used in support of your argument/analysis

The following situations DO require permission to reproduce text:

- Your own previously published work where the publishing rights are held by someone else (for example, a journal publisher);
- A contributor's new or reprinted essay (in the case of new work, UNC Press will take care of the permission through a contributor agreement);
- Extended passages from poems, song lyrics, or other literary works that are not analyzed within the text (for example, in an epigraph)
- Unpublished archival material (letters, diaries, etc.), when specified by the library or archive that holds the material, or when directly received from a rightsholder

VI. PERMISSIONS DOCUMENTS AND FORMS

When you submit your final manuscript to the Press, you'll also need to submit the following permissions information **in both electronic and hard copy**:

1.) [Art and Text Permissions Logs](#) will help you (and us) keep track of permissions. Below you'll find instructions for completing the logs. **Please use a separate log for text and illustration permissions.**

The Permissions Logs (Excel files) are available on the Author Portal (www.uncpress.org/author-portal/ - password: 01author40).

2.) [Documentation of all copyright and/or license information](#) either with a permission letter, fair use justification (usually one paragraph per fair use item), or by explanation on the log that neither copyright nor use is controlled by another party.

- **For illustrations**, please label each permission form or fair use justification with the corresponding illustration name and number(s)—for example, Figure 2, or if one permission covers several images, Figures 3, 5, and 10.
 - Your images should be numbered consecutively throughout the manuscript if there are fewer than ten items or numbered according to a double-number system (Map 6.2 being the second map in Chapter 6, e.g.) if there are more than ten.
 - Be sure to name electronic files with the corresponding Figure number. The file naming and numbering system for art should look like this—the Figure number plus your last name. Please do NOT use long file names/descriptors, and do not use spaces.

Fig_01_Lewis	OR	Fig_1.1_Lewis
Fig_02_Lewis	OR	Fig_1.2_Lewis
Fig_03_Lewis	OR	Fig_2.1_Lewis
Fig_04_Lewis	OR	Fig_3.1_Lewis
Map_01_Lewis	OR	Map_4.1_Lewis

- **For text permissions**, please write the corresponding chapter(s) at the top of the permission form. Be sure to name electronic files with the corresponding Chapter number, like this:

Ch6_Lewis

VII. ART AND TEXT LOG INSTRUCTIONS

Art Log

Please account for **all** illustrative material by listing each item on a separate line **in the order in which the items will appear in the manuscript**.

Column A, Chapter: The chapter in which the illustration appears.

Column B, Illustration Number: The illustration type and number (ie., Figure 1, Map 1, Table 1, etc.)

Column C, Manuscript Page No: The manuscript page on which the illustration appears. (Your MS should be numbered consecutively, from beginning to end. Do not restart numbering at 1 for each new chapter.)

Column D, Item Description: A short description of the item at hand.

Column E, Source and Credit Line: Where the item came from, and the appropriate credit line per the permissions documentation. This credit line should match the credit line in your Captions and Credits document.

Column F, Permission Type: This is a drop-down menu; just click in an open cell and a dropdown arrow will appear. Click on the arrow, and choose an option:

- **Received (using UNC Press standard permission form):** you used the UNC supplied permission form, and a rights and/or license holder signed it. In this case, select “Yes” for columns H, I, J, K, and L.
- **Received (using third-party permission form):** a rights and/or license holder supplied their own form. In this case, you should have shared the agreement with your editor and made sure it grants the rights the Press needs without imposing restrictions we can’t abide by. Fill out columns H, I, J, K, and L accordingly.
- **Public domain:** Works in the public domain are not protected by copyright. Select “Yes” for columns H, I, J, K, and L.
 - For more: <https://copyright.cornell.edu/publicdomain>
 - **NOTE: Works in the public domain may require a license to obtain and use a high-resolution file.** That is, copyright is not a problem, but you may have to pay for and agree to terms of use for a high-resolution file. Be sure to consult with your editor to ensure the license does not include unacceptable restrictions. You may also need to give credit to the licensing institution in your captions and credits document.
- **Fair use:** Fair use is a set of exemptions built into U.S. copyright law designed to guarantee the right to use of copyright-protected materials for the purposes of criticism, commentary, news reporting, and scholarship.
 - If you use this option, select boxes H, I, and J. **Fair use does not cover promotional use and subsidiary rights.**
 - Should you claim fair use, we ask that you write up and submit a brief paragraph defending your decision to do so.
 - **NOTE: As with public domain, if the source of the image (such as an archive or library) requires that you sign a use license, you must abide by the terms of the license.** Be sure to consult with your editor to ensure the license does not include unacceptable

restrictions. You may also need to give credit to the licensing institution in your captions and credits document.

- **Not needed-author created.** You took the photograph, drew a map, created a graph, etc. In this case, select “Yes” for columns H, I, J, K, and L.
- **Not needed-see comments.** Use this for less frequent situations in which copyright doesn’t apply—for example, if you have an image in your personal collection, are using personal family documents, etc.
- **Needed-seeking.** Ideally, you will not use this option. Permissions must be in hand when you submit your manuscript and supporting materials to UNCP. However, if a rights holder is being particularly slow, let us know when you expect to receive the permission.

Column G, Comp Due: Select Yes or No, depending on whether or not the permission granting institution requires a complimentary copy of the finished book.

Columns H, I, J, K, and L: Types of rights that a permission holder can grant:

- **H: World Rights** (required) – allows the Press to sell the book with the image throughout the world
- **I: Print Format** (required) – allows the Press to sell the book with the image in print format
- **J: Electronic Format** (required) –allows the Press to sell the book with the image in eformats (including ebook and databases)
- **K: Catalog & Promotional** (recommended) – allows the Press to use the image in catalog and/or promotional materials
- **L: Subsidiary Rights** (recommended) –allows the Press to sublicense the book with the image for translation, audio, or reprint, at no extra charge.

Column M, Comments: Use this space to note any questions or background information that might be useful.

Text Log

We encourage you to apply the **fair use guidelines** to copyrighted textual quotations. Please record only those quotes for which you found it necessary to obtain written permission.

The text log operates just like the art log, except that the contents are for text, rather than image, permissions. Please fill out the Text Log using the Art Log instructions.

A few special items:

- **Column A:** Make sure you include the chapter number in which the text permissioned item appears.
- **Column D:** If you have obtained permission to reprint your own previously published work, make sure to include a complete citation for the original work. Oftentimes the original publication will supply you with this credit line; other times, you need to recreate the citation on your own.

VIII. FAQ

--What if I have hard copies of illustrations but no digital files?

We're happy to make digital scans of your materials. Just send them to your editor well in advance of your final manuscript submission deadline.

--What about maps, graphs, and charts?

Any illustrations neither produced by the author (you or a contributor) nor created as a 'work for hire' may require permission to include in your book.

- For all art—and especially maps and graphs—please read [the Press's Digital Art Guidelines](#) now so that you fully understand our digital art requirements. If you have any questions at all, just contact your editor and editor's assistant—we're more than happy to help, and asking questions early will save you a lot of time and effort later.

IX. ADDITIONAL RESOURCES

Helpful websites

[Association of University Presses Permissions FAQ](#)

[Cornell Copyright Center—Fair Use](#)

[Cornell Copyright Center Fair Use Checklist](#)

[Cornell Copyright Center—Public Domain](#)

Permission Request Form

REQUEST FOR PERMISSION TO REPRINT

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Title: _____

Copyright year: _____ Journal volume/date: _____

Selection: _____

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The material will be reprinted in a volume tentatively titled:

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I have provided the release below for your convenience. Please return the signed original request to me.

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Date