

Copyright Permissions

Copyright owners have the exclusive rights to reproduce, distribute, perform, display and create derivative works. Others usually must obtain permission from the copyright owner to lawfully engage in any of these activities. Once the Fellow, in preparing his or her curriculum unit, decides to include an excerpt from a book, or a chapter from a book, or an article from a periodical or newspaper, or a poem, or an excerpt from a unit of music (song, movement, etc.), or a short story, etc., he or she may need to secure permission from the copyright owner to use the work. The following steps should be performed:

Step I.

No matter how long the material excerpt (that is, how much is used) from the total work, the Fellow should be aware that the total work may have outlived its copyright protection and may be in the public domain. Once in the public domain, there are no restrictions on the use of the work.

At this time, works which were under a statutory copyright before 1923 are definitely in the public domain. This in effect means that any work published in the United States before 1923 is in the public domain. Therefore, the Fellow should realize that there is a great deal of valuable material already in the public domain and available for use. However, original contributions may be made to works in the public domain. These contributions may be copyrighted and may not be in the public domain.

As an example, all of Shakespeare's plays are in the public domain. However, if a new edition of one of the plays is annotated, then this new edition would be copyrightable because of the original contributions of the editor. The Fellow should be aware of these possibilities. The original language of the Shakespeare play should be used where there is a question.

In order to acquire information as to the public domain status of certain works, the Fellow should send the form on the following page to the Register of Copyrights.

This may also be done online at <http://www.copyright.gov/records/>

Last revised by Yale's Office of General Counsel: February 11, 2008

Form A

Register of Copyrights
Library of Congress
Washington, D.C. 20559

Dear Register:

Please provide information on the copyright status of the following item(s).

Name of Work:

Author(s) or Composer(s):

Original Date of Publication:

Original Holder of Copyright:

STATUS:

_____ Public Domain
_____ Copyright Held By:

(Name of Owner):

(Address):

Signature for the Copyright Office:

A duplicate copy of this form and a self-addressed envelope are enclosed to expedite reply. Thank you.

Sincerely,

(Signature)

Step II.

If the work, (or excerpt) is not in the public domain (or it is not clear whether it is), it may be necessary for the Fellow to secure permission from the copyright owner to duplicate the material for inclusion in the curriculum unit. The same rules that apply in the context of publishing written materials apply in the context of publishing materials online. Yale requires that all participants comply with these rules.

(Please see: http://ogc.yale.edu/legal_reference/copyright.html)

The following information is designed to help the Fellow locate holders of copyright and secure permission.

The title page or the reverse of it is the appropriate place for the copyright notice, which consists of the year of publication, the name of the copyright owner, and in general, any acknowledgements of other copyrighted material used in the book. The word "acknowledgement" indicates that some materials were originally published elsewhere, and that the copyright for these materials remains with the original owner.

The address of most copyright holders is printed with a copyright notice, but be aware that publishers may move or the copyright rights may be sold or transferred to another company. The publishers' associations listed below can help in supplying information:

Association of American Publishers
1920 L. Street, N. W. Suite 750
Washington, D.C. 20036

Magazine Publishers Association
575 Lexington Avenue
New York, New York 10022

Music Publishers of the United States
Third Floor
130 West 57th Street
New York. New York 10019

National Music Publishers Association
110 East 59th Street
New York, New York 10022

Also, the U. S. Register of Copyrights keeps records of all deposits and transfers. (Form Letter A should provide this information.) The Copyright Office will, for a fee, conduct a search on request if there is real difficulty in locating the current owner of a copyright.

Securing Permission

The Fellow should send a request, together with a self-addressed return envelope, to the copyright owner. (If the owner is a publisher, send to the permissions department.) Also, send a photocopy of the copyright page and the page or pages on which permission is requested.

Contents of Request (see example on the following page)

1. Title, author and/or editor, and edition
2. Exact material to be used, how much, page numbers, chapters, and, if possible, a photocopy of the material
3. That material is to be used in curriculum units; explain units will appear on a Web site for teachers, students, parents and other educators and learners
4. That material is provided for non-commercial, educational purposes
5. That because of non-profit distribution for teaching purposes, it is requested that no royalty or fee be charged.
6. Specify that, in addition to publication online, curriculum units will receive limited circulation in printed form in school libraries; reproduction of fewer than 200 copies will be in photo-copy form rather than in a glossy professional publication.

Do not hesitate to request that a reply be furnished promptly. If permission is obtained and the item is included in the unit, the following notice should appear in notes at the end of the unit.

'Reprinted by permission from (Book, etc. Title), ©(date) by (copyright owner).

Alternatively, copyright permission can be obtained through the Copyright Clearance Center at www.copyright.com, although generally for a fee.

Sample Request Letter

Dear [Sir or Madam] [Permissions Editor] [Personal Name, if known]:

I am a teacher in Charlotte-Mecklenburg Schools, and through the Charlotte Teachers Institute I am preparing a curriculum unit for my own and my colleagues' use in school courses. I want to include in my unit the following material to which you hold copyright.

1. Title, author and/or editor, and edition:
2. Material to be used (photocopy attached):

My unit, containing this material, will be compiled with other curriculum units which the Institute will publish online and disseminate free of charge. The Web sites on which the curriculum units are posted are www.charlotteteachers.org and www.teachers.yale.edu. They are also reproduced in photocopied form for circulation in school libraries in Charlotte. The units are intended to suggest appropriate materials which teachers may decide to use in their own classrooms. Teachers in the Institute assemble these materials under grants from various private and public funders. Because of the non-profit distribution for teaching purposes, we request that no royalties be charged.

I would greatly appreciate your consent to my request. If you require additional information, please do not hesitate to contact me at: _____. Because units must be available to teachers at the beginning of the school year, your prompt consideration and reply will be greatly appreciated.

A duplicate copy of this request has been provided for your records. If you agree with the terms as described above, please sign the release below and send one copy in the self-addressed envelope I have provided, or you may respond electronically to [your e-mail address].

Sincerely,

(Your Signature)
Your Name
Institute Fellow

Address:

Permission granted for use of the above material as described below:

Agreed to: _____ Name and Title: _____

Company/ Affiliation: _____ Date: _____