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Step I.

Is the work protected by copyright? Not all works are afforded copyright protection. Copyright protection does not extend to works created by the United States government. Further, a work may be in the public domain. Once in the public domain, there are no restrictions on the use of the underlying work.

Works published in the United States before 1923 are in the public domain. Works published without a copyright notice between 1923 and 1977 are also in the public domain. Works published after 1989 are generally not in the public domain regardless of copyright notice. Cornell Law School has developed a useful chart that explains when a work falls into the public domain (<http://copyright.cornell.edu/resources/publicdomain.cfm>).

However, the Fellow should keep in mind that original contributions to works in the public domain may be protected by copyright. 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. It is your responsibility to research the copyright status of a work. There are numerous resources available that may assist you including resources at the Register of Copyrights. (See www.copyright.gov.)

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Step II.

If the third-party material is not in the public domain (or it is not clear whether it is) or otherwise available through an open source content license, 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 and laws that apply in the context of publishing written materials apply in the context of publishing materials online. Yale requires that all participants comply with any applicable rules and laws. (See http://ogc.yale.edu/legal_reference/copyright.html.)

The following information is designed to help 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.

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50 F Street, NW
Fourth Floor
Washington, D.C. 20001
www.publishers.org

Association of Magazine Media
810 Seventh Avenue, 24th Floor
New York, New York 10019
www.magazine.org

Music Publishers’ Association of the United States
243 Fifth Avenue
Suite 236
New York, New York 10016
<http://mpa.org>

National Music Publishers’ Association
975 F Street, NW
Suite 375
Washington, D.C. 20004
www.nmpa.org

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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

- 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 mainly for teaching purposes, it is requested that no royalty or fee be charged.

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Sample Request Letter

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

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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

Charlotte Teachers Institute Fellow

Address:

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