

## Chronika Image Copyright Permission Guidelines

The following should serve as a resource for asking permission to use a variety of media under copyright protection. They do not by any means constitute legal advice. Rather, they contain suggestions intended to guide members of the academic community who believe that their anticipated uses of materials not in the public domain exceed the limits of Fair Use.

### **Fair Use**

The doctrine of fair use has developed through a substantial number of court decisions over the years and has been codified in section 107 of the copyright law.

Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as **criticism, comment, news reporting, teaching, scholarship, and research**. Section 107 also sets out four factors to be considered in determining whether or not a particular use is fair:

- The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes
- The nature of the copyrighted work
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole
- The effect of the use upon the potential market for, or value of, the copyrighted work
- The distinction between fair use and infringement may be unclear and not easily defined.
- **Acknowledging the source of the copyrighted material does not substitute for obtaining permission.**

### **Art/Image Contacts**

If you are making copies of or scanning a reproduction of an image from a book, magazine, or web page you should request permission from the copyright owner(s) of the underlying image, the museum and photographer (if relevant), and the copyright owner of the reproduction (who is often the copyright owner of the entire publication).

### **Art/Image Resources**

To locate the creator of the image, you can obtain copyright status information from the museum in which the work is located or from the publisher of the book, web page, etc.

### **Art/Image Requests**

Many museums have forms to download, print, and mail in. It is advisable to include a cover letter that describes exactly how you are planning to use the materials indicated. You may need to make an initial phone call to get the information you need, and then write to obtain written permission and confirmation that your correspondent owns the copyright. You can adjust your request accordingly depending on whether you're writing to an agency, a publisher, or to a museum, but in all cases your letter should include very specific information. Be sure to allow adequate time for a response.

## Asking for Permission to Use an Image

### Information to include:

- Return address
- Phone and fax numbers
- Date of request
- Name and address of recipient
- Identification information for the image
- Title of the work
- Artist's name
- Accession number (if relevant and if you know it)
- Your method of reproduction (scanning, photocopying, via disk, etc.)
- Will the reproduced image be in color or in black and white?
- How large will it be?
- How much of the image will be used?
- Do you plan on altering the image? (Note that some license agreements do not allow this.)
- Your method of distribution/transmission (*Chronika* is an online and print publication)
- The distribution/availability of your project (*Chronika* will be distributed nationwide)
- Is it a website that will be limited to the college community or protected by a password? (*Chronika* has a website that is open to the public and does not require a password).
- The nature of your use (educational)
- Will you be charging any money at all, for profit or otherwise? Make this very clear. (*Chronika* will be available for free online, and graduate students at the University at Buffalo may obtain a hard copy for free. Others must pay \$15 for a hard copy of the journal).
- You may want to include a form at the bottom of your letter for your correspondent to complete and send back.