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# Legal Guidelines

## Essential Advice

Seeking written permission for any work in copyright, and also to settle any relevant fees, can take a considerable amount of time to process. Start the application process early, as soon as you know which material you want to include.

Consult the Lund Humphries image guidelines for advice on how to source images and clear copyright.

## Fair Dealing Convention

Under the convention known as 'fair dealing' (or 'fair use' in the US) for purposes of criticism and review, permission need not always be sought for short, text extracts provided that the material is quoted in the context of scholarly review and not simply to adorn the text. Quotes must be accompanied by sufficient acknowledgement.

Copyright is infringed if a substantial part of the work is used, and this is often a qualitative rather than a quantitative measure. So any quotation, however short, from song lyrics, must be cleared and quotations used as epigraphs will need to be cleared given their prominent position in the text. Epigraphs are quotations which appear on their own at the beginning of a book or chapter. When used in this way, they are not necessarily covered by the fair-dealing rule unless referred to in the text which follows.

There is no fair dealing/fair use rule when it comes to illustrations – you will always need to clear permission to reproduce visual material in which you do not hold copyright unless the image is in the public domain (i.e. out of copyright). Consult with your commissioning editor if you are not sure whether the image is still in copyright or not.

## Material from Websites

If text, images or data are drawn from a website, including screenshots, normal copyright rules apply: always check with the website owner and copyright holder. You need to consult the wording of any creative commons licenses carefully, paying particular attention to the source of the image. Please consult your commissioning editor if you are in doubt.

## Reproducing Your Own Previously Published Work

Please bear in mind even if you hold the copyright of a previously published piece of work, you are not necessarily free to publish it again without consulting the publisher of the original. Your agreement with them may well grant them an *exclusive* licence to print and distribute the work, which therefore precludes the possibility of other publishers doing the same without express permission.

## Libel

As the Indemnification Clause of your contract directs, you should not make any defamatory or injurious statement about living persons, institutions or other organisations. If this is not adhered to, libel claims could result.

## Plagiarism

If you copy all or part of someone else's work without crediting them, then you are plagiarising, even if you amend the original wording. If you use someone else's work – whether a person or an organisation – you must make it clear you have done so.

## **Documentation**

When permission has been granted, keep the correspondence on file and send a copy of the paperwork to us when delivering your text. Be sure to include any details of terms and to clearly label the paperwork so it matches the final text (e.g. 'Permission for figure 2.1'). Any required acknowledgements should be provided as a separate document.

## **Useful Guides**

Joint Guidelines on Copyright and Academic Research – Guidelines for researchers and publishers in the Humanities and Social Sciences: <http://www.britac.ac.uk/policy/joint-copyright-guide.cfm>

Watch - a database for searching for copyright holders. <http://norman.hrc.utexas.edu/watch/>

Copyright, Designs & Patents Act 1988 (with revisions) <http://www.legislation.gov.uk/ukpga/1988/48>

Susan M. Bielstein, *Permissions: A Survival Guide* (Chicago: University of Chicago Press, 2006).

Gillian Davies, *Copyright Law for Writers, Editors and Publishers* (A&C Black Publishers, 2011)