

Obtaining Copyright Permission

In the *Newsletter* Summer 2012, we saw that, as the society publishes images of work in its publications and on its website, it is necessary to have permission for the words used in our work and for any images we may use of other people's artwork. Not having permission could result in an infringement of copyright and potential financial penalties for the artist. Applying for permission to use text can be daunting but that needn't necessarily be the case.

Generally, copyright exists for the author's lifetime plus 70 years. After this period the works enter the public domain and become available for use without permission. There are exceptions so, if in doubt, it is always best to check. Searching the web, I have found a couple of sites listing authors whose work is in the public domain. These are a guide but I have not tested their accuracy. Try Cinemoose.com (<http://cinemoose.com/famous-writers-and-books-in-the-public-domain-a-g/>) and Public Domain Day (<http://publicdomainday.org/2012>).

For works in copyright, the first hurdle is to find out who owns the rights and a good starting point is to contact the publisher. However publishers may have moved or gone out of business. In some cases, the author themselves may hold the copyright. If you don't know the copyright holder or where to find them, try the internet. I use WATCHFILE (www.watch-file.com) which is a database of copyright holders and contact details. Further excellent advice can also be found on the University of Cambridge CARET site (www.caret.cam.ac.uk/copyright/index.html). Also, The Society of Authors (www.societyofauthors.net/literary-estates-and-permissions) acts as literary representative for a number of authors' estates. Be aware that if you can't find the copyright holder or if you don't get a reply from them, you do not have permission to use the work (see www.caret.cam.ac.uk/copyright/Page50.html for further information).

Obtaining permission can be as straightforward as making a phone call but, as each publisher has their own procedure for applying for permission, I recommend checking on their website. For example, Faber & Faber have a

very strict protocol and, should you fail to follow it, they will not reply and you may not re-apply. The publisher is likely to need to know the text, title and date of the publication in which it appears and the intended use of your artwork. For the purposes of the SSI publishing your work, copyright holders will need to know that the work may be printed in the *Newsletter* or *The Scribe* (print run approximately 500) and published on the SSI website. In the case of an exhibition, the work may also be published in a catalogue. If you are granted permission, remember that this is only for the specific uses stated in the agreement or licence between you and the copyright holder. Therefore, it is sensible to include as many uses as you think you are likely to need at the outset. Should you later want to use the work in a way not specified, you will need to apply for further permission. Whether permission is granted or a fee is charged, depends on the publisher, the size of the extract used, the intended use of your artwork and the likely financial gain. I have often been given free permission if I put a credit alongside the work. Occasionally I have been charged a fee and I then decided whether to use the words or not. Wording for credits should include the author's name, title of the poem (if poetry), name of the book, publisher and date of publication. A publisher may wish to stipulate the wording to be used.

In summary, I would suggest that the author and source is noted when you find text you intend to use in your work; that you apply for permission before investing time in a piece of work and ensure you have permission in writing. There are also many myths about copyright and there is an excellent page (Top 10 Copyright Myths), as well as other useful information, on The UK Copyright Service website (www.copyrightservice.co.uk/copyright/).

Further information can be found in back issues of *The Scribe* – 'Copyright and the Calligrapher' by Geoffrey Adams. Summer 1991, No. 52 and 'Working to Commission: Report of the SSI Research & Technical Day'. Spring 2007, No. 82.

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