

Leeward Community College
PERMISSIONS GUIDE

1. Does the proposed use require permission from the copyright holder?

First Question: Is the work subject to copyright? Is it -

- An original work of authorship
- Fixed in a tangible medium of expression
- Not an "idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied" in a copyrighted work
- Not a work produced by a U.S. government employee in the scope of employment
- Not a work the author has expressly made available for unrestricted copying, distribution, etc. effectively dedicated to the public domain
- And copyright has not expired

Second Question: Is there a legal basis for use without permission?

- Is it a fair use? See "Fair Use Worksheet". To enhance the fair use argument: especially for course packs and web-based teaching materials: Use excerpts that are short and qualitatively insubstantial. Limit access to students enrolled in the course; end access after course. Do not use the material repeatedly for a course. Include the copyright notice and appropriate attributions. Best to obtain permission if easy to do so (cost and timing perspective)
- Is it a performance and/or display of a work in face-to-face teaching setting?
- Is it a transmission of a performance and/or display of limited works to a classroom setting for teaching purposes?

2. Obtaining permission to use copyrighted works

- Identify the copyright holder
 - Best to confirm by phone or email before seeking permission. Send written request for permission to use. See "Request for Permission To Duplicate Copyrighted Material" and "Permission To Copy, Distribute, and Display A Copyrighted Work"
 - Give yourself several weeks lead time
 - Decide if you can pay a licensing fee/royalty
- If license fee is too much or there's no response, be prepared to use a limited amount that qualifies for fair use, or use alternative material

Request for Permission To Duplicate Copyrighted Material

Date: _____

Dear: _____ (Name and address of copyright owner indicated in copyright notice)

I write on behalf of the _____ program at Leeward Community College to request permission to duplicate and distribute or display a work (or, portion of a work). It is my understanding that you (and/or your company) own(s) the copyright to the work we want to duplicate. The description of the work and our intended use of it is as follows:

1. _____ (title of work) by _____ (author, editor, photographer, etc.) which was copyrighted (published) by _____ (There must be no uncertainty about what work has been given permission to duplicate.)
2. The exact material to be used from the work is _____ (list exact page/paragraph numbers, segment of video, etc.).
The material will be copied/reprinted in the following format: _____ (e.g., photocopies, typeset, digitized, VHS, DVD, etc.)
3. We want to make _____ (number) copies of the work.
4. The copies will be used for: _____ (describe how they will be used, e.g., used in "a course on marketing to be taught to students at Leeward Community College" or "in a brochure describing a course or program").
5. The copied material: () will not be sold, () will be sold (Check one). (If it will be sold, some indication of the price and how the proceeds will be used, would be appropriate and helpful to the party deciding whether to grant permission.)

Thank you for considering this request. We would be grateful if you would respond by completing the attached form and mailing it to my attention at Leeward Community College, 96-045 Ala Ike, Pearl City, HI 96782. If you need further information, please contact me at (808) 455-_____.

Permission To Copy, Distribute, and Display A Copyrighted Work

_____, of _____
hereby grants Leeward Community College, the right to copy, distribute and display
a work entitled _____ under
the terms set forth below. The Work is a _____
[Describe type of work]. _____ holds the copyright in the
Work. _____ represents that
the Work does not infringe the copyright or other legal rights of any third parties. The
Work was copyrighted in the year _____.

All the following terms apply to this Permission:

- The College may copy/reprint the Work, and distribute and display it for use in _____. [Add any other restrictions here. e.g., No more than _____ copies may be made by the College. Or, All electronic copies must be password protected and limited to students in the _____ course, and must be deleted no later than _____.]
- The copies will be used solely for nonprofit educational purposes in accord with the mission of Leeward Community College.
- The copied material will not be sold.
- The permission is non-exclusive, royalty-free (no cost to the College), world-wide and perpetual.
- All copies and displays of the Work by the College must credit _____ as the creator of the Work, and must include full copyright information.

Agreed to By:

Copyright Owner signature: _____

Date: _____

Printed Name: _____