

How to Obtain Permission

One way to make sure your intended use of a copyrighted work is lawful is to obtain permission or a license from the copyright owner.

Copyright law provides the owner of the copyright in a work—often the author of the work—with the exclusive rights to reproduce, adapt, publicly distribute, publicly perform, and publicly display the work, or authorize others to engage in these activities.¹ These exclusive rights are subject to certain limitations, established in sections 107 through 122 of the copyright law. “Fair use” is one of the more commonly known limitations, and information on this topic can be found at the Copyright Office’s [Fair Use Index](#).

If you intend to use a work you did not create, you will need to determine its copyright status, regardless of where you discovered the work. Unless a limitation applies, you will need to seek permission—a license—from the copyright owner to ensure your intended use of a copyrighted work is lawful. The Office can neither tell you whether a limitation applies to your intended use nor grant permission to use a copyrighted work. This circular provides a general framework you may use when you need to obtain permission.

Step One: Research Copyright Status

Once you determine that you need permission to use a copyrighted work, you need to research its copyright status. Start your research by checking the copyright notice and the records of the Copyright Office.

Copyright notice is a statement placed on copies or phonorecords² of a work to inform the public that a copyright owner is claiming ownership of it. For more information, see *Copyright Notice* ([Circular 3](#)). Consult the copyright notice’s location on the work or its packaging for the name of the copyright owner. Keep in mind that copyright notice for works published on or after March 1, 1989, is optional. As a result, the work you wish to use may not have a copyright notice; however, the absence of a notice does not necessarily mean that a work can be freely used. Also remember that copyright ownership can be transferred, so the owner specified in a copyright

notice may not be the current owner. Only the current copyright owner of the exact material to be used can grant permission for its use.

Some works may contain material originally published elsewhere. Check the work for credits or acknowledgments, which are clues that material included in a larger work may belong to someone other than the owner specified in the copyright notice.

In addition, for digital files, copyright management information (CMI), such as the author's name or the copyright notice, may be available in the metadata in the file. For example, an image file often includes metadata describing the picture's size, image resolution, and the date of creation; it may also include metadata identifying the creator, copyright owner, or licensing terms.

The Copyright Office maintains records related to copyright registration and transfers of ownership. Records created after December 31, 1977, can be searched **online** at the Copyright Office's website. Pre-1978 records are searchable in the Copyright Office. Compilations of pre-1978 copyright registrations can also be searched **online** at the National Archives website.

For more information, see *How to Investigate the Copyright Status of a Work* (**Circular 22**).

Step Two: Contact the Copyright Owner

After you determine the copyright status of the work you wish to use, you will need to contact the copyright owner to request permission to use the work. The contact information for the copyright owner may be found in the Office's records, or you may need to contact the organization that published the work.

When contacting the copyright owner, you may want to include the following information:

- The name of the author, editor, or translator
- The title of the work and any edition or volume number
- Exact material you want to use, being as specific as possible
- Copyright date of the work
- How you will use the material
- The audience to whom the work will be distributed or otherwise made available
- Whether the material will be sold
- Name of your organization — note if it is a nonprofit
- Your name and contact details

Contact a copyright owner or author as far as possible in advance of when you want to use the material specified in your permissions request. The copyright owner may work with an agent or service that grants licenses to use a work on the copyright owner's behalf. So the first person you contact may not control the rights and may have to refer you to the correct copyright owner or may need time to research the extent to which permission can be granted.

NOTES

1. This circular is intended as an overview of steps you may take in order to obtain permission to use a copyrighted work. The authoritative source for U.S. copyright law is the Copyright Act, codified in Title 17 of the *United States Code*. Copyright Office regulations are codified in Title 37 of the *Code of Federal Regulations*. Copyright Office practices and procedures are summarized in the third edition of the *Compendium of U.S. Copyright Office Practices*, cited as the *Compendium*. The copyright law, regulations, and the *Compendium* are available on the Copyright Office website at www.copyright.gov.

2. A phonorecord is a material object in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed and from which the sounds can be perceived, reproduced, or otherwise communicated either directly or with a machine. The technology for creating and using a phonorecord includes those now known or later developed.

For Further Information

By Internet

The copyright law, the *Compendium*, electronic registration, application forms, regulations, and related materials are available on the Copyright Office website at www.copyright.gov.

By Email

To send an email inquiry, click the *Contact Us* link on the Copyright Office website.

By Telephone

For general information, call the Copyright Public Information Office at (202) 707-3000 or 1-877-476-0778 (toll free). Staff members are on duty from 8:30 am to 5:00 pm, eastern time, Monday through Friday, except federal holidays. To request application forms or circulars by postal mail, call (202) 707-9100 or 1-877-476-0778 and leave a recorded message.

By Regular Mail

Write to

Library of Congress
U.S. Copyright Office
Publications Section
101 Independence Avenue, SE #6304
Washington, DC 20559-6304

