

Seeking Permission

The purpose of this article is to introduce you to the process of obtaining copyright clearance for copyrighted materials that you would like to include in your Open Educational Resource Repository. The article will address the following topics: when you need to seek permission to include a resource in your repository; how you can go about obtaining permission from copyright holders; what you should include in any permission requests and; what to do if you are unable to get permission.

When to seek Permission

Seeking permission to reproduce another person's work is a common practice in publishing and may prove necessary during the creation of your Open Educational Resource Repository. In general, you will need to seek permission for any materials that you wish to include that are not available to you via the following:

- A. You are the sole copyright holder. Obviously you do not need to seek permission from yourself to use your own work. This becomes complicated if:
- you have assigned your copyright to a publisher;
 - have created content a work in which there is a joint authorship;
 - or if you've included others' work in your work.

If you would like to learn more about the complications here please refer to the article, 'Self-created content' in this series.

B. You don't need to seek permission for materials that have been openly licensed for reuse. The purpose of assigning an open license to work is to provide advance permission for users to reuse that work and avoid the permission-seeking process. So long as the use you intend to make of the work is covered by the terms of the license, you will not need to seek additional permission. If you would like to learn more about open licenses please refer to the 'Openly Licensed Materials' article in this series.

C. Finally, you do not need to seek permission for materials that are in the [public domain](#) whether due to the fact that the term of copyright has expired or the creator has bequeathed their work into the public domain usually by affixing a Creative Commons 0 (zero) licence to the work.

How to Obtain Permission

If you have to seek permission for the resource that you hope to include in your repository, the first step is to determine who holds the copyright. Although not usually a difficult task this may require you to consider the work from a different perspective than you are used to. For example, the copyright in academic work, including published scholarly journal articles, is often held by the publisher and not the author. This being the case you would need to approach the publisher of the work in order to obtain permissions.

When trying to determine copyright, you should consider the following:

You should ask yourself whether what you want to borrow is original to the publication or place in which you found the item. For example, UBC may have permission to reproduce a news article on its website but if you want to include this news article in your repository you would need to contact the publisher of the original article and not UBC which merely has permission to display the article. If you believe that the item belongs to a third party you'll have to investigate who that third party is. Usually, third party material will be identified as such by the inclusion of an attribution statement. Keep in mind that this attribution may be recorded in a footnote, endnote, list of figures, etc. Once you're confident that you



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have identified the original place of publication, you can contact the publisher with your permission request.

In order to contact the rights holder, you'll need to find their contact information. If the rights holder is a publisher or other commercial enterprise it may have a specific office within the organization that grants permissions. If not, you may have luck contacting the corporate body's marketing or communications division. If you are searching for contact information on a website the following search terms may be useful: rights and permissions; permissions; copyright; reprints; contact us; legal; communications or about us. If you cannot find any of these contacts on a website, you should not hesitate to call a business' general phone number.

What to include in a Permission Request

If you need to obtain permission from a rights holder you should do so by obtaining in writing a positive response to your permission requests. This written agreement may be informal, such as an email exchange. It is important that you provide a detailed description of exactly what material you wish to reuse and how you plan on distributing said material when you contact the rights holder. This is important because the amount of copying you wish to do paired with the extent of distribution that you envision for the copied work is likely to impact the rights holder's decision to grant you permission or not. For example, a copyright holder may have no problem granting you permission to make a physical copy of their work for research purposes, but might feel much differently about you making a digital copy of their work available on the Internet where it is accessible to anyone.

Because Open Educational Resource Repositories usually presume as wide a distribution as possible, it is essential that any written permission request disclose the extent and nature of the copying you hope to do. In order to protect yourself, it is best to retain a physical copy of any permissions that you have received from copyright holders.

Useful Links

For more information, please refer to the following UBC copyright website resources:

- [Copyright at UBC](#)
- [Thesis and Dissertations Guide](#)
- [Creative Commons Guide](#)
- [Public Domain Guide](#)

