Your contract with UHP makes you responsible for obtaining permission to use any materials already under copyright. That includes photos or illustrations that are not your own, as well as extended quotations from published sources (even your own previously published works), unless they fall under the “fair use” provision of copyright law or are in the public domain (see Copyright Information, below). Permissions should be comprehensive, allowing for full use “in print and digital formats throughout the world.” Any special restrictions that might prevent the Press from securing subsidiary rights on your behalf (for translations, for example) and inhibit our making your book widely available are undesirable. If you would like to hire a permissions researcher who specializes in securing rights for images and text, contact your editor for a list of suggested freelancers (rates range from $20 to $45 per hour).

To avoid any delay in the publication process, please submit the following items to the Press along with your final manuscript:

☐ Digital PDFs of permission forms, letters, or emails (scans are OK). Make sure they are labeled clearly so we can quickly identify the text or image your correspondence concerns. If you receive a permission letter in a foreign language, please attach a note summarizing the rights granted and any restrictions. Keep copies for your permanent records.

☐ The completed “Art Inventory” summarizing rights information for each image.

☐ The completed “Text Inventory” summarizing rights information for each text excerpt that requires permission.

COPYRIGHT INFORMATION

To familiarize yourself with copyright restrictions and requirements, consult the Permission FAQs prepared by the Association of University Presses (http://www.aupresses.org/policy-areas/copyright-a-access/copyright-a-permissions/copyright-a-permissions/permissions-faq).

Fair Use
University of Hawai‘i Press supports fair use with proper citation in scholarly works. Copyright law does not clearly define the parameters of fair use, but short excerpts or carefully selected illustrations for the purposes of scholarship, research, review, criticism, evidence, or evaluation are generally considered fair use and do not require formal permission. (Be aware that complete poems, original or in translation, and song lyrics used as epigraphs are less likely to be considered fair use.) The following four factors (as described in copyright law) should be considered before requesting permission:

1. Purpose and character of the use. Nonprofit educational purposes favor fair use, as do “transformative” uses. For the reproduction of material to be considered transformative, the material must be integral to the argument of the main text, and it must be added to with commentary, criticism, review, or analysis. Use of a work for the sake of decorative purposes is not considered transformative.

2. Nature of the copyrighted work. Factual information, ideas, and data favor fair use because copyright does not protect facts or ideas, only the creative “expression” of them. Reproducing highly creative works is unlikely to be considered fair use, unless the use is transformative.

3. Amount and substantiality used in relation to the whole work. Generally, smaller portions and selective use of copyrighted material favor fair use. For example, quoting short excerpts (approximately 400 words or less) in a scholarly publication is likely to be considered fair use. But reproducing complete poems or song lyrics, for which an excerpt might constitute the
majority of the work, would probably not. Directly analyzing, criticizing, or commenting on quoted materials as part of your scholarly analysis will lend itself to fair use, whereas using copyrighted material for decorative purposes would require permission.

4. **Effect of use on the potential market for or value of the copyrighted work.** If the use serves as a commercial substitute for the original, or could otherwise infringe on potential revenue, it is less likely to be considered fair use.

The following resources provide additional information for making a fair use analysis:

- University of Chicago Press Fair Use Guidelines [http://press.uchicago.edu/infoServices/permissions.html#fairuse](http://press.uchicago.edu/infoServices/permissions.html#fairuse)
- Stanford University’s list of fair use resources: [https://fairuse.stanford.edu/charts-and-tools/](https://fairuse.stanford.edu/charts-and-tools/)

Note: *If you would like to claim Fair Use, do not ask for permission from the copyright holder.*

**Public Domain**

Some works are in the public domain because their copyright has expired, they were never eligible for copyright protection, or the rights holder has released the material into the public domain. Material that is in the public domain can be used without permission. For example:

- Works published in the United States before January 1, 1923, are in the public domain due to copyright expiration.
- Works created by the United States government are not eligible for copyright protection and can be used freely without permission (this does not necessarily apply for state governments).
- Works with a Creative Commons “CC0” license have been released into the public domain by the rights holder (more information here: [https://creativecommons.org/share-your-work/public-domain/cc0/](https://creativecommons.org/share-your-work/public-domain/cc0/)).

The following resources can help you identify public domain material or access public domain image collections:

- Cornell University Library Public Domain Chart: [https://copyright.cornell.edu/publicdomain](https://copyright.cornell.edu/publicdomain)
- Lolly Gasaway’s Public Domain Chart: [https://www.unc.edu/~unclng/public-d.htm](https://www.unc.edu/~unclng/public-d.htm)
- Association of University Presses list of public domain image collections: [http://www.aupresses.org/policy-areas/copyright-a-access/copyright-a-permissions/copyright-a-permissions/permissions-faq/1613-permissions-faq-more-info#images](http://www.aupresses.org/policy-areas/copyright-a-access/copyright-a-permissions/copyright-a-permissions/permissions-faq/1613-permissions-faq-more-info#images)

**Permission for Works under Copyright**

If the images or text excerpts you want to use do not fall under the category of public domain or fair use, you will need to secure permission. Make every effort to secure the broadest rights possible. We require worldwide rights in both print and digital formats unless your editor agrees to an exception.

When contacting rights holders for permission, you can explain that you are requesting non-exclusive rights (meaning the creator of the image/text will not be limited in how they use their own work) for use within the context of your book. Sample permission forms for textual material and illustrations used in the book’s interior are available on the Author Guidelines page of the UH Press website ([https://www.uhpress.hawaii.edu/authors](https://www.uhpress.hawaii.edu/authors)). For authors using images from Japanese collections, helpful information, including sample request forms in English and Japanese, can be found on the Image Use Protocol Web site ([http://guides.nccjapan.org/imageuse](http://guides.nccjapan.org/imageuse)).
Restrictions that would prevent the Press from including the material for the life of the book (e.g., "permission granted for 2 years/200 copies only") may result in the material being excluded from your book. Restrictions such as “English only” or “first edition only” are usually acceptable, though ideally permission should cover rights for all languages and derivative editions to allow the Press to license translations and other subsidiary rights, such as excerpt requests. Material subject to special restrictions (e.g., “print only” or “English language only”) will limit our ability to widely sell and license your book, so please carefully consider whether the material is essential before seeking to include it.

“Good Faith” Effort
If you are unable to ascertain the owner of copyright and/or do not receive a response to your request for permission, you may be able to use the image anyway by establishing that you have made a “good faith” effort. UH Press considers a documented “good faith” effort to include all of the following criteria:

1. written record of at least three attempts to contact the copyright owner, and
2. reasonable lapse of time (3 weeks) between attempts, and
3. confirmation that, to the best of your knowledge, you have attempted to contact the correct party.

ART PERMISSIONS

You will need to enter rights information in the “Art Inventory” for each image you wish to include.

- Make sure to tell your editor if you are unable to secure certain permissions. Record restrictions in the “Permissions Comments” column of the “Art Inventory.”
- It is your responsibility to ensure that captions contain credit lines as required or appropriate.

Interior Art

- You need formal permission to reproduce any work of art unless (1) the artist is you, (2) the art falls under fair use or public domain.
- When asking for permission, make sure to secure rights to reproduce interior images in color, if your contract allows color illustrations.

Cover Art

- You must obtain special permission to use art on the cover of your book. Cover art is less likely to be considered fair use, and permission to reproduce an image in a book’s interior often does not extend to use on its cover, which is deemed more commercial or promotional.
- Some artists or museums place restrictions on the cropping or altering of art (including laying text, like the cover title, on top of the art). Discuss with your editor if permission to alter the art for the cover is necessary or if you know of any restrictions.
- See the sample permission request for cover art available on the Author Guidelines page of the UH Press website (https://www.uhpress.hawaii.edu/authors/).

TEXT PERMISSIONS

Proper citation is required for all direct quotes or paraphrasing, even if special permission is not required.

Citation Only Needed
If the material you are quoting from is in the public domain or if you can legitimately claim fair use, you do not need any special permission (just proper citation). For short excerpts considered to be fair use, you do not need to record rights information in the “Text Inventory.”
Citation and Permission Needed
If you quote from a work that is still under copyright, you need formal permission from whoever holds copyright (usually the original publisher, but possibly the author). See https://www.uhpress.hawaii.edu/authors/ for example permission request forms for textual material.

You should acknowledge the source of the material according to scholarly norms. A brief acknowledgment may be placed either in the Acknowledgments section in the front matter of your book or as an unnumbered note preceding note 1 in the appropriate chapter. For example,

Chapter 2 was originally published as “Article Title” in This Journal, vol. X (date): page number. Reprinted here with permission.

As previously discussed, for all material under copyright, we ask that you secure broad permission for any textual material that will allow the Press to sell your book throughout the world in print and digital formats (and ideally to license derivative rights).

Your Own Previously Published Work

If you are reusing verbatim text from your previously published work:
If you hold the copyright or you are the author of a previously published work that you want to reprint mostly verbatim (e.g., a chapter that appeared somewhere else as an article or a chapter in a contributed book), you may need to seek permission. Check the stipulations of your contract with the original publisher. Most publishers allow authors to freely reuse their publications in future works of which they are the author; however, in certain situations permission may still be required. You should acknowledge the source of the material according to scholarly norms, as explained above in “Citation and Permission.”

If you have significantly revised your previously published work:
If you’ve significantly revised your own previously published work you do not need to contact the original publisher for permission. Facts and ideas are not protected by copyright, only their creative expression, so you may draw upon your previously published works as long as you are significantly changing the wording. As a minimum, 30% of the text should be revised; however, opinions about what constitutes a significant revision may vary depending on the context and the original publisher.

A brief acknowledgment of the original publication may be placed either in the Acknowledgments section in the front matter of your book or as an unnumbered note preceding note 1 in the appropriate chapter. For significantly revised chapters, it is preferable to use wording such as:

Chapter 2 is [informed by ideas from] / [further develops arguments from] / [is a significantly revised version of] “Article Title” originally published in This Journal, vol. X, date.