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- 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

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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>
- The College Art Association provides an in-depth discussion of fair use in academic and museum visual arts communities: <http://www.collegeart.org/standards-and-guidelines/intellectual-property/fair-use>
- Columbia University Libraries Fair Use Checklist: <http://copyright.columbia.edu/copyright/fair-use/fair-use-checklist/>
- Stanford University's list of fair use resources: <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.*

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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:

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- 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/>).

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>
- Lolly Gasaway's Public Domain Chart: <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>

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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.

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- 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/>).

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