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Get Permission Before You Use That Quote

By Joyce Miller

Are you aware that whenever you include the work of others-their words, illustrations, photographs, and charts-in your work, you risk facing an infringement lawsuit if you do not obtain permission for that use?

Some common misconceptions that have arisen about copyright permission are reflected in the following statements:

1. **Giving credit is enough.** You may tell yourself, "I would be happy if someone used my work. Such exposure has to be good for a copyright owner." Not so. Writers, photographers, and artists earn their livelihood from their works, and their creations have, for them, a monetary as well as an intrinsic value.
2. **Since I am using only a small portion of the work, I can claim Fair Use.** The size of the quotation is only one of four factors courts consider in determining fair use:
 - a. the purpose of the use, including whether the use is primarily for commercial or noncommercial purposes;
 - b. the nature of the work;
 - c. the amount and importance of the portions used in relation to the whole of the original work; and
 - d. the effect of the use on the potential market or value of the original.
3. **I can always get permission later. If someone is unhappy with my use, I will then pay the required fee.** This approach is risky for several reasons. The owner is not obligated by law to grant permission and many do not. You may have to remove your books from the bookstore shelf or halt the online offering of your title, and you could be required to pay thousands of dollars in damages for using the material without permission.

Good Practice for Self-Publishers

Begin early in the development of your manuscript to acquire permissions. Some acquisitions can take months. Also, budget time to acquire rights for an alternative copyrighted item in the event an original choice is denied or the permissions fee is too costly.

Nothing contained in this article is intended to be considered as the rendering of legal advice for specific cases. The information herein is intended for educational and informational purposes only.

Joyce Miller of INTEGRATED WRITER SERVICES, LLC (www.writerservices.biz) is an editor, book doctor, ghostwriter, and permissions expert. She can be reached at joycem@writerservices.biz and 303-221-7030.