

**University of Hawai'i**  
**COPYRIGHT PERMISSIONS GUIDE**

**1. Does the proposed use require permission from the copyright holder?**

*First Question: Is the work subject to copyright?* Is it-

- o An original work of authorship
- o Fixed in a tangible medium of expression
- o Not a "idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied" in a copyrighted work
- o Not a work produced by a U.S. government employee in the scope of employment
- o Not a work the author has expressly made available for unrestricted copying, distribution, etc. effectively dedicated to the public domain
- o And copyright has not expired

*Second Question: Is there a legal basis for use without permission?*

- o Is it a fair use? See "Fair Use Worksheet" To enhance the fair use argument: especially for coursepacks and web-based teaching materials: Use excerpts that are short and qualitatively insubstantial; limit access to students enrolled in the course; end access after course; do not use the material repeatedly for a course. Include the copyright notice and appropriate attributions. Best to obtain permission if easy to do so (cost and timing perspective)
- o Is it a performance and/or display of a work in face-to-face teaching setting?
- o Is it a transmission of a performance and/or display of limited works to a classroom setting for teaching purposes?

**2. Obtaining permission to use copyrighted works**

- o Identify the copyright holder
  - Best to confirm by phone or email before seeking permission
- o Send written request for permission to use. See "Request for Permission To Duplicate Copyrighted Material" and "Agreement To Permit Duplication And Use Of Copyrighted Works"
  - Give yourself several weeks lead time
  - Decide if you can pay a licensing fee/royalty
- o If license fee is too much or there's no response, be prepared to use a limited amount that qualifies for fair use, or use alternative material.