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Please use the following chart to determine whether you must obtain copyright permission from the rightsholder (which may be the Library) to publish content from within the Library's collections, and whether a fee may be assessed.

Note that this chart applies to copyright permissions only, and does not include due diligence that researchers must conduct regarding **other legal restrictions that may apply** to the materials' use and distribution (e.g. privacy and publicity rights; contract, donor and other restrictions). It is the researcher's responsibility to assess permissible uses under all laws and conditions.

Copyright Status of Work	Permissions and/or Fee Requirements
Work is in the public domain	No copyright permission is needed or provided. No fee to publish.

<p>UC Regents own copyright</p>	<p>Library's copyright permission is required to publish <i>only if researcher determines that the intended use exceeds fair use.</i></p> <p>If Library's copyright permission is sought:</p> <ul style="list-style-type: none"> • Library does not charge a fee if researcher is quoting/reproducing excerpts of text. • Library <i>may</i> charge a fee for republishing <i>images or audiovisual content</i> based on nature of researcher's intended use (commercial vs. non-commercial). No fee charged, however, for current UC students/faculty/staff. • Library charges a fee for republishing <i>full-text/entire edition</i> of a work based on nature of researcher's intended use (commercial vs. non-commercial). <p>If Library's copyright permission is sought, submit the Permission to Publish Request and Agreement.</p>
<p>Third party owns copyright</p>	<p>No permission from Library required or given. Copyright permission is required from third-party copyright holder if researcher determines that the intended use exceeds fair use. Any fee schedule is set by actual copyright holder.</p>

Researcher Responsibilities:

Researchers are solely responsible for determining the copyright status of any materials they may wish to use, making fair use determinations, investigating the owner(s) of the copyright and, where necessary according to the above chart, obtaining permission for the intended use.

As indicated in the chart, for instances in which a researcher's intended publishing would exceed fair use and it is the UC Regents who hold copyright to the underlying work, a researcher must request the Library's copyright permission to publish by completing and signing the [Permission to Publish Request and Agreement](#). With inquiries about the fee schedule for those limited instances in which fees are charged, contact schol-comm@berkeley.edu.

The Library cannot grant or deny requests to publish materials for which a third party holds copyright. Researchers must contact the copyright holder or copyright holder's estate—rather than the Library—to request permission if the intended use will exceed fair use.

Guidance on Determining Copyright Status & Locating Copyright Holders:

- **Public Domain.** Public domain refers to works for which copyright protections have *expired*, or works that were *ineligible* for protection from the start. Public domain works are open for use with no permission needed. The Library will not make public domain determinations for researchers. For assistance in determining whether a work is in the public domain, the UC Office of the President has provided helpful general rules of thumb in its [Public Domain](#) guide. For more detailed inquiries, we recommend using Cornell's chart, [Copyright Term and the Public Domain in the United States](#), in combination with the [Stanford Copyright Renewal Database](#).
- **Finding Copyright Holders.** For help locating third-party copyright holder(s), the following resources may assist your investigation:
 - [WATCH File](#): The WATCH File (Writers, Artists, and Their Copyright Holders) is a database containing primarily the names and addresses of copyright holders or contact persons for authors and artists whose archives are housed, in whole or in part, in libraries and archives in North America and the United Kingdom.
 - [U.S. Copyright Office](#): You can [search a public database](#) at the [U.S. Copyright Office](#) for copyright information on all works registered with the U.S. Copyright Office after January 1, 1978.
 - For materials to which third parties hold copyright but the physical copies are stewarded by The Bancroft Library, you may also contact Copyright & Information Policy Specialist Michael Lange at mlange@berkeley.edu to determine whether the Library has any information about the potential copyright holder. The Library makes no representations about the accuracy or completeness of copyright ownership information in its collections.

Determining Whether Your Intended Use Is Fair Use:

A researcher does not need a copyright holder's permission to publish when the intended use is fair use because United States copyright law contains a limited exception for certain uses made for teaching, scholarship, research, criticism, commentary, and news reporting. It is the researcher's responsibility to determine whether the intended use is a fair use. The UC Berkeley Library cannot make a fair use determination for you.

For guidelines on what uses qualify for the fair use exception, please see:

- [U.C. Office of the President's Guide to fair use](#)
- [UC Berkeley Office of Scholarly Communication Services site](#)
- [Columbia University Guide to fair use](#)
- [Stanford University fair use Center – Guide to fair use](#)
- [Harvard University guide to Copyright and fair use](#)

Other Laws & Restrictions

Please keep in mind that there are several laws and policies outside of copyright that also affect publication permission.

- ***Gift or Donor Agreements:*** Requests to publish archival and other special collections materials stewarded by the Library may be subject to gift or donor agreement limitations. The Library reserves all rights to grant and deny Permission to Publish Request & Agreement inquiries based on these limitations.
- ***Privacy & Publicity Rights:*** In addition, a researcher must also comply with applicable federal and state privacy and publicity laws when publishing certain materials. While copyright laws protect the copyright owner's property rights in the work, privacy and publicity laws protect the interests of the individuals who are the subject of the work. In general, a person's right to privacy ends with his or her death, but publicity rights associated with the commercial value of that person's name, image, or likeness may continue after death. It is a researcher's sole responsibility for addressing issues of privacy and publicity rights when publishing content from Library materials. For more information on privacy & publicity laws and rights, see the [Digital Media Law Project page](#) on privacy and publicity.

Crediting the UC Berkeley Library

Whenever using, quoting, and publishing any materials from the Library's collections, scholarly conventions require full source citation. The Library suggests the following format, or an equivalent format conforming to discipline-specific citation standards:

[Identification of the item], [Name of the Collection], [Call Number of Collection], [Name of the UC Berkeley Library—e.g. The Bancroft Library], University of California, Berkeley