Copyright Permission and the Internet

Congratulations! You have written a manuscript for a professional publication, and it has been accepted by the publisher. You have decided to add a few finishing touches to your masterpiece, and you want to include a figure or table to enhance your article. In the world of high-tech, easy-access media, the first place you might run to is the Internet. A few keystrokes later, and your Google quest has returned hundreds of hits of your targeted image search, several of which you immediately capture as your own with a click of the mouse. You smile smugly and think, “Wow. That was easier than I thought!” There’s an old adage that states if it seems too easy or too good to be true, chances are, it usually is.

During the publication process, you may be surprised when the publisher or editor contacts you with questions concerning your submitted figures or tables. Reputable publishers and editors will (and should) ask if you own the images, and if not, where you obtained them and if you have permission to use them. You think, “Hang on – I got these from Google. Google doesn’t own them, and everyone in the world can view them online already. Doesn’t that make them free?”

No. Not by a long shot.

It’s a common pitfall that has plagued novice and seasoned authors alike. What exactly is considered “public domain” (i.e. free for the taking) on the Internet? Millions of Web sites post photos, figures, tables, charts, graphs, and everything short of the kitchen sink. Regardless of where the hosting Web site obtained them, it doesn’t mean the images are free for the taking. Nor does it mean the Web site is even using them legally. The Internet, let loose to the world in August 1991, is still nothing more than a toddler, and laws governing “fair use” in cyberspace are still in their infancy.

It sounds complicated, but in reality, the truth is simpler than you may think: If you didn’t create it, it’s not yours, and if it’s not yours, you cannot use it without written permission from the original owner.

In this age of instant gratification, we trick ourselves into believing that all material found on the Internet is public domain. Some online entities state clearly that their images are in the public domain; for example, the U.S. Government has many images that are available for the public to use freely (a list may be found at http://www.usa.gov/Topics/Graphics.shtml). However, most images are copyright protected.

In simplest terms, it may help to think of the Internet as nothing more than one massive reference book you just checked out of the world’s biggest library. Different sections of that book were written and are owned by different people. You probably wouldn’t think to physically cut out a picture from a published book and claim it as your own. In essence, however, when you copy a photo from a Web page and paste it in your document, that is exactly what you are doing. The Internet and all of its content, public though it is, is not public domain.

Securing Permission of Online Images

How do you secure permission for that photograph you found online?

The first thing you should do is leave Google or whichever search engine you are using and go to the Web site hosting the image. Once there, check for a “Contact Us” link or a “Permission Requests” tab. Start by emailing someone connected with the Web site and asking who owns the image. A sample permission request email appears in Figure 1.

If you prefer (and if the contact information is available), you may call the organization or person who owns the Web site to establish initial contact. However, permission requests are generally handled via written correspondence. Should you receive permission from the original source, you will want more than a verbal response. If permission is granted, get it in writing (see Figure 2). Keep a copy for your own records and send a copy to your editor and/or publisher.

Occasionally, fees must be paid to the original owner for the use of the material. Fees can range anywhere from a nominal $10 or $15 fee to several hundred dollars. Be prepared for the owner to ask for payment for the use of the material and for a final copy of the article containing the reproduced item.

Once you receive permission, you will want to request that the image be sent to you as a high-resolution JPEG or TIF file, at least 300 dpi (dots per inch). Images that look sharp and crisp...
Figure 2. Sample Response to a Permission Request Email

Subject Heading: RE: Attention Department of Permissions/Reprints

Dear Ms. Doe,

Thank you for your email and your interest in Medical-Surgical Forums. Permission is granted to use the photo indicated in your email provided that the following stipulations are met.

1. Please use the following credit line on all copies:
   Copyright © 2010 Medical-Surgical Forums, Inc. Used with permission.
2. Please send payment of $25 for the use of the material. Check may be made out to Medical-Surgical Forums, Inc.
3. Please forward a copy of the published material to my attention at the address below.

Good luck publishing your article!

Sincerely,

John Smith
Director of Communications
Medical-Surgical Forums, Inc.
123 4th Street
Pitman, NJ 08071
jsmith@medsurgeon.com
555-5422

Finally, if all else fails, perform a search through the U.S. Library of Congress (www.copyright.gov). You can search using key words, titles, claimants, or authors. If necessary, the Library of Congress will perform a more extensive search for you for a fee.

If you’ve exhausted all your avenues and come to a dead end, you are left with the question, “Do I or don’t I use this image?” If you can prove you have done everything in your power to locate the original owner of the work and can provide written documentation of your search to an auditor and/or legal counsel, you may think now, finally, it is safe to go ahead and use the coveted material. However, do so at your own risk. Personally, at this point, my advice is to give up on the image in question and move on.

Conclusion

At the end of the day, not including one particular figure or table is not going to make or break your manuscript. However, using material that is not yours without permission is unethical and can be grounds for a lawsuit. This can damage your reputation as an author and cripple you with legal fees and lawsuit settlements.

Publishing your work can be a challenging and daunting experience, but it should also be a rewarding one. Seeing your name in print beside the title of your published work is cause for celebration. Don’t jeopardize your efforts and hard-earned accolades by not understanding the laws of copyright.

Carol M. Ford, BA
Director of Editorial Services
Anthony J. Jannetti, Inc.
Pitman, NJ

on your computer screen may not be high enough quality for print publication. If this is the case, the image will reproduce poorly in print. Most publishers will not accept images under 300 dpi or 400 k.

Digging Deeper

If the hosting Web site does not own the image and is unable to provide you with the original owner’s name and contact information, you have two choices: 1) abandon this image; or 2) dig deeper in the attempt to locate the owner. What you must not do is assume all is well and use the image anyway. Not being able to obtain permission is not a license to proceed.

If your heart is set on using a particular image, and no other image will do, you could see if it appears anywhere else online. If so, contact those Web sites in the same manner as you did previously. You could also return to the Web site where you first saw the table or figure and make further inquiries: Was it copied from a textbook? Another Web site? A forwarded email? Anything that takes you another step closer in your search for permission will help. Remember the image didn’t create itself, so somebody, somewhere, knows something!