

## Title:

Using Quotations: When You Need Permission

## Word Count:

714

## Summary:

First of all, here's my disclaimer. I'm not a lawyer. The following is based on my own research and, as you'll see, every situation is different. That's why the use of quotes can be confusing. I do hope, however, that this can help you to make better decisions when preparing your own manuscripts or other creative projects.

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## Keywords:

## Article Body:

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Quotes are wonderful little things. They can convey a world of meaning in just a few words. And they're everywhere: books, greeting cards, on the home pages of websites, in daily emails. But just because they're everywhere doesn't mean you can plop a few into your text without asking anyone's permission. Sometimes you have to, sometimes you don't. Here are a few guidelines to keep in mind when you're trying to figure out which side you're on.

1. Has the quote been set down in writing?

If the quote you're using only exists as the words someone has said, then it's okay to use it. For instance, if you hear Paris Hilton say something on television such as "That's hot!", you can use the quote. You should, of course, credit her for saying it. But if Paris were to write the words down in a book, then those words are covered by copyright. You would need permission from her or her publisher to put the quote in your book or on a card.

## 2. Is it under copyright or in the public domain?

Copyright isn't always an issue. If the quote is from a work that is older than seventy-five years old, most likely it is in the public domain and you won't need permission for it. Copyright lasts throughout the author's lifetime, plus seventy years after the author's death.

## 3. Getting permission.

If you do have to get permission for a quote, start working on this right away, even if the book isn't done and you're not sure you're going to use the quote. It can take months to find out who to ask for permission, and even longer to hear back once you've sent the request. So give yourself plenty of time. You'll want to send a letter describing your project and requesting the right to use the quote. Note: this will only be a one time right. Getting permission for one project doesn't mean you have permission to put the quote in other books or other projects.

Unfortunately, there is no one place where you can check to see who owns the copyright on a work. Not everyone registers their copyright since copyright is an automatic right, so the Copyright Office won't always be able to provide the information. You can start with the obvious: the author's publisher or literary agent. If you can't find the author that way, then using search engines on the internet would be your next resource. Remember to look for possible family members of the author as well. It's important to find a family member since the copyright may have passed on to heirs after an author's death.

Remember to keep good records of everything you do in your search: sending letters, making phone calls, placing ads. If you can't contact anyone and you decide to use the quote anyway, you'll want to be able to show that you made a reasonable effort to find the owner of the copyright.

## 4. Exceptions, of course.

Here's where things get murky. Because a quote is so short, it can also be seen as not being a substantial part of a work and therefore available for "fair use". However, the term is vague and there's no clear guideline on what it really covers. So when in doubt, get permission. The rules seem to be a little different if the quote you want to use is from a poem or a song. In those cases I've found that it's recommended you always seek permission for those works. I'm guessing it's because poems and songs are much shorter than books, so any quote from them is using a significant portion of the work.

One last note: don't let seeking permissions distract you from your writing. Do your research, send out letters if you have to, and move on. If you don't it's highly likely that the quotes will only delay your work instead of enhancing it.

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