

IEEE SA

STANDARDS
ASSOCIATION



IEEE SA QUICK REFERENCE GUIDE

Requesting Copyright Permission

Copyright is an important protection for authors and developers of creative work. Copyright laws in many countries around the world outline the rights granted to holders of copyright, and the instances where they can assert control over their work.

When using others' works, it is important to request copyright for that usage, if required. In instances where you are not sure about whether to request copyright permission, it is best to request permission rather than potentially infringe.

One of the confusing aspects of copyright is determining from whom to request permission. The answer is very simple...**request copyright permission from the person or entity who owns the copyright.** However, determining who is authorized to make that grant may be more complex!

WHAT FACTORS AFFECT WHO IS AUTHORIZED?

The most common factors are whether the original author/creator

- Signed an agreement or accepts terms that limit control of the work
- Developed the work under a contractual agreement
- Developed the work with others
- Gives up or loses copyright as stipulated in the law

DID YOU KNOW?

In general, copyright automatically vests in the person(s) who capture the expression of an idea in a fixed medium.

HOW CAN AUTHORIZATION CHANGE?

There are instances when the person or entity that is authorized to grant permission can change. The most common ways are:

- The owner assigns the copyright ownership.** This means that the owner gives the copyright ownership to another person or entity. In this instance, the old owner no longer has any rights to the created work, and the new owner should be contacted for use of the work. For example, this may occur in employment contracts, work-for-hire contracts, or publishing contracts.
- The owner licenses specific rights to others.** In these instances, the owner allows others to assume or share some of the rights associated with copyright ownership. So, the owner may allow another person or entity to grant permission for use of the creative work. However, the owner can restrict the rights that are granted. For example, the owner may allow another person or entity to grant permission only if the creative work is not changed. In this instance, if the work is to be changed, the original owner would need to be contacted.
- The work enters the Public Domain.** This means that the owner's exclusive rights are no longer valid. This can happen either as a result of the duration of copyright protection expiring or an explicit statement from the copyright owner. In other cases, copyright ownership may never exist for certain works. For example, the US Federal Government does not retain copyright of the materials it develops for US residents and entities.

Common scenarios when requesting copyright permission for use of material in IEEE standards follow.

SCENARIO 1

THE MATERIAL TO BE INCLUDED IN THE DRAFT IEEE STANDARD HAS EVIDENCE OF A COPYRIGHT CLAIM, I.E., A COPYRIGHT STATEMENT, COPYRIGHT SYMBOL, INDENTED TEXT, QUOTES, ETC.

When notified, the Working Group Chair identifies the author or publisher of the material and sends an IEEE SA Permission Request form that has a Permission Response form attached. Permission must be obtained prior to the material being presented to the Working Group or included in the draft IEEE standard.

NOTE: The author or publisher may need to send you to another source. Remember, the right to grant permission may have been transferred, so the author or publisher may not be authorized to grant permission. They, however, should be the ones to determine whether they are authorized, and if not, should be able to point you to someone who is authorized. Permission must be obtained on the approved IEEE Permission Response Form prior to incorporating the material in the draft. If not on the approved form or changes have been made other than completing the form, send the Response form to stds-copyright@ieee.org.

In addition, don't forget to choose the correct Response form. One form requests that the material be modified, the other requests that the material be used as is. This information affects who may be authorized to grant permission!

SCENARIO 2

THE MATERIAL TO BE INCLUDED IN THE DRAFT IEEE STANDARD WAS PREVIOUSLY PUBLISHED BY A WORKING GROUP PARTICIPANT.

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NOTE: Participants, as a condition of their participation, grant a license to IEEE for their Contributions that were not previously Published, and agree that the standard draft is owned by IEEE. In those instances, permission does not need to be requested.



SCENARIO 3

THE MATERIAL TO BE INCLUDED IN THE DRAFT IEEE STANDARD WAS DERIVED FROM ANOTHER IEEE DOCUMENT, BUT PERMISSION FOR USE WAS FROM ANOTHER SOURCE.

This scenario is the same as Scenario 1. Usually, the source is given under the material or in the front matter of the document.

NOTE: The permission that was granted to IEEE previously may have been limited to the document in which the material was published, and even to a specific version of the document. IEEE would not be permitted to use the material in another standard, document, or version of a document.

SCENARIO 4

THE MATERIAL TO BE INCLUDED IN THE DRAFT IEEE STANDARD WAS DERIVED FROM ANOTHER IEEE DOCUMENT, OTHER THAN AN APPROVED IEEE STANDARD, AND IEEE OWNS THE COPYRIGHT (I.E., THE MATERIAL WAS NOT FROM ANOTHER SOURCE).

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