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Rights and Permissions: McHugh's Recommended Books and Web Sites

By John B. McHugh *Publishing Management Consultant*

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WHY COPYRIGHT IS IMPORTANT

Copyright is the bedrock of any publishing business. In order to succeed in the publishing business, you need to know the basics of copyright law.

A knowledge of copyright law, and its corollary subjects—fair use and public domain—will enable you to determine whether or not you need to request permission to reprint material you plan to use in your publication. Understanding the doctrine of fair use and determining whether or not material is in the public domain will provide guidance for using copyrighted material without risking infringement.

Copyright also underpins any co-publishing arrangement entered into by your organization. In order to understand publishing licenses, you need to understand the basics of copyright. For anyone entering into such an arrangement, knowledge of copyright is indispensable.

For your rights and permissions background, I recommend books and Web sites that I personally have found most useful in my work. All are geared to the layman, have excellent illustrations, and are written at an introductory level. If you need a short introduction to copyright, you may want to read **Copyright Basics**, which can be found at my Web site:

http://www.johnbmchugh.com/pdfs_2008/rights_permissions/R-20%20Copyright%20Basics%20rev%2007%20BK.pdf

For those of you needing a copyright attorney, I list three who I know personally and can recommend to you, based on my experience with each of them.

BOOKS

Introductory Note: My “must have” books are by Fishman and Stim. Those three authoritative books, written by attorneys, are practical and understandable. These three Nolo Press books should be the nucleus of your copyright library. Of course, I recommend all of these books and you couldn't go wrong if each of these were on your copyright reference shelf as it's useful to read a variety of authors on an ambiguous and confusing subject like copyright.

- Association of American Publishers (AAP), *The New and Updated Copyright Primer: A Survival Guide to Copyright and Permissions*, 101 Pages, 2000 (new edition due in 2009)
- Crawford, Tad and Murray Kay, *The Writers' Guide Legal Guide, Third Edition*, 320 Pages, Allworth Press, 2005
- Fishman, Stephen. *The Copyright Handbook, How to Protect and Use Written Works, Tenth Edition*, 528 Pages, Nolo Press, 2008
- Fishman, Stephen, *The Public Domain, How to Find Copyright-Free Writings, Music, Art and More*, 464 Pages, 2008, Nolo Press
- Jassin, Lloyd J. and Schechter, Steven C., *The Copyright Permission and Liable Handbook, A Step-Step Guide for Authors, Editors and Publishers*, 198 Pages, John Wiley and Son, Inc., 1998
- Stim, Richard, *Getting Permission, How to License and Clear Copyrighted Materials Online and Off*, 424 Pages, Third Edition, Pages. Nolo Press, 2007
- Wilson, Lee, *Fair Use, Free Use and Use by Permission, How to Handle Copyrights in All Media*, 248 Pages, Allworth Press, 2005

Rights and Permissions: McHugh's Recommended Books and Web Sites

page 2 of 3

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WEB SITES

- Association of American Publishers
http://www.publishers.org/main/Copyright/copy_01.htm
- Copyright Clearance Center
<http://www.copyright.com/>
- Copyright at the University of Michigan
<http://www.copyright.umich.edu/>
- Copyright Law for Multimedia
<http://www.copyright.umich.edu/>
- Permissions Group
<http://www.permissionsgroup.com/>
- Stanford University Libraries Copyright and Fair Use
<http://fairuse.stanford.edu/>
- United States Copyright Office
<http://www.copyright.gov/>

COPYRIGHT LAWYERS

Lloyd Jassin www.copylaw.com

Attorney Lloyd Jassin, sponsor of this site, is the co-author of the outstanding book, *The Copyright and Permission and Libel Handbook: A Step-By-Step Guide for Writers, Editors, and Publishers* (www.wiley.com). His site contains free information on copyright and other paper on other intellectual topics.

David Koehser www.dklex.com

David Koehser is a Minneapolis-based lawyer. Dave's site contains archives of back issues of his quarterly newsletter organized by the following topics: Publishing Law, Merchandize Licensing, Copyrights and Trademarks, and Theater and Performing Arts. Request a copy of Dave's informative newsletter, *Copyright and Publishing Law*. (Disclosure: Dave is my copyright attorney and I recommend him to clients.)

Lloyd Rich www.publaw.com

Lloyd Rich, a Denver-based attorney, sponsors this site. The Publishing Law Center is a site worth a visit as it contains a large number of articles on copyright and publishing law and, additionally, a number of free articles on other aspects of publishing. Lloyd offers a free newsletter, *Publishing Law Update*.

FREE MCHUGH PUBLICATIONS ON RIGHTS

These are all available at my Web site, click

http://www.johnbmchugh.com/rights_permissions.htm

R-1, *Twenty Tips for Effective Rights Management*, 2009, 2 pages

R-2, *Fourteen Tips for Those Seeking Permission to Use Copyrighted Material*, 2009, 2 pages.

R-3, *Twelve Tips for Protecting and Acquiring Electronic Rights*, 2009, 5 pages

R-11, *Subsidiary Rights: An Introduction, Key Definitions and Management Checklist for Tracking Subsidiary Rights*, 2009, 10 pages

R-12, *Assessing the Permissions Needs of a Manuscript: Decreasing Your Exposure to Liability*, 2009, 8 pages

R-18, *Foreign Rights: An Introduction*, 2009, 5 pages

R-19, *Sixteen Tips When You Grant Permission*, 2009, 5 pages

R-20, *Copyright Basics*, 2007, 7 pages

R-21, *Your Website and Copyright*, 2009, 5 pages

R-22, *Electronic Rights: How to Assess Their Value*, 2009, 3 pages

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page 3 of 3

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MCHUGH RIGHTS AND PERMISSIONS SERVICES

John B. McHugh is an experienced publishing executive and consultant with special expertise in managing rights and permissions. His advice and insights cover all areas of intellectual property management for both print and electronic products.

Tap into McHugh's extensive publishing expertise to help you:

- Grow revenues by fully exploiting the income potential of your electronic rights. McHugh will help you effectively organize your rights management to take advantage of the exploding innovation in digital distribution.
- Educate yourself and your staff about the confusing, subject of copyright practice with McHugh's coaching and willingness to serve as a resource in answering copyright and permissions questions your staff may have.

Get a detailed analysis of the strengths and weaknesses of every area of your rights management with *McHugh's Rights and Permissions Audit*. He will make recommendations to optimize staffing, streamline management processes, and increase rights, revenues and profitability. *Most importantly, McHugh will alert you to serious legal exposure and when you should contact a copyright attorney.*

Call Jack McHugh now at **414-351-3056** or e-mail at jack@johnbmchugh.com.

Visit his Web site www.johnbmchugh.com