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STM PERMISSION GUIDELINES 2014

Frequently Asked Question (FAQ)

Do STM Permission Guidelines apply automatically to STM members?

No, each STM member has the opportunity to become a signatory to the STM PERMISSION GUIDELINES. STM PERMISSION GUIDELINES are both voluntary and reciprocal in nature. In other words, no STM member is obliged to abide by them without becoming a signatory and, by the same token, each STM member is only able to benefit from the STM PERMISSION GUIDELINES if the member in question is also prepared to offer its content under the STM PERMISSION GUIDELINES to each of the other signatories (with any exceptions for particular types of content as noted in the signature section of the PERMISSION GUIDELINES).

What is the benefit of becoming a signatory to STM PERMISSION GUIDELINES?

The benefit is to streamline permissions procedures by subscribing to a common framework. The benefit also accrues to authors of STM publications, indirectly, in that they are able to rely on the STM PERMISSION GUIDELINES when clearing third-party content originally published by STM PERMISSION GUIDELINES signatories.

How do I become a signatory of STM PERMISSION GUIDELINES?

By sending an email with your name and contact information to Kim Beadle, Office Manager, STM Association, beadle@stm-assoc.org, and noting the information required in the signature section (such as email or Internet address/site). Alternatively, you have the opportunity to sign up to the STM PERMISSION GUIDELINES at the time of becoming an STM member, remitting membership dues or otherwise renewing your STM membership.

What if my publishing house would like to be a signatory of the STM PERMISSION GUIDELINES, but continue to receive individual permission requests from other STM PERMISSION GUIDELINES signatories (even if these are within the limits of the STM PERMISSION GUIDELINES)?

It is possible to declare on sign-up to the STM PERMISSION GUIDELINES that explicit permission requests remain necessary. Please communicate this choice clearly to the STM Secretariat on sign-up. The list of signatories contains a check-box where you can verify which other signatories have chosen to permit automatic permissions without requiring a specific request and which signatories continue to require an explicit permission request.

May an STM non-member become a signatory to STM PERMISSION GUIDELINES?

The STM PERMISSION GUIDELINES are offered as an STM member-only service and protocol.

What is the difference between STM PERMISSION GUIDELINES and fair use?

“Fair use” is a legal concept developed by US case law and later incorporated into the US Copyright Act. There are of course similar exceptions in other countries. Reproducing an excerpt from an existing STM publication without permission may be possible under fair use (& other similar exceptions), although there are several factors that would have to be considered in each instance. The STM PERMISSION GUIDELINES are designed to clarify how permission can be obtained in cases that may or may not amount to fair use, in a systematic fashion, or in relation to publications that reach an audience beyond the US or equivalent jurisdiction.

What content is covered by STM PERMISSION GUIDELINES?

Content covered are literary works and embedded images, illustrations, figures and tables. Not covered are databases of factual information or audio-visual content other than embedded in a literary publication. In general, it is the content owned and/or controlled by an STM PERMISSION GUIDELINES signatory, irrespective of its classification as “STM” or humanities, social science or any other non-fiction or fiction. Each signatory has, however, the power to specify exclusions for certain content as noted.

What publications are eligible under STM PERMISSION GUIDELINES?

Permissions clearance for re-publication of primary publication materials in secondary or tertiary publications are generally beyond the scope of these STM Permissions Guidelines. For instance, re-publication permission requests in relation to primary publication materials in secondary or tertiary publications where less than 70% of the total secondary or tertiary publications consist of

original material and, thus, 30% or more of materials may be non-primary or originated by third parties, are ineligible under the STM Permission Guidelines.

What are the relevant changes of the STM PERMISSION GUIDELINES?

1. The 2012 version of the STM PERMISSION GUIDELINES clarify that gratis permissions do not become payable once you go over one of the thresholds. In other words, a fee to the rightsholder is due only for the quantity of content used in excess of the threshold limits set in STM PERMISSION GUIDELINES.
2. The 2012 STM PERMISSION GUIDELINES more closely align and treat an article published in a journal the same as a chapter of a book. More specifically, when it comes to permission of figures and illustrations, the threshold per chapter and the threshold per article are now the same: three figures. In addition STM PERMISSION GUIDELINES 2012 clarifies that these thresholds also apply to multi-volume multi-author books and that there is now an overall threshold (for a journal volume and for a book, whether multi-volume multi-author or not): 30 figures. It must be noted that the additional limitations regarding chapter/article and book/journal issue/edition must be met cumulatively to the overall threshold – both thresholds apply and need to be complied with: <http://www.stm-assoc.org/permissions-guidelines/>.

When clearing rights, should an author apply STM PERMISSION GUIDELINES or use RightsLink?

RightsLink captures the STM PERMISSION GUIDELINES to the extent that a signatory has stated to RightsLink that it is a signatory. For this reason, it may be more cost-effective for an author that publishes with an STM PERMISSION GUIDELINES signatory to request his or her publisher to clear rights, as RightsLink will detect a permission request coming from an STM PERMISSION GUIDELINES signatory when directed at another STM PERMISSION GUIDELINES signatory.

Do STM PERMISSION GUIDELINES apply to electronic to print-only or to both electronic and print?

STM PERMISSION GUIDELINES are technology neutral and apply to both print and electronic versions of books and journals. Not covered is the use of items in self-standing databases separately and apart from a publication such as a book or journal (which would require direct explicit permission from the rightsholder).

Do STM PERMISSION GUIDELINES apply to translations?

Yes, STM PERMISSION GUIDELINES would apply to any publication of an STM PERMISSION GUIDELINES signatory that incorporates third-party content owned or controlled by another STM PERMISSION GUIDELINES signatory (which content has not been specifically excluded by the latter as requiring special permission); publication may occur in print and in electronic form and in future editions and in all languages. The foregoing presupposes, of course, only authorized and faithful translations, reprints, future editions etc, not translations etc that a user may have carried out without the consent of the signatory publisher that requested permission.

What is the difference between STM Academic Re-Use Guidelines and STM PERMISSION GUIDELINES?

STM's Academic Re-use Guidelines are aimed at institutional users, typically in the tertiary education sector. The uses covered would fall short of publication, but rather include uses in presentations, lectures and the like.

What is the difference between STM PERMISSION GUIDELINES and RightsLink?

RightsLink is an electronic permission request system controlled by the Copyright Clearance Center Inc. RightsLink is able to use STM PERMISSION GUIDELINES as an "input" and STM members that use RightsLink to offer content to third parties for permission can get RightsLink to recognize the STM PERMISSION GUIDELINES and accordingly respect gratis permission levels granted by one signatory to another.

What is the difference between STM PERMISSION GUIDELINES and MVB?

MVB is an enterprise owned by the German Publishers' Association, the Börsenverein des Deutschen Buchhandels e.V.. MVB has issued its own permission guidelines and agreed to a RightsLink implementation. MVB offers a more stratified version of permissions and is aimed at small to medium-sized publishers that are based in Germany.

Can a beneficiary of an STM PERMISSION GUIDELINES permission sub-licence a permission?

Sub-licensing of third-party content into a new publication would generally require separate authority from the rightsholder and would fall outside the scope of STM

PERMISSION GUIDELINES. However, a permission obtained by an STM PERMISSION GUIDELINES signatory would cover all of the latter's publication efforts in relation to the very publication into which third-party content has been incorporated. This may include re-publication and further distribution rights, including re-publication in the form of a faithful translation of the publication incorporating permissioned excerpts.

Do STM PERMISSION GUIDELINES cover adaptations and re-drawing of figures and illustrations?

No. Adaptation of source material drawn from a scientific or scholarly journal requires editorial judgment and may involve aspects and facets beyond copyright, eg ethical as well as novelty/authenticity questions. To take all of these duly into account would be beyond the pragmatic scope of STM PERMISSION GUIDELINES, which are limited to issues of copyright only.

Does an STM PERMISSION GUIDELINES always cover all future editions?

Yes, a permission obtained by virtue of STM PERMISSION GUIDELINES covers all future editions, as long as any future edition complies with the overall limits set with STM PERMISSION GUIDELINES and these may, for instance, not be exceeded by virtue of additional content added to a future edition.

Who are the signatories and what are the exclusions and conditions they have set?

As at January 6th, 2012, you can find this information at the following link:

<http://www.stm-assoc.org/permissions-guidelines/>

MS/CSL, January 2012