

STM PERMISSIONS GUIDELINES 2014

Frequently Asked Question (FAQ)

Introduction

The STM PERMISSIONS GUIDELINES facilitate the exchange of scholarly and professional information. The summary in table form below is intended to assist the staff of STM Publisher Members who are Signatories to the STM PERMISSIONS GUIDELINES, as well as their authors and freelancers, in republishing limited numbers of figures and text extracts from primary works published by fellow Signatories in new journal articles or primary books being prepared for publication.

The summary is followed by a number of frequently-asked questions and their answers.

The summary and the FAQs should be read in conjunction with the full text of the STM PERMISSIONS GUIDELINES: <http://www.stm-assoc.org/permissions-guidelines/>

Permissions cleared between fellow Signatory publishers on the terms outlined in the table below are granted free of charge. Permissions for re-use outside the terms outlined below should be sought directly from the publisher.

Many Signatories require that a person wanting permission must give notice of its request (either by email or via RightsLink) and adhere to the terms of the permissions license granted.

Some published material such as complex illustrations such as anatomical drawings; cartoons; maps; works of art; creative photographs or specific works may be excluded for legal reasons.

Please take notice of the full list of [Signatory Publishers](#) and any exclusions which may apply to any of them.

Summary in table form

Specifications	What is covered	What is not covered
Terms/Content	<p>Signatory publishers may:</p> <ul style="list-style-type: none"> • use up to three figures (including tables) from a journal article or book chapter, but: • not more than five figures from a whole book or journal issue/edition; <ul style="list-style-type: none"> • not more than six figures from an annual journal volume; and • not more than three figures from works published by a single publisher for an article, and not more than three figures from works published by a single publisher for a book chapter (and in total not more than thirty figures from a single publisher for re-publication in a book, including a multi-volume book, with different authors per chapter • use single text extracts of less than 400 words from a journal article or book chapter <ul style="list-style-type: none"> • not more than a total of 800 words from a whole book or journal issue/edition 	<p>Any third party material credited to another source. This must be cleared with the stated copyright owner.</p> <p>Cannot be used as a cover image or for other promotional designs. Permission needs to be sought separately and explicitly and may incur a fee.</p> <p>Permissions for publications with less than 70% original content should be requested directly from the publisher (not covered by the STM Permissions Guidelines)</p> <p>Adaptions or modifications are not permitted without the prior permission from the publisher</p>
Original content	<p>For use in new journal articles or primary books when it is necessary or vital to quote or reproduce the illustration for comparison, criticism or context.</p>	<p>Should not be used as an automatic substitute for creating one's own illustrations.</p>
Format	<p>Includes print and electronic versions of the work that are essentially the same as the main print work, provided that the material is incidental to the work as a whole, and embedded material (or a specific link to it) remains in situ. (an online "database" of electronic journal or book content is not considered a separate exploitation).</p> <p>Re-use includes publisher-authorised distribution by third party distributors, aggregators or other licensees of the work as a whole.</p>	<p>Licensed/embedded material cannot be taken <i>out of situ</i> and incorporated in print or electronically or in an online database for separate exploitation.</p>

Further Editions (subsequent editions and translation)	<p>Any permission granted for a particular edition will apply also to subsequent editions and for editions in other languages provided that they are produced and published by a Signatory to the STM Permissions Guidelines and such editions are for the work as a whole in situ and does not involve the separate exploitation of the permitted illustrations or excerpts.</p>	<p>Licensed/embedded material cannot be taken <i>out of situ</i> and incorporated in print or electronically or in an online database for separate exploitation.</p>
Subsequent editions of transferred titles	<p>If the new Publisher is a Signatory to the STM Permissions Guidelines, any permission granted for a particular edition prior to the transfer will also apply to subsequent editions.</p> <p>Transfer of rights in a work (book or journal) which is the original source work for any permission granted under the STM Permissions Guidelines neither terminates any previously granted permission for any edition or further editions, nor authorises the transferee of the rights in that source work to revoke permissions granted prior to transfer under the STM Permissions Guidelines.</p>	<p>A publisher (or any other person) who is not a Signatory, or ceases to be a Signatory to the STM Permissions Guidelines and who wishes to release a further edition of a title in respect of which a permission had been granted under the STM Permissions Guidelines, must apply for an individual permission.</p> <p>However, if the production of a further edition has commenced prior to either of the above, the further edition may be published under the previously granted permissions, provided that it is published within 360 days of the cessation or transfer, as the case may be.</p>
Proper credits	<p><u>Proper Credits</u></p> <p>Full credit will be given to the author(s) and publisher(s) of the content:</p> <ul style="list-style-type: none"> • For material republished from books: author, title, edition, publisher, city, country, Copyright © year; • For material republished from journal articles: author, title of article, title of journal, volume number, issue number (if relevant), page range (or first page if this is the only information available), date, publisher, and DOI or article number if required as noted below in the signatories section; • For material being published electronically a link to the version of record (in particular for journal articles) should be provided back to the original article (via DOI). 	<p>Any third party material credited to another source. This must be cleared with the stated copyright owner.</p>

Frequently-asked Questions

Do the STM PERMISSIONS GUIDELINES apply automatically to STM members?

No, each STM member has the opportunity to become a Signatory to the STM PERMISSIONS GUIDELINES. The STM PERMISSIONS 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 PERMISSIONS GUIDELINES if the member in question is also prepared to offer its content under the STM PERMISSIONS GUIDELINES to each of the other Signatories (with any exceptions for particular types of content as noted in the signature section of the STM PERMISSIONS GUIDELINES).

What is the benefit of becoming a Signatory to STM PERMISSIONS 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 PERMISSIONS GUIDELINES when clearing third-party content originally published by STM PERMISSIONS GUIDELINES signatories.

How does my publishing house become a Signatory to the STM PERMISSIONS GUIDELINES?

By sending an email with the name of your House, 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, your House has the opportunity to sign up to the STM PERMISSIONS GUIDELINES at the time of becoming an STM member, remitting membership dues or otherwise renewing STM membership.

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

It is possible to declare on sign-up to the STM PERMISSIONS 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 PERMISSIONS GUIDELINES?

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

What is the difference between STM PERMISSIONS 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 PERMISSIONS 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 PERMISSIONS 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 a Signatory to the STM PERMISSIONS GUIDELINES, 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.

Do I need to request permission if the material in the originating work is Open Access?

If the material was published under an Open Access user licence, it is likely that the publisher would re-use the extract under the terms of that Open Access user licence. This is true even if both publishers are Signatories of the Permissions Guidelines. In such a case, the requesting publisher must comply with the terms of the Open Access user licence.

However, if both publishers are Signatories and, for whatever reason, the requesting publisher wishes to seek permission through the Permissions Guidelines – for instance if the Open Access licence contains terms which do not suit the intended re-use - then it is free to do so. In that case, the Permissions Guidelines (including the rules on quantity limits, the giving of proper credit, etc) will apply to the re-use, not the terms of the Open Access licence.

What if the new article in which the requested material is to appear, is to be published under an Open Access licence?

The requesting publisher must comply with the Permissions Guidelines when re-using content (including the rules for giving proper credit), which means that there must be a statement to indicate that the rights in the material are owned by a third party and that permission for any further re-use, where necessary, must be obtained from the relevant copyright owner.

Republication in an Open Access publication of material which was not published Open Access originally, does not make that material Open Access. By implementing the requirements of the Permissions Guidelines relating to the giving of proper credit, the requesting publisher must make it clear that the rights in the republished material are reserved.

What publications are eligible under STM PERMISSIONS GUIDELINES?

Permissions clearance for re-publication of primary publication materials in secondary or tertiary publications are generally beyond the scope of the 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 PERMISSIONS GUIDELINES.

What are the relevant changes of the 2014 version of the STM PERMISSIONS GUIDELINES?

The 2014 version of the STM PERMISSIONS GUIDELINES clarify the point that permissions for further editions are only valid for so long as the publisher of that further edition remains a Signatory to the Guidelines. Some explanatory notes are provided as to what will happen if the further edition is published by a person who is not a Signatory, and also provides for the case if publication takes place during a transition of the publishing rights to a non-Signatory.

The 2014 version also simplifies the language relating to cases where a Signatory requires notice of a permission request.

What are the relevant changes of the 2012 version of the STM PERMISSIONS GUIDELINES?

1. The 2012 version of the STM PERMISSIONS 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 PERMISSIONS GUIDELINES.
2. The 2012 STM PERMISSIONS 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 PERMISSIONS 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/](http://www.stm-
assoc.org/permissions-guidelines/).

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

RightsLink captures the STM PERMISSIONS 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 a publisher which is a Signatory to the STM PERMISSIONS GUIDELINES to request his or her publisher to clear rights, as RightsLink will detect a permission request coming from a Signatory when directed at another Signatory.

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

STM PERMISSIONS 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 PERMISSIONS GUIDELINES apply to translations?

Yes, STM PERMISSIONS GUIDELINES would apply to any publication of a Signatory to the STM PERMISSIONS GUIDELINES that incorporates third-party content owned or controlled by another 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. Permissions granted for further editions (ie subsequent editions and translations) are only valid for further editions that are produced and published by a Signatory.

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

RightsLink is an electronic permission request system controlled by the Copyright Clearance Center Inc. RightsLink is able to use STM PERMISSIONS 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 PERMISSIONS GUIDELINES and accordingly respect gratis permission levels granted by one Signatory to another.

What is the difference between STM PERMISSIONS GUIDELINES and Frankfurt Book Fair RightsLink?

Frankfurt Book Fair RightsLink is a centralized rights clearance service offering a single solution across multiple rightsholders and designed for and by publishers based in Germany, Austria and Switzerland. (Previously it used to be managed by MVB. Both the company organizing the Frankfurt Book Fair and MVB are subsidiaries of the German Publishers and Booksellers Association.) Frankfurt Book Fair RightsLink offers a more stratified version of permissions but recognizes the STM PERMISSIONS GUIDELINES and accordingly respects gratis permission levels granted by one Signatory to another.

Can a beneficiary of a permission under the STM PERMISSIONS GUIDELINES sub-license 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 PERMISSIONS GUIDELINES. However, a permission obtained by a Signatory to the STM PERMISSIONS GUIDELINES 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 PERMISSIONS 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 PERMISSIONS GUIDELINES, which are limited to issues of copyright only.

Does an STM PERMISSIONS GUIDELINES always cover all future editions?

Yes, a permission obtained by virtue of STM PERMISSIONS GUIDELINES covers all future editions, as long as any future edition complies with the overall limits set in the STM PERMISSIONS GUIDELINES.

The 2014 version of the STM PERMISSIONS GUIDELINES makes it clear that permissions granted for further editions (ie subsequent editions and translations) are only valid for further editions that are produced and published by a Signatory to the Guidelines.

Therefore a publisher or any other person who is not a Signatory to the

Guidelines and who wishes to release a further edition of a title in respect of which a permission had been granted under the Guidelines, must apply for an individual permission. Such an individual permission would, for example, be required in respect of future editions of editions or translations which exist at the time a title is transferred, to a person who is not a Signatory or upon the current publisher ceasing to be a Signatory.

In order to cater for transitions, the 2014 version of the STM PERMISSIONS GUIDELINES provide that if the production of a further edition had commenced before the publisher ceased being a Signatory or before the transfer of the edition or translation and the relative future edition to a non-Signatory, the further edition may be published under the previously granted permission if it is published within 360 days of the cessation or transfer, as the case may be.

The transfer of rights in a work (book or journal) which is the original source work for any permission granted under the STM PERMISSIONS GUIDELINES neither terminates any previously granted permission for any edition or further editions, nor authorises the transferee of the rights in that source work to revoke permissions granted prior to transfer under the Guidelines.

Who are the Signatories to the STM PERMISSIONS GUIDELINES and what are the exclusions and conditions they have set?

As at 17 December 2014 you can find this information at the following link:

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

MS/CSL/AFM, December 2014