

Guidelines for Obtaining Images and Image Permissions *Journal of the Society of Architectural Historians*

- SAH requires that authors clear rights to images for reproduction in *The Journal of the Society of Architectural Historians*. You may need to obtain both a loan permission from an image lender (e.g., a museum or a photo bank such as Art Resource or Corbis) *and* a copyright permission from the rights holder for the work (e.g., an artist, artist's estate, or agent such as the Artists Rights Society).
- Artworks whose creator died more than 70 years ago are no longer in copyright. For such works, the only copyright may be that of a photographer who created the photo of the artwork. Or there may be no photographer's copyright—if, for example, you take the photo yourself. If there is no copyright, then you only need to rent or purchase or take a photo, and the paperwork need only cover that transaction.
- If the artist or architect died less than 70 years ago, or if the work was created by a corporate entity (e.g., an architectural design firm creating a floor plan) less than 125 years ago, copyright is still in effect. (Copyright has this length of term in most countries worldwide.) In such cases, you need to obtain permission from the rights holder as well as rental of a photo.

For example, if you wish to reproduce a drawing in the collection of the Big City Architectural Archives, you must obtain permission from the copyright holder (the architect's estate, which may be managed by the Artists Rights Society), and you must obtain a photo of the drawing from either a photo bank or the archive. The latter transaction may include you signing a permission form with restrictions or terms—that form is not a copyright permission but a rental contract.

Tips for Obtaining Image Permissions:

- Begin to request pictures and permissions **as early as possible**. Some sources are slow to respond to requests.
- Do the necessary research. Find out who handles permissions for a given artist, artwork, or museum. If you need help understanding this process, contact the editor.

For example, the image permissions for the Réunion des Musées Nationaux in France are handled in the U.S. by Art Resource in New York. Many 20th-century artists and artists' estates are handled by the Artists Rights Society in New York. Image rights holders may be listed in a credits section in a book that reproduces the work. Museums and archives may also supply such information.

- Remember that SAH will need to keep the pictures until after the date of publication. If you are renting transparencies, negotiate a rental term that will accommodate this.
- Scope of rights: request world English-language rights. (*The Journal of the Society of Architectural Historians* is sent to libraries and other member organizations and individuals overseas.) Request online/digital permission as well. Some lenders are uncomfortable granting permission for online use. You can explain to them that *The Journal of the Society of Architectural Historians* is archived permanently in JSTOR and other digital archives. See the sample Permission Request Letter for additional description of this. If a lender or rights holder will only grant a renewable, term-limited license for online use, contact the editor to discuss.
- As a scholar publishing in a nonprofit journal, you can and should negotiate fees. Many rights holders ask high fees, but most will lower them for a scholarly purpose. You can tell the rights holder that *The Journal of the Society of Architectural Historians* is not sold, but is available only to subscribers. Black-and-white images are usually much less expensive than color.
- Be sure to ask the owner of the picture source to inform you of all rights holders. Some works of art and architecture must be cleared with more than one rights holder (e.g., the artist's estate and a

- Authors may propose images for color reproduction in *The Journal of the Society of Architectural Historians*. However, we cannot promise publication of color. Therefore, if at all possible, do not pay any additional permission fee for color reproduction until we have confirmed whether images can be in color, which may happen after editing. Some owners will not send transparencies until payment is received. Try to negotiate this. If the owners absolutely will not wait for payment, ask them to describe the procedure for reimbursement if the image is not printed in color.
- When submitting your final manuscript and images, enclose photocopies of all the signed permissions and any other documents you receive from rights holders and image lenders. Please write your name and the corresponding figure number at the top of each of the permission documents (fig.1, fig.2, etc.). Since you are legally responsible for clearing rights, you should keep the originals permanently. If the deadline for the pictures has arrived and you have the pictures but not all the paperwork, please send the pictures with your manuscript, those documents you have, and a letter explaining the status of the outstanding permissions. Forward copies of the remaining documents as soon as they arrive.
- **Art photographed from a book.** Depending on a number of factors, such images may or may not need to be cleared for permission. If the artwork is a two-dimensional work and is out of copyright (the artist died more than 70 years ago), you may not need to clear any permissions. But if the photograph of the artwork (e.g., of a drawing or building) is copyrighted, then you may need to clear a photographer's permission. Diagrams, maps, and line drawings are created by artists, who typically own the rights to them. The publisher of the book is usually not the holder of rights to such images. Most books print "picture credits" in the front or back, indicating the source of each image. Be sure to consult the credits section of a book before you scan an image from it. If there is no credits page, and the work or photo of the work is not out of copyright, then you may need to write to the permissions department of the publisher to request contact information for the rights holder.
- It bears repeating: The publisher of a book is usually not the copyright holder for an artwork reproduced in the book. The museum that owns an artwork is usually not the copyright holder for that artwork, though it may assert copyright over a photo of that artwork. Thus, loan forms for the rental of a photo, scan, or transparency are not necessarily the same as copyright permissions.
- **Lengthy text excerpts** may also be in copyright. Fair-use laws permit you to quote within reason (and at length in a review of the book), but in general if you quote at length from a copyrighted text (including a modern copyrighted translation of an old text), you should request permission from the copyright holder (usually the author or publisher).

This document adapted with thanks from the guidelines prepared by the College Art Association.

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Sample Permission Request for Illustrations and/or Cover Art

(Include a photocopy of the image you wish to reprint with your written request.)

Dear _____,

I am writing to request permission to use the following image from your [museum/collection/publication], and to request a [black-and-white photographic print/color transparency/digital color scan] of it from which I can produce the image for my forthcoming article, "_____", to be published in the _____ issue of *The Journal of the Society of Architectural Historians*, a scholarly journal published by the Society of Architectural Historians, with a circulation of approximately 3500.

Title of image: _____

Artist: _____

Year: _____

The Society of Architectural Historians is a nonprofit publisher and articles in *The Journal of the Society of Architectural Historians* are for an academic audience only. I would therefore be grateful if you could waive any reproduction fees. I am requesting that you grant the Society of Architectural Historians worldwide, English-language rights, on a nonexclusive basis, to publish the image with my article in print format and in microfilm, electronic databases, and online services.

Please specify below any credit line you require. If you do not control the rights requested, please let me know whom I should contact in this matter.

Thank you.

Sincerely,

PERMISSION IS GRANTED, as requested above:

Signature

Date

Printed Name

CREDIT LINE: