

3.5: Top Tips for Requesting Permission from Third Parties Whose Content You Wish to Use

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Context

This resource is based upon the *IPR Toolkit* created by the JISC-funded Web2Rights Project (www.web2rights.org.uk) and adapted for SCA sponsors and other organisations across the public sector. It is intended to form part of a toolkit, which can be further adapted to suit specific requirements and issued to content creators and content users across the public sector who are responsible for rights management and rights clearances. This paper provides some headline issues to consider when requesting permission from third parties whose content/technology may be required for use by public-sector bodies. NB: You may often find that when you want to ask for permission to use content from a third party, you can present them with your own model licence or use their licence.

Top Tips

- Give yourself plenty of time, enough resources and support to take account of what you need to do
- Try and factor rights clearances into project budgets and project management issues before you start
- Before you start, clarify what you want to do with the content; for how long; who you want to allow access to the content; and how and for what purpose your users will be able to use it
- Make sure that the licence granted to you reflects this

Do not forget

- Different audiences may require a different version of the same licence
- Some rights owners will not be grateful for a 20-page licence: understand the nature of your content, who your rights holders are likely to be and assess whether the content is high or low risk!
- Ensure that you understand your obligations to funders, eg if your outputs may need to be made accessible wherever possible, for free, perpetual, unlimited usage (for content) or under open source principles (for technology) – this usage needs to be reflected in the licence
- Ensure that any licence that you issue is fit for purpose: if it does not do what you want it to do, then find or develop another one that is more appropriate
- Think about the rights that you need, how long you need them for, and the rights that the content supplier retains
- Don't ask for more than you anticipate you need, whilst considering your long-term aims and uses
- Permission can be obtained in different ways, such as a faxed-back agreement, email, or countersigned letter. It is safest to have the confirmation in a letter or a fax
- Make sure that the person/body who signs the licence or otherwise says 'yes' to what you ask for is authorised to grant permission (ie, they are the owner of the rights, or have the authority to sign on behalf of the owner of the rights)

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