Tāwhia Copyright Aotearoa

Getting permission to use someone's copyrighted work

Imagine you have a new favorite book and want to turn it into a movie script. Or perhaps you want to paint your own version of someone's photograph.

If you want to use someone else's work, like a photo, song, or book, you need to get permission from the copyright owner. Here's how:

Step 1: Contact the Copyright Owner

If you are a teacher or seeking permission on behalf of an organisation, first check if your school or company has an **existing collective licence** from a **licensing agency**.

If it's not covered by a licensing agency, or if you need **permission for your own use.**

Check details on the work:
Usually, it'll be obvious who to contact, because their name will be on the work, so check for credits, a copyright notice, or other contact information.

If you've found the work on a website, information can usually be found in the Terms of Use or Copyright section of the website. As well as naming the copyright owner, websites often provide a contact address to which you can send your permission request.

Contact the Publisher or Record Label:
If you can't find the copyright owner directly, try contacting the publisher, record label, or production company. They often handle rights on behalf of the creators.

Use Licensing agencies:
Sometimes, works are managed by collective licensing bodies. These groups can grant permissions for multiple works. Examples include APRA for music or the Authors' Licensing and Collecting Society for writers. Tāwhia Copyright Aotearoa can help you find who to contact for permission for authors.

Search online:
Use online resources to search for copyright owners.

Step 2: Write a detailed letter or email

Have a look at the Request Letter example and explanations below to help you write your own letter:

[My Name]
123 My Street
My town, Postal Code
Country
15 May 2024

[Copyright Owner's name] 1
456 Copyright Street
Their town, Postal Code
Country

Dear **[Copyright Owner's name]**,

2 **I am an author** and currently writing a mystery book (working title **"[Book Title]"**) in which the characters are visiting an art gallery, where they find clues. I am using photos of real artworks in my book so that **readers can look at the works my** 3 **characters will be looking at** and look for clues themselves.

4

I recently visited **[Gallery X]** in **[My Town]** and saw 5 your work **"[Artwork Title]"** on display, and I am writing to **request permission to include it in my** 6 **book** as a **full colour 4"x6" page**. 7

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The book will be **published** by **[Publisher Y]** in 9 2025 and **sold** in bookstores throughout New Zealand, as well as through my author website 10 **"[author.co.nz]"**. There will be 9 other artworks featured in the book, which will be about 300 pages long. As the artist, you will be fully credited with **the** 11 **name you prefer, and copyright remains assigned to you**. I am happy to discuss other terms with and would love to have your **response by June 12, 2027**. 12

Thank you for considering my request for permission to use your work "**[Artwork Title]**" in my book "**[Book Title]**". I look forward to talking to you further.

Yours sincerely

Author

1 **Copyright Owner's Name:**
Use their name or names if there is more than one copyright owner. If you're unsure, ask to confirm ownership and whether there are others you need to contact.

2 **Introduce Yourself:**
Provide a brief description of yourself and your work.

3 **Explain Your Purpose:**
Explain why you want to use the work.

4 **Describe the Work:**
Give detailed information about the work you want to use and where you found it. Include ISBN numbers for books, URLs for online content, and any other identifying information. Mention specific pages, chapters, or quotations if applicable.

5 **Title of the Work:**
Specify the title of the work you want to use.

6 **Request Permission:**
Explicitly request permission to use the work.

7 **Explain Your Use:**
Clearly describe how you intend to use their work. For example, where you will perform the work and for whom, and how you will adapt or change the work.

8 **Publication Details**:
Explain how others will experience the new work, such as the number of copies you will make, where it will be shown, or where it will be available. ("Publishing" isn't just for books, it means that a work is available to the public.)

9 **Commercial Use:**
Explain whether the work will be sold and how.

10 **Provide Contact Information:**
Include your website address or links to your work.

11 **Attribution Preferences:**
Ask if they have a preference for how you credit their work.

12 **Set a Response Date:**
Request a response by a specific date, giving them enough time to consider your request.

Step 3: If you can't find the copyright owner

If you can't find or identify the copyright owner, you still need to be careful. Not knowing the owner is not an excuse if you use their work without permission, and just "tagging" them in your work is not going to defend you from a copyright infringement claim.

Exceptions to the rule:

- The Copyright Act says you might have a defense if you tried hard to find the author of a book, play, song, or artwork, but couldn't.
- You must also believe that the copyright has expired or the author died more than 50 years ago.

What some people do:

- Sometimes, publishers or other users can't find the copyright owner but decide to use the work anyway. They think the benefits of using the work outweigh the risks of getting in trouble.
- They often include a "good faith" notice saying they couldn't find the owner but are willing to pay a reasonable fee if the owner comes forward. Important note: This "good faith" notice does not legally protect you from being sued for copyright infringement.

Step 4: Keep records

Keep copies of all communications with the copyright owner, and records of your attempts to find them, no matter what the outcome of your communications is.

Step 5: Ask for help

To make sure everything goes smoothly, it's a good idea to have an agreement with the copyright owner.

You don't need a lawyer to create a formal contract, but if there's a lot at stake or you'll be making similar requests often, it's smart to get legal advice. A professional can help you be clear about how you'll use the work, who owns the copyright, and what each of you will gain from the arrangement. You can find an IP (Intellectual Property Lawyer) or you can visit us at tawhia.nz to learn how to access our legal services.

Important tips

When looking for a copyright owner, keep these points in mind:

1. **You don't need permission if you're using the work for private study or research or if you're writing a review or talking about it on a broadcast.** This is called fair dealing. For example, you can print out one copy of a picture from the internet to use as a reference to practice your own technique, but you can't sell the work you create using that picture.
2. **You might not need permission if it's an insubstantial amount.** "Insubstantial" has nothing to do with a percentage, or a number of pages, or a length of time. It refers to the quality of a work. For example, copying the face from a portrait is substantial, but copying just the pant legs might not be, especially if they aren't distinctive or crucial to the work.
3. **Ownership:** Owning a physical item doesn't mean owning the copyright. For example, a museum may own a painting but not its copyright.
4. **Creator vs. Owner:** The person who made the work might not own the copyright. They could have created it for an employer or transferred the copyright to someone else.
5. **A work can have more than one copyright owner**. You might need permission from several people.
6. **Deceased Creators:** If the creator has died, their copyright may be passed on through a will or inheritance laws. For a company, the Official Assignee handles assets like copyright if it goes out of business. Don't assume that the death of a creator or a company going out of business means that all their copyrighted works are free to use.

Following these steps can help ensure you're respecting copyright and legally using someone else's work, but these are general guidelines. If you're unsure about anything, consider seeking further advice by contacting us at Tāwhia Copyright Aotearoa.

Useful contacts

The following is a list of useful organisations which may be able to help you to identify and locate a copyright owner to request permission to use a work. In some cases (where indicated), the organisation may be authorised to provide certain licences on behalf of copyright owners.

Printed Material
(Books, Journals, Dramatic Works)

- **Tāwhia Copyright Aotearoa** – A copyright collective that licenses the reproduction of material from books and journals on behalf of the majority of New Zealand and many overseas publishers and authors.
- **Libraries** – Including the National Library of New Zealand.
- **New Zealand Society of Authors** – Represents the professional interests of New Zealand writers and illustrators in New Zealand and internationally.
- **New Zealand Writers Guild** – A professional association of script writers and a registered trade union.
- **Print Media Copyright Agency** – Authorised by the publishers of certain newspapers and magazines to grant licences to reproduce cuttings.
- **Publishers Association of New Zealand (PANZ)** – Represents book publishers and distributors in New Zealand. Publishes a directory of its members which provides contact details for each member and a summary of the type of publishing each undertakes.

Visual Art and Photographs

- **Advertising and Illustrative Photographers Association (AIPA)** – Represents professional photographers working in advertising, editorial and illustrative areas.
- **Arts Makers Aotearoa** – An advocacy body for visual artists.
- **Tāwhia Copyright Aotearoa** – Also carries out some visual arts licensing.
- **Galleries and museums** – Galleries, libraries, archives and museums – Often have records of creators and ownership information.
- **NZ Institute of Professional Photography (NZIPP)** – Represents the professional photographic industry in New Zealand.
- **Viscopy** – A visual artists' collecting Society.

Music and Sound Recordings

- **Australasian Mechanical Copyright Owners Society (AMCOS)** – (Administered by APRA) provides licences for the reproduction of copyright music in New Zealand and Australia.
- **Australasian Performing Right Association (APRA)** – Represents songwriters and music publishers in providing licenses to broadcast and publicly perform music in public (such as in shops, restaurants and other businesses) in New Zealand and Australia.
- **Christian Copyright Licensing International** – Provides licences for reproduction of Christian music.
- **Independent Music New Zealand (IMNZ)** – A trade organisation set up to provide a voice for the interests of New Zealand-owned independent recording labels and distributors.
- **Recorded Music NZ** – Represents the interests of recording labels and recording artists, including licensing to broadcast and publicly perform sound and video recordings in New Zealand.

Films, Tv Programmes, DVDs and Videos

- **Motion Picture Distributors Association of New Zealand (MPDA NZ)** – Represents major international film studios and the distribution of their motion pictures.
- **Screenrights** – Licenses film, television and radio works for use by educational institutions.
- **Screen Production and Development Association (SPADA**) – Represents the collective interests of independent producers and production companies on all issues that affect the business and creative aspects of independent screen production in New Zealand.

Performing Plays

- **Playmarket** – Provides licences for the performance of NZ plays.