

Tip Sheet

Reproduction of material is integral to the proliferation of canons and the enriching of cultural traditions. It's the way people learn and become creative with their learning. However, this has to be done responsibly in order to protect the integrity of the work and its author. Before you reproduce a work, you need to know its copyright status and how to respect it:

Public Domain

Works that are in the public domain can be reproduced freely and in full length without seeking permission. **All work published before December 31, 1923 has passed into the public domain.** Otherwise, copyright typically expires seventy years following the author's death.

Most of the poems in these packets are not yet in the public domain, and hence their reproduction relies on the user's interpretation of fair use policy.

Fair Use

Fair use policy is flexible and relies primarily on the user's common sense in assessing:

- a) the appropriate length of the poem fragment being used
- b) the degree to which its use re-purposes the poem: introducing it to a different audience; changing an analytic lens, etc.
- c) whether its use is likely to have an effect on the market value of the copyrighted work.

As for length, Poets House typically uses three or four lines of a poem without requesting rights. Others prefer to go by the 10% rule. In either case, the author must be properly acknowledged, and the fragment must be faithfully reproduced (this includes the reproduction of line length and spacing).

Requesting Permission

Again, fair use policy is flexible, which often does more to confuse rather than to aid users. When in doubt, always request the rights.

If the author has died in the past seventy years, chances are that his or her work is still under copyright protection and that the rights now lie with the author's estate, or, on occasion, with publishing houses. A simple internet search should tell you who they are and how to find them. If they are private individuals, they are likely to respond promptly, but it is wise to allow for a six week response time. Rights holders do on occasion charge a small fee for use but are usually happy to waive the fee for non-commercial projects.

Please note: even if the material is in the public domain or there is a determination that a particular use is "fair use," care needs to be taken that the poetry is reproduced correctly, and that the title and author of the poem are appropriately included with the reprint.