

Copyright Issues

Concerns about rights run both ways: first, in protecting RAND's own copyrights and trademarks and, second, in fully respecting the rights that other persons and organizations hold.

Our primary products are those of the mind—intellectual property—as expressed in a variety of tangible ways. RAND's policy on the protection of intellectual property (<http://rww.rand.org/pp/intellectual.html>) discusses the overall topic in greater detail and is required reading for full understanding of RAND's position. This appendix primarily covers printed materials, but the discussion also extends to materials published on the World Wide Web and to related media.

PROTECTION OF RAND'S RIGHTS

RAND owns products based on RAND research. In the context of publications, that means that RAND is the copyright holder—not the RAND author(s).

Thus, authors may not, by themselves, give permission for reprints, excerpts, etc., to outside individuals and organizations. Likewise, transfers of rights (for example, to a commercial publisher) must be negotiated through RAND. All such requests must be referred to RAND's Rights and Permissions Manager (for additional information, see the Permissions Web page at <http://rww.rand.org/departments/publications/permissions/>). The Permissions Manager oversees permissions for all of RAND and ensures that conflicting rights are not granted.

RESPECT FOR THE RIGHTS OF OTHERS

RAND, in turn, has a legal responsibility to abide by the intellectual property rights of other individuals and organizations. In the context of this manual, that means abiding by copyright law.

Credit Where Credit Is Due

RAND researchers interact quite freely from each other. If the individuals involved are working together (though not necessarily on precisely the same finished product), written material may flow back and forth in a way that might blur authorship lines. At some point, the work ceases to be “yours” and “mine” and becomes “ours,” and this should be acknowledged in the list of authors.

In other instances, RAND researchers borrow from each other in more traditional ways, through quotations and reuse of figures, tables, and data from previously published materials. Even though it is understood that RAND owns the rights to this material, it is a matter of professional courtesy to acknowledge such borrowings through citations and source notes.

While many of government publications are not copyrighted or may be used freely by anyone, this is not always the case. In particular, something might have been reprinted in the publication for which the government itself had to obtain reprint permission. That means that RAND would have to obtain that permission on its own behalf. It is wise to check every time. RAND researchers also borrow or quote from “outside” sources, something that is common in scholarly work. Recognize the distinction between paraphrasing and plagiarism.

It is the responsibility of each researcher to determine whether reprint permission is necessary and to obtain that permission and to collect the information necessary to make that possible. Be careful to determine the specific owner. If the author of a particular book has included copyrighted material with the owner's permission, that does not give you permission to reuse it. You must obtain permission directly from the copyright owner. The Permissions Manager can assist you.

The following subsection explains the permissions process; the final subsections discuss some things that might require such permission.

Obtaining Permission Takes Time

When it comes to the permissions process, time is everything. How much or little you will need of it depends largely on factors outside our control. Identifying the appropriate contact person at the organization is just the first step; getting their attention is the next; securing a response (*in writing*) is the last. The speed with which these individuals get back to us often has to do with whether they charge licensing fees for use of their material. Those who do tend to return calls or email at the speed of light, for an obvious reason: They want our money. Those who do not charge may not be quite so diligent, and speed of response may be noticeably slower.

It is always better to start the permissions process **early** in your work's production cycle. Identify your permission needs as soon as you discover them; pass all the information about the copyright owner on to your research editor or production editor, who will then promptly turn it over to RAND's Rights and Permissions Manager. Keep a careful record of where you located the material you wish to reproduce. The more exact information you can supply about the rights' owner or the Web site (including the URL), the better the chances of getting an answer back in a timely manner.

Staying on the Straight and Narrow

Copyright laws (especially the "fair use" doctrine) and scholarship principles exist to help prevent plagiarism, not to inhibit thought. While that seems straightforward enough on the surface, the trouble

comes in when people try to determine what constitutes fair use.

The following paragraphs discuss some of the major areas that require clarification. Note that, even when written permission is not necessary, acknowledging sources is required. While section offers guidance, it cannot cover every situation. There will be gray areas. In such situations, Publications personnel will be glad to assist.

Quotations. If you quote any text from any other written source, you must (1) clearly indicate that the material is a quotation; (2) copy the material verbatim, placing any "editorial amendments" (such as the use of *sic*) in square brackets to make it clear that these are your words, not those of the original author; and (3) provide a complete citation, including the page number(s) on which the quoted material appears—or at least the page on which it begins. (See Chapter One on indicating quotations and Chapter Seven on citations.)

If you wish to reproduce a substantial amount of text—more than a paragraph or two—you may require permission from the copyright holder. If you are in any doubt, consult Publications.

Data and Ideas. Normally, if you are gathering data from one or more sources and manipulating it (e.g., to create a wholly new table or figure), you do not need explicit permission to use it. You must, however, credit the source(s). Credit the sources of original ideas whenever possible.

Visuals. Photographs, drawings, graphs, tables, and other such illustrations are special cases in that you **may not** borrow them from a copyrighted source without permission. Using images is not "quoting," and making cosmetic changes to an image does not make it yours. It is your responsibility to obtain specific permission for each visual you wish to use.

Material from the World Wide Web. Everything above that applies to the printed page applies also to the Web. It is especially important to recognize that the owner of a site on which you find something useful may not own the copyright for the material. Indeed, in some cases, he or she may not even have permission from the owner—a fact that may not help either you or RAND if a question on the legality of use arises.

In addition, photographic images on the Web are generally unsuitable for use in publishing. Most webmasters optimize photographs for the Web, at a resolution of 78 dots per inch. The standard for printed images is 600 dots per inch (and can run much higher). At such print densities, Web images normally appear to be out of focus. A Web image will never look any better than what you see on screen, and generally looks worse in print. It is always preferable to use either an actual photograph or the highest-resolution scan or digital image available.

The main reason Web sites use such low resolutions is that higher resolutions require bigger files, which require too much electronic room on a server and may take several minutes to download. Some Web sites may make higher resolution images available, either directly online or on order. The owners may also have actual photographs available.

Therefore, all things considered, it is well worth taking the time to determine who actually owns the material you wish to use. This person or group can provide the best image possible, verify the content of text and data, and provide the necessary permission.