

COPYRIGHT PERMISSIONS AND FAIR USE

How to legally use quotes in books (...and when you need to get permission)

“Can I use song lyrics in my book without getting permission?”

“What about quoting someone? Is that allowed?”

This and other fair use/permission issues are frequent questions we hear from authors wondering what the legalities are for using things like quotes, poems, lyrics, song titles, scriptures, and more in the books and products they are creating.

These are good questions and something every writer should have a basic familiarity with. Whenever you want to directly quote, excerpt, or reproduce someone else's work in something you are writing, you should consider whether or not you need legal permission to protect yourself and your business from potential future problems.

Some of the things you may want to quote or reuse will fall under the “Fair Use” umbrella, which means you don't need permission as long as the way you're using it does not impede on the owner's rights. Other things, however, are legally protected by copyright and should only be used after acquiring permission.

Q: Can I quote a celebrity or influential person like Oprah or Richard Branson in my book?

A: This is one of the most common questions we get. The answer depends on how you are using the quote. A quote used within a book, article or social media

post to support the topic in a positive or neutral way is usually OK. Creating something that entirely depends on quotes from other people is NOT OK.

Here's an example:

Don't Need Permission

If you use a few brief quotes by Steve Jobs, Richard Branson and Tony Robbins in a book discussing entrepreneurship, that would fall under fair use.

If you are creating a planner or journal that contains quotes as a small part of the product, but it is filled with a lot of other information created by you such as instructions, motivations, education, art, etc., you are probably safe as well.

***But be sure to provide attribution – it's just the right thing to do. More about that below.*

Need Permission

However, if you write a book of quotes, or create a deck of cards or other merchandise that contains nothing but quotes from celebrities, influencers or other famous people, that would NOT fall under fair use and you DO need permission.

Copyright Do's and Don'ts

The following is a quick roundup of common issues we get asked about and whether they need permission or not.

Please note that this is not a full list and we are not copyright lawyers, so it's best to do further research if you are unsure.

This article by attorney Howard Zaharoff in *Writer's Digest* magazine called "A Writers' Guide to Fair Use" is a good resource. Another good one is *How to Legally Use Quotations*. You can also check out The Library of Congress online search engine for copyrighted works at the Copyright Office website.

You DO need permission to use:

- Song lyrics or poems (even partial ones). Songwriters are very protective of their rights—and permissions can be very expensive and difficult to obtain. There are a couple of exceptions, though:
 - » If you're quoting a song from before 1923 you don't need permission. All works before then are in the public domain.
 - » Hymns that are in the public domain fall under fair use. Not ALL hymns are free to use, though, so be sure to check.

- » If you're writing song lyrics as part of a scholarly work or a critical review, you may have permission under fair use.

- Art or photography that is copyrighted. Best practice is to use photos or images that are public domain, licensed creative commons, stock images, or belong to you.
- Quotes from famous people if they are used as a book title or as a majority of the book contents.
- Quotes from "new" versions of the Bible published after 1923 (see section below).

You DON'T need permission:

- To use quotes from famous people as long as they are used in a brief and positive or neutral way to support your independent work - and with proper attribution.
- To quote or reference the title or author of a work such as books, poems, movies, TV shows or songs.
- To link to something online from your website, blog, book or other publication.
- To quote books or other works published before 1923
- For news stories or scientific studies. Shorter quotes, references and paraphrasing is usually



ok without permission. Copying large amounts of a story or study, however, may require permission from the writer or publisher. Most sites have a policies/procedures page that will note their preferences.

- Recipes (although this falls into a bit of a gray area – for more info read this article by attorney Sara F. Hawkins.)
- To quote scriptures from Bibles published before 1923 (see section below).

Quoting from the Bible

Any work published prior to 1923 is in the public domain and falls under fair use. This includes older translations of the Bible including:

- King James Version
- Revised Standard Version (but not the NRSV)
- Duoay-Rheims
- Young's Literal
- Darby
- JPS Bible (but not the New JPS nor the Jerusalem Bible)
- However, "newer" versions of the Bible have some pretty strict copyright guidelines and should be researched. Here's links to a few we found:
- NIV: <https://www.biblegateway.com/versions/New-International-Version-NIV-Bible/#copy>
- ESV (English Standard Version): <https://www.crossway.org/permissions/>
- GNT (Good News Translation): <https://www.biblesociety.org.uk/copyright-and-permissions/>
- All Thomas Nelson Bible translations: New King James Version (NKJV), New Century Version

(NCV), International Children's Bible (ICB), Expanded Bible, or The Voice: <https://www.harpercollinschristian.com/sales-and-rights/permissions/>

- As you can see, permissions vary from translation to translation. For example, the ESV allows for the use of 1,000 verses without permission as long as those verses are not a complete book of the Bible or the entire text of the book you are creating. But the NIV allows for only 500 verses. If you plan on quoting from the Bible in your next published work, be sure to research the copyright and permissions guidelines for the specific version you are using.

Best practice: Attribution

A good rule of thumb, no matter what, is to always include proper attribution when quoting or paraphrasing someone else's work within your own. Acknowledge the original source of the material, who and where it came from, links to websites if applicable, and your reason for using it.

When in doubt

When it comes to fair use and permissions, most experts agree: When in doubt, leave it out. Want song lyrics? Make some up that fit what you're writing. Need an inspirational quote? We're sure you can think of a great one – and now you're the quotable person and people will want to quote you in the future! The books and products you're creating are full of your creativity, passion and ideas. And that's what people want to hear the most.

*** Please note, this article is for informational purposes only and is not to be considered legal advice.*