

#6 – REQUESTING PERMISSION TO USE IP

ESDC Intellectual Property (IP) Job Aid Series

#1 RULE

Don't use copyrighted material without permission.

While giving credit to the copyright owner is a good practice, it does not eliminate the requirement for permission. In some cases, such as Creative Commons, permission is provided through posted *Use Requirements*. [See: [Job Aid #4 – Use Requirements](#)]

Only use the material in accordance with the *Use Requirements*, whether published or received directly from the copyright owner. If the *Use Requirements* cannot be found or are unsuitable, consult the owner directly or replace the respective content with different material sourced using:

Creative Commons See: [Job Aid #10 – Creative Commons](#)

Public Domain See: [Job Aid #7 – Public Domain](#)
When copyright has expired or never existed

Fair Dealing See: [Job Aid #12 – Fair Dealing](#)
May apply in certain circumstances

When permission absolutely must be requested directly from the owner, follow these steps:

A) IDENTIFY THE TRUE OWNER OF THE IP

This first step to obtaining permission can involve some effort – especially if the original author has sold their rights to another party. Some tips for finding a copyright owner include:

- Searching the host website or by key words;
- Checking business affiliations;
- Executing a [Reverse Image Search](#); or
- Consulting the [Canadian Intellectual Property Office \(CIPO\)](#) website or [database](#)

If the owner cannot be identified/reached, contact the [IPCOE](#) for assistance or find new material!

B) CONTACT THE TRUE OWNER IN WRITING

Use the [Requesting Permission](#) template to communicate with the copyright owner, or include the questions in a written email.

- Clearly identify the material being requested and how it will be used in your project.
- Include any desired intention to copy, distribute (even if only within the department), translate, modify and/or post a portion or entirety of the document online.
- Identify the target audience, existing or potential partnerships and any commercial intention.
- Clarify that this person has the authority to provide permission and, if they don't, request that they provide the legitimate owner's name and contact information.
- Ask for instructions on recognition.
- Comply with Moral and other associated rights that may apply.

[See: Job Aids [#8 – Moral Rights](#) and [#11 – Additional Rights](#)]

Image Source:
Wikipedia Commons
[Public Domain]

C) KEEP RECORDS



If permission or *Use Requirements* are provided at the source, keep:

- A record of the source location or URL
- A complete copy (or screenshot) of the material/image in question
- A complete copy of the *Use Requirements*

If permission from the copyright owner **must be requested**:

- Contact them to provide clear details around how and where the material will be used
- Keep a record of all communication, including any resulting *Use Requirements*

Save all records in a shared repository where they:

- Are accessible to multiple employees;
- Can be kept indefinitely

Questions? Refer to the [IPCOE Website](#) or contact the [IPCOE](#) by email.