



Staff Report

Agenda Item: **ARCHIVE IMAGE ACCESS POLICY** – Discussion and consideration of the Heritage Conservancy Board recommendation on an Archive Image Access Policy for the Town of Clarkdale.

Sponsored By: Heritage Conservancy Board

Staff Contact: Charlotte Hawken, Library Manager

Meeting Date: July 28, 2009

Background: Having received multiple requests for digital or printed historical photographs, the Heritage Conservancy Board has worked with staff to develop an Archive Image Access Policy. Such a policy is needed in order to respond to requests for historical photographs. This policy will provide consistency when dealing with matters concerning archival images and copyright laws. This policy pertains only to photographs taken prior to the Town's incorporation. Any photographs taken after the Town incorporated on July 1, 1957 are considered public record and are handled under the public records law and will not be considered in this Policy.

We are currently in receipt of the following requests for digital or printed historical photographs:

1. Joint Town/Clarkdale Heritage Center kiosk project.
2. Pam Ravenwood for a book on Clarkdale history in conjunction with Arcadia Books.
3. Yavapai County Centennial Committee for a book on Yavapai County history.

The Heritage Conservancy Board reviewed image policies from Arizona State Library, Archives and Records and Sharlot Hall Museum. The Board agreed that the Arizona State Library, Archives and Public Records (ASLAPR) Pictorial Image Policy was the better sample and requested staff use it to develop a draft image access policy for the Town of Clarkdale.

The policy consists of three parts:

1. Collections and How to Order Archive Photographs
2. Request for Permission to Use Pictorial Images for Publication
3. Request for Permission to Use Pictorial Images –Personal Use Only

The Heritage Conservancy Board members have reviewed the Policy presented for consideration today and are recommending that the Council adopt the Policy.

Recommendation: **To approve the Town of
Clarkdale Archive Image Access Policy.**Town of
Clarkdale

Archive Image Access Policy

Collections

The Clarkdale Heritage Conservancy Board identifies, collects, preserves and provides access to the historical manuscripts, government records, books and photographs of Clarkdale and its peoples, as outlined in the Town of Clarkdale Archive Policy.

Interested in donating material to the Town of Clarkdale Archive? We collect materials that document Clarkdale's rich heritage which includes: information about the important people, issues, places, and events that make up the story of Clarkdale's history. Additionally, we collect records that remain useful for the Town and the general public because those records provide accountability to its citizens, provide evidence about public policies and programs, and protect or verify individuals' rights and entitlements. If you have any documents, photographs or other resources that fit within these categories, please consider donating them to the Clarkdale Archive. You may contact us at (928) 639-2400.

The Clarkdale Town Archive contains four basic types of collections: [archival collections](#), [oral histories](#), [photograph collections](#) and the [Arizona Collection](#). Archive photographs focus upon the unique cultural heritage of the Town of Clarkdale, beginning in 1910. The collection includes about 200 images, including photographs, slides, negatives, glass plate negatives, tintypes, transparencies, postcards and others. Of these 200 images, about 30 are currently digitized and available on our photograph search page. The majority of photographs in the collection pre-date 1957, the date of the Town's incorporation.

The Town of Clarkdale holds copyrights and applicable Use rights to the images. Donations of photographs which document the history of Arizona are continuously accepted. Our archivists endeavor to create the most accurate indentifying information possible for each image. However, occasionally we misidentify an image. If you notice an error and can provide us with a correction please contact the Town of Clarkdale, Heritage Conservancy Board at (928)639-2400. If you have questions about the photograph collection, donations, or if you have identified errors, please contact the Town of Clarkdale, Heritage Conservancy Board.

How to Order Archive Photographs

Images in our database are samples only - full size photographic prints, digital prints, or (for publication) jpg. digital files are available. To place a request, complete the appropriate form, copies of which are included in this Policy. For publication of images use the form: "Request for Permission to Use Pictorial Images for Publication" (starting on Page 2). For personal or educational purposes, use the form: "Request for Permission to Use Pictorial Images Personal Use Only" (starting on Page 8). Completed forms must be mailed, with an *original signature*, and payment (by check or money order, payable to the Town of Clarkdale) included. Photograph requests may take 5-10 business days. Use Fees are indicated on the appropriate Publication request form. Production Fees for images are as follows:

Photographic Prints	Digital Images
BW 5x7 \$18	Digital prints \$12
BW 8X10 \$24	Digital files via email \$12 per image
BW 11x14 \$30	Digital files on CD, \$17 first image, \$12 per image thereafter
Color 5x7 \$20	
Color 8X10 \$30	
Color 11x14 \$40	

Request for Permission to Use Pictorial Images for Publication

The photograph collections held in the Archive contain photographs that were in private collections and are therefore subject to copyright laws.

Town of Clarkdale, Heritage Conservancy Board
PO Box 308
Clarkdale, AZ 86324

To: Archive Collection Manager

From: Print name: _____

Street address: _____

City, State, ZIP: _____

Local Telephone/email: _____

1. Permission: All requests to reproduce photographic images from the Town of Clarkdale (hereinafter the "Town") must be submitted on this application. The applicant agrees to abide by all terms, conditions and provisions of this agreement.

Permission for reproduction is granted only when this application is countersigned by an authorized representative of the Town. Permission for reproduction is limited to the applicant and is non-transferable and only for the expressed purpose described in this application. This permission is non-exclusive; the Town reserves the right to reproduce the image and to allow others to reproduce the image.

The Town reserves the right to limit reproduction of its pictorial images and to impose such conditions as is required by donor agreement or law, or if original material is too fragile for reproduction.

2. Description of this publishing project:

Author(s)/creator(s): _____

Title or description: _____

Place of publication: _____

Publisher or sponsor: _____

Date of publication: _____

Office Use Only

Paid _____ Filled _____ Date Mailed _____

3. Economic classification of this publication:

- Publication by an accredited, non-profit organization [501(c)(3)].
- Publication by a university press or educational institution.
- Journal/magazine publication. Title: Circulation:
- Broadcast media. Audience:
- Book publication. Production run:
- For profit design or advertising use. End product:
- Newspaper:
- Other:
- PowerPoint or Web:

4. Reproduction of Photographic Images: Permission is granted to use only the images that are identified and described on in the Image Request portion (page 7) of this application. Photographic images supplied by the Town may not be copied, scanned, exhibited, resold, or used for any other purpose than that specified in this application. Unauthorized reproduction will incur a fine of three times the normal fee, and the Town reserves the right to demand surrender of all materials containing unauthorized reproductions.

5. Fees: See schedule of "Image Charges" on Page 5 and "Use of Pictorial Images for Publication" on Page 6.

6. Copyright:

A. Permission

In addition to the permission of the Town, additional permissions may be required. In cases

of living artists and/or subject to the 1976 Copyright Law or the 1991 Visual Artists Rights Act, written permission must be secured by the applicant from the artist, his/her agent, or the copyright owner and provided to the Town before a photograph of the artwork will be released.

B. Copyright Warning

WARNING CONCERNING COPYRIGHT RESTRICTIONS:

The copyright law of the United States (Title 17, USC) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, archives and libraries are authorized to furnish a photocopy or reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. The Town reserves the right to refuse a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

C. Privacy:

An individual depicted in a reproduction has privacy rights as outlined in Title 45 CFR 46 ("Protection of Human Subjects"). The Town reserves the right to require a release from individuals whose privacy may be violated by the publication of this image.

D. Owner of original image:

In instances where the Town holds only a reproduction of an image, written permission of the owner of the image is required. The Town cannot grant permission or issue a print when the owner of the original image is known.

It is the responsibility of the applicant to obtain permission to publish reproductions from the owner of copyright (the institution, the creator of the record, the author, or his/her transferees, heirs, legatees, or literary executors). The Town will aid the applicant in contacting individuals by providing addresses, when available. However, the Town does not warranty the accuracy of that information, and shall not be responsible for any inaccurate information.

The Town assumes no responsibility for infraction of copyright laws, invasion of privacy, or any other improper or illegal use that may arise from reproduction of any image. The applicant agrees to hold the Town and its agents harmless against any and all claims arising or resulting from the use of each image and shall indemnify the Town and its agents for any and all costs and any damages arising or resulting from any such authorized use.

7. Image alteration: I understand that photographic images must be reproduced unaltered and in their entirety unless approved in writing (standard cropping and resizing are permissible).

8. Credit line: This photographic image must be reproduced unaltered and in its entirety unless approved in writing (standard cropping and resizing are permissible), and it is mandatory that the credit line, including image number, appear with the image or on a credit page, indicating the page number. Crediting of each individual item is mandatory in all cases.

Example: Town of Clarkdale Archive, #2009-001-001.

The payment of a fee does not exempt an applicant from credit line requirements. Failure to include a credit line will incur a fine of one-hundred dollars (\$100.00) per image.

9. Pre-publication rights: The Town reserves the right to examine proofs and captions for accuracy and sensitivity prior to publication with the right to revise if necessary. The Town reserves the right to refuse any request and to impose such conditions as it may deem advisable in its best interests.

10. Payment of fees: Prepayment of all fees is required before permission to publish is granted. Default in payment shall immediately revoke permission.

If the size of edition, or number of editions, exceeds the terms specified in this application the applicant shall immediately pay the difference in Use Fees. If payment is not received within thirty (30) days, the applicant shall be liable for twice the difference in fees.

11. Final publication: The applicant agrees to send the Town, upon date of publication, one (1) complete, best edition, gratis copy of the work containing the reproduction (at no charge to the Town).

12. Original prints: All original prints and negatives are retained by the Town of Clarkdale Heritage Conservancy Board and do not leave the Archive. **Images may not be copied by clients using their own equipment.**

Image Charges

Digital files (may be sent via email) \$12 per image
CD (additional) \$5

***Negative charge is an additional \$15 per image. Please verify if a negative is required.

Scanning fees are \$10 per scan. Large/oversized items may require more than one (1) scan.

These charges are in addition to applicable Use Fees.

Endorsements:

Date: _____

By signing this application, I accept personally and on behalf of

_____ all of the conditions set forth above.
Publisher

Publisher's Representative

Town of Clarkdale,
Heritage Conservancy Board

Date: _____

Date:

**Town of Clarkdale
Image Access Policy**

USE OF PICTORIAL IMAGES FOR PUBLICATION

Use Fee for Commercial Entities - In addition to applicable Image Charges as stated on Page 5:

Periodicals / Serials

Under 20,000 circulation	\$20.00 per photo
20,000-49,999	\$40.00 per photo
50,000-99,999	\$75.00 per photo
Over 100,000	\$100.00 per photo

Book editions

Under 10,000 copies	\$20.00 per photo
10,000 to 24,999 copies	\$50.00 per photo
25,000 to 49,999 copies	\$85.00 per photo
Over 50,000 copies	\$100.00 per photo
Book jacket	\$150.00 per photo

Advertising and promotional uses (such as postcards, menus, note paper, unbound materials, posters, brochures, etc.)

Arizona	\$75.00 per photo
Regional	\$150.00 per photo
National	\$250.00 per photo
Worldwide	\$450.00 per photo

Broadcast film, television or newspapers

Arizona	\$20.00 per photo
National	\$100.00 per photo
World-Wide	\$250.00 per photo

Nonprofit Entities, 501(C)(3):

A fee of ten dollars (\$10.00) is charged for one (1) - time, one (1) edition use of a photograph by nonprofit entities that have 501(c)(3) status; multiple use of a photograph by a nonprofit entity is subject to the fees outlined in “**Use Fee for Commercial Entities**” noted above.

Request for Permission to Use Pictorial Images
Personal Use Only

The photograph collections held in the Town Archive by the Town of Clarkdale Heritage Conservancy Board contain photographs that were in private collections and are therefore subject to copyright laws.

Town of Clarkdale, Heritage Conservancy Board
PO Box 308
Clarkdale, AZ 86324

To: Archive Collection Manager

From: Print name: _____

Street address: _____

City, State, ZIP: _____

Local Telephone/email: _____

1. Permission: All requests to reproduce photographic images from the Town of Clarkdale Archive (hereinafter the "Town") must be submitted on this application. The applicant agrees to abide by all terms, conditions and provisions of this agreement.

The Town reserves the right to limit reproduction of its pictorial images and to impose such conditions as is required by donor agreement or law, or if original material is too fragile for reproduction.

2. Reproduction of Photographic Images: Permission is granted to receive the images listed on Page 10 of this application. Photographic images supplied by the Town may not be copied, scanned, exhibited, resold, or used for any other purpose than personal use as specified in this application. Unauthorized reproduction will incur a fine of three times the normal fee, and the Town reserves the right to demand surrender of all materials containing unauthorized reproductions.

3. Fees: See schedule of Image Charges on page 9.

4. Copyright:

A. WARNING CONCERNING COPYRIGHT RESTRICTIONS:

The copyright law of the United States (Title 17, USC) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, archives and libraries are authorized to furnish a photocopy or reproduction. One of these specified conditions is

Office Use Only

Paid _____ Filled _____ Date Mailed _____

that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. The Town reserves the right to refuse a copying request if, in its judgment, fulfillment of the request would involve violation of copyright law.

B. Privacy:

An individual depicted in a reproduction has privacy rights as outlined in Title 45 CFR 46 "Protection of Human Subjects". The Town reserves the right to require a release from individuals whose privacy may be violated by the use of this image. The Town assumes no responsibility for infraction of copyright laws, invasion of privacy, or any other improper or illegal use that may arise from unauthorized reproduction of any image. The applicant agrees to hold the Town and its agents harmless against any and all claims arising or resulting from the use of each image and shall indemnify the Town and its agents for any and all costs and any damages arising or resulting from any such authorized use.

5. Original prints: All original prints and all negatives are retained by the Town of Clarkdale Heritage Conservancy Board and do not leave the Archive. Images may not be copied by clients using their own equipment, nor may they be photocopied.

Endorsements:

Date: _____

I will use the photograph/photographs for:

By signing this application, I acknowledge and attest that the request of this image/these images is for personal use only, not for commercial publication.

Signed

Approved _____ Date

_____ Town of Clarkdale, Heritage Conservancy Board

Image Charges

Photographic prints:

BW 5x7 \$18
BW 8X10 \$24
BW 11x14 \$30
Color 5x7 \$20
Color 8X10 \$30
Color 11x14 \$40

Digital Images:

5x7 digital print \$12
8x10 digital prints \$15

11x17 digital prints \$20
Digital files (may be emailed) \$12 per photo
CD charge \$5

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CD (additional \$5)

Yes

No

Date _____	Total _____
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