

Request for Permission to Use Pictorial Images For Publication

The photograph collections held by the History and Archives Division contain photographs that were 1) created by government agencies and are therefore public records or 2) are in private collections and are therefore subject to copyright laws. See §ARS 39-121 for commercial use of public records.

**History and Archives Division
Arizona State Library, Archives and Public Records
1901 West Madison
Phoenix, AZ 85009
602.926.3720 FAX 602.256.7982**

To: Director, Archives Division

From: Print name: _____

Street address: _____

City, State, ZIP: _____

Local Telephone/email: _____

- 1. Permission:** All requests to reproduce photographic images from the Arizona State Library, Archives and Public Records (hereinafter the "Agency") 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 Agency. 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 Agency reserves the right to reproduce the image and to allow others to reproduce the image.

The Agency 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: _____

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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: (Note: 150 dpi with a title bar): _____

4. **Reproduction of Photographic Images:** Permission is granted to use only the images that are identified and described on page 5 of this application. **Photographic images supplied by the Agency 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 Agency reserves the right to demand surrender of all materials containing unauthorized reproductions.

5. **Fees:** See schedule of fees on page 5.

6. **Copyright:**

A. Permission

In addition to the permission of the Agency, 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 Agency 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 Agency 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 Agency 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 Agency holds only a reproduction of an image, written permission of the owner of the image is required. The Agency 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 Agency will aid the applicant in contacting individuals by providing addresses, when available. However, the **Agency** does not warranty the accuracy of that information, and shall not be responsible for any inaccurate information.

The Agency 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 Agency and its agents harmless against any and all claims arising or resulting from the use of each image and shall indemnify the Agency 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: Arizona State Library, Archives and Public Records, History and Archives Division, Phoenix, #94-7383.

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 \$100.00 per image.

9. **Pre-publication rights:** The Agency reserves the right to examine proofs and captions for accuracy and sensitivity prior to publication with the right to revise if necessary. The Agency 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 days, the applicant shall be liable for twice the difference in fees.

11. **Final publication:** The applicant agrees to send the Agency, upon date of publication, one complete, best edition, gratis copies of the work containing the reproduction at no charge.
12. All original prints and negatives are retained by the History and Archives Division and do not leave the Division. **Images may not be copied by clients using their own equipment.**

Image Charges

Digital files (may be sent via email) \$12
CD \$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 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

Department of Library, Archives
and Public Records

Date _____

ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS

USE OF PICTORIAL IMAGES FOR PUBLICATION

ARS 39-121.03.A.3 When a person requests copies, printouts or photographs of public records for a commercial purpose...the charge shall include the following: The value of the reproduction on the commercial market as best determined by the public body.

Use Fee for Commercial Entities in addition to the image fees listed on page 4:

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 \$10 is charged for one time, one 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 **For-Profit Entities**.

