



## Request for Permission to Use Pictorial Images (For Publication)

The photograph collections held by the Archives Branch of the Arizona State Library, Archives and Public Records contain photographs that were created by government agencies and are therefore public records or are in private collections and are therefore subject to copyright laws.

According to ARS 39-121.03.C & D, it is a violation of law to indicate that you are ordering public records for personal use if you intend to use them in commercial work.

All original prints and all negatives are retained by the Archives Branch and do not leave the Archives. Images may not be copied by clients using their own equipment, nor may they be photocopied.

### Permissions

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.



## Reproduction of Photographic Images

**Permission is granted to receive the images listed in the Requested Image Details Form portion of this application, found on Page 7.**

Photographic images supplied by the Agency may not be copied, scanned, exhibited, resold, or used for any other purpose than as 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.

## Copyright

The Agency 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 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.

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.

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 guarantee the accuracy of that information and shall not be responsible for any inaccurate information.

## 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.

## 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 use of this image.

## 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).

## 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.

## 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.

## 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.

## 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.

## Digital Image Fee Schedule

Digital Image Files, E-Mailed: \$12 per Image Requested

Digital Image Files, on CD: \$12 per Image Requested, plus \$5 for CD Charge

## Use Fee Schedule

Use Fees for Commercial Entities are in addition to the Digital Image Fees

### Periodicals / Serials (by Circulation)

Under 20,000 ... \$20 per Image

20,000 to 49,999 ... \$40 per Image

50,000 to 99,999 ... \$75 per Image

Over 99,999 ... \$100 per Image

### Book Editions (by Copy)

Under 10,000 ... \$20 per Image

10,000 to 24,999 ... \$50 per Image

25,000 to 49,999 ... \$85 per Image

Over 49,999 ... \$150 per Image



## Advertising and Promotional Uses (by Region of Exposure)

(Postcards, Menus, Notepaper, Unbound Materials, Posters, Brochures, Etc.)

Arizona ... \$75 per Image

Regional ... \$150 per Image

National ... \$250 per Image

Worldwide ... \$450 per Image

## Broadcast Film, Television or Newspapers (by Region of Exposure)

Arizona ... \$20 per Image

National ... \$100 per Image

Worldwide ... \$250 per Image

## Non-Profit 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.



## Image Request Form

### Description of Publishing Project

Author(s) or Creator(s):

Title or Description:

Place of Publication:

Publisher or Sponsor:

Date of Publication:

Requestor E-Mail Address:

### Economic Classification of 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

Product:

Newspaper

Newspaper Name:

Other

Description:

