

Request for Permission to Use Pictorial Images

Mesa Historical Museum

The photograph collections held by the Mesa Historical Museum contain photographs that were
1) Created by government agencies and are therefore public record 2) Are in private collections
and are therefore subject to copyright laws. See ARS 39-121 for commercial use of public
records

Application for permission to reproduce made by the following party:

Applicant: _____ Dates of Application: _____

Address: _____

Phone: _____ Email: _____

- 1.) Permission:** All requests to reproduce photographic images from the Mesa Historical Museum (hereinafter the “MHM”) 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 MHM. 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 MHM reserves the right to reproduce the image and to allow others to reproduce the image.

The MHM 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 purpose of reproduction:

3.) Economic classification of the item or photograph:

- Publication by accredited, non-profit organization (501c(3))
- Publication by a university press
- Journal/magazine publication
- Broadcast Media
- Book Publication
- For profit advertisement
- Newspaper
- Other

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

5.) Copyright:

- a. Permission: In addition to the permission of the MHM, additional permissions may be required. In cases of living artists and/or subject to the 1976 Copyright Law or the 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 MHM before the artwork will be released.
- b. Warning Concerning copyright restrictions: The copyright law of the United States (Title 17, USC) governs the making of photocopies or the other reproduction of copyrighted materials. 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 purpose in excess of “fair use” that user may be liable for copyright infringement. The MHM 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. The MHM 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 MHM holds only a reproduction of an image, written permission of the owner of the image is required. The MHM 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 the copyright (the institution, the creator of the record, the author, or his/he transferees, legatees, or literary executors). The MHM will aid the applicant in contacting individual by providing addresses, when available. However, the MHM does not warrant the accuracy of the information and shall not be responsible for any inaccurate information.

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

- 6.) **Image Alteration:** I understand that photographic images must be reproduced unaltered and, in its entirety, unless approved in writing (standard cropping and resizing are permissible). And it's mandatory that the credit line, including image number, appear with the image or on a credit page, indicating the page number. Credit In each individual item is mandatory in all cases.

The payment of a fee does not exempt an applicant from credit line requirements. The failure to include a credit line will incur a fine of \$100.00 per image.

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

- 8.) **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 editions 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.

- 9.) **Final publication:** The applicant agrees to send the MHM, upon date of publication, one complete, best edition, gratis copies of the work containing the reproduction at no charge.

- 10.) **All original prints and negatives are retained by the MHM and do not leave the Museum.** Images may not be copied by clients using their own equipment.

Reproduction Fee (Individual/Non-commercial use)

Digital Files (may be sent by email) \$10.00

**If photograph/item requires scanning, there is a \$5.00 additional fee.

Endorsements:

Date: _____

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

_____ (organization) all of the conditions set forth above.

Applicant: _____

MHM Representative: _____

Reproduction Fees

Nonprofit Rate, single use

\$25

The nonprofit rate applies to institutions organized under the nonprofit laws of the state and recognized by the IRS as 501c(3) or related organizations. Individuals reproducing an image under the auspices of a nonprofit organization are eligible for nonprofit rates. Images for use in student papers, theses, and dissertations submitted for the requirements of the school, college or university are eligible for the nonprofit rate.

Commercial Rate, single use

\$100

The commercial rate applies to businesses organized under the for profit laws of the state and not eligible for tax exempt status. Individuals reproducing an image under the auspices of a for profit organization must pay the commercial rate. Commercial fees for use of images may be waived for press coverage.

Date: _____

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

_____ (organization) all of the conditions set forth above.

Applicant: _____

MHM Representative: _____

Image Request

Request to reproduce images of the Mesa Historical Museum. Payment can be made by cash, check, money order, or credit card.

Image Number or Title	Quantity	Description of item	Size	Usage Fee + Use Fee

If paying by card, please include that information here:

Name: _____

Card Number: _____ Expiration: _____ CV#: _____

Zip Code associated with card: _____

Signature: _____

Checks can be made out to:

Mesa Historical Museum
2345 N. Horne
Mesa AZ 85203

*digital images will be sent upon receipt of payment.