Policy Regarding Publication of Materials in Special Collections and University Archives

The University is not the copyright holder for the majority of materials within Special Collections and University Archives (SCUA). As a result, SCUA may only provide copies of SCUA materials to researchers for private study, scholarship, or research, as authorized by U.S. copyright law. If researchers wish to use SCUA materials for other purposes, including publication, they have responsibility to determine if the proposed use qualifies as a “fair use” under current U.S. copyright law, or if the permission of the copyright owner and/or payment of a fee is/are required. Because the University does not hold the copyright in most SCUA materials, SCUA cannot grant any such permission. Queries regarding permissions, publication rights and copyright status of materials within the collections should be directed to the appropriate curator(s). Users wishing to receive permission to publish materials in which the University of Maryland does own the copyright will need to complete a Request to use University Copyrighted Materials Contained in the University of Maryland Libraries Special Collections and University Archives for Purposes Other Than Personal Research and Scholarship. SCUA reserves the right to assess a use fee.

May 2015
REQUEST TO USE UNIVERSITY COPYRIGHTED MATERIALS CONTAINED IN THE UNIVERSITY OF MARYLAND LIBRARIES SPECIAL COLLECTIONS AND UNIVERSITY ARCHIVES FOR PURPOSES OTHER THAN PERSONAL RESEARCH AND SCHOLARSHIP

PLEASE PROVIDE THE FOLLOWING INFORMATION FOR EACH OF THE REQUESTED ITEMS. ATTACH ADDITIONAL SHEETS AS NECESSARY.

Do you want the curator to determine if the University of Maryland owns the copyright in the requested material? Yes ______ No. I have already confirmed the University holds the copyright._______

Item Description:

Collection Name (provide permanent link if available/applicable):

Series Number:

Box Number:

File Name:

PROPOSED USE:

The work will be released as part of a Book in the following languages: __________________________________________________________

Name of publisher: __________________________________________________________

Estimated publication date: ______________________________________________________

Estimated first print run: _______________________________________________________

Website or other digital format: __________________________________________________

URL or other description: _______________________________________________________

Audio/video/MOOC broadcast:

Network/Channel/Radio Station/On-line course host: ___________________________________

Estimated date of release: _______________________________________________________

Other: ____________________________________________________________________________

May 2015
AGREEMENT TO USE UNIVERSITY COPYRIGHTED MATERIALS FROM UNIVERSITY OF MARYLAND LIBRARIES SPECIAL COLLECTIONS AND UNIVERSITY ARCHIVES (SCUA) FOR USES OTHER THAN PERSONAL RESEARCH OR SCHOLARSHIP

This Agreement grants the Requester, identified below, permission to use materials identified in the attached Request for the specific purposes described in the Request. This permission is subject to the following restrictions and conditions:

1. SCUA can only grant permission for materials in which the University of Maryland holds copyright. SCUA may not grant permission to use any other content within its holdings. Materials that have entered the public domain are no longer protected by copyright.

2. It is the responsibility of researchers to determine in all cases whether their proposed use of any SCUA material qualifies as a “fair use” under U.S. Copyright Law or requires permission of the copyright owner and/or payment of a fee. By submitting this Request, you have determined the proposed use does not qualify as a fair use.

3. SCUA reserves the right to assess a use fee for commercial uses of SCUA materials including, for example, reproduction and distribution of materials in publications, display and/or broadcast of content in films or artwork. SCUA shall determine, in its sole judgement, whether a proposed publication is commercial based on the circumstances, the publisher/broadcaster, and the intended circulation.

4. If a use fee is charged, it shall only cover a one-time use of the agreed upon materials for the specific uses described in the Request unless otherwise specified in this Agreement. Fees must be paid in advance and are in addition to any duplication costs. If researchers want to use the requested materials for a different purpose than set forth in the attached Request or want to use different materials for the same or a similar purpose, they must submit another request to the appropriate curator.

5. All public uses of SCUA materials must bear the following minimum credit line:

Special Collections, University of Maryland Libraries. Copyright [year] University of Maryland.

6. This permission is limited to the materials and uses described in the attached Request.

7. THE REQUESTOR HEREBY AGREES TO INDEMNIFY AND HOLD HARMLESS THE UNIVERSITY OF MARYLAND, THE STATE OF MARYLAND AND THEIR RESPECTIVE OFFICERS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, LIABILITIES, DEMANDS, COSTS, AND EXPENSES OF ANY KIND, INCLUDING ATTORNEYS’ FEES, ARISING OUT OF OR RELATED TO REQUESTOR’S USE OF SCUA MATERIALS.

8. If Requestor violates any of these terms, the University may withdraw its permission and terminate this Agreement upon written notice to the Requestor.

9. This Agreement may be amended only by mutual written agreement of the parties. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Maryland, without reference to its conflicts of laws rules. This Agreement, together

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with the Request, is the complete understanding between the parties with respect to the subject matter. There are no other representations or understandings that are not incorporated in this Agreement. Please retain a copy of this Agreement and the Request for your records and return a signed copy of the Agreement and the Request to:

Special Collections and University Archives
Hornbake Library
College Park, MD 20752

Accepted and agreed to:

Requestor Signature: __________________________________________________________

Print Name of Requestor: ______________________________________________________

Date: _________________________

Requestor Address: ___________________________________________________________

____________________________________________________________________________

Requestor Email: _____________________________________________________________

Requestor telephone number: __________________________________________________

UMD Libraries Staff Contact: ___________________________________________

UMD Libraries Staff Contact address: _______________________________________________

UMD Libraries Staff Contact email: _______________________________________________

UMD Libraries Staff Contact phone: _______________________________________________

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