

# Utah Tech University Policy

## 608: Library Special Collections & Archives Reproduction, Use License, and Research Requests



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### I. Purpose

- 1.1 To establish Utah Tech University (“the University”) Library Special Collections & Archives reproduction and use licensing policies, in compliance with copyright law and Library & Open Learning Services Policy. This will allow for the provision of services beyond normal access and curriculum support of the University.

### II. Scope

- 2.1 This policy applies to the University Library Special Collections & Archives. This policy affects the stakeholders of students, faculty, staff, departments, and community.

### III. Definitions

- 3.1 **Reproduction:** is defined as the duplication of any material held by the University Library Special Collections & Archives in any format and through any method. For example, a book page photocopied, a manuscript page scanned, an audio cassette digitized to an MP3 file, etc.
- 3.2 **Use License:** is defined as one-time use permissions granted by the University Library for the use of Special Collections & Archives materials beyond their original purpose and outside of regular fair use exceptions of copyright.
- 3.3 **Fees:** are defined as the price charged for services rendered by Special Collections & Archives.

## IV. Policy

- 4.1 Reproduction and Use license requests of Special Collections & Archives materials constitutes an agreement by the requestor to comply with all copyright laws.
  - 4.1.1 The requestor is responsible for complying with all copyright laws and is held solely responsible for any copyright violations.
  - 4.1.2 Copyright law protects unpublished as well as published materials. The requestor is solely responsible for determining the copyright status.
  - 4.1.3 The University is not liable for a requestor's use of materials in excess of copyright laws.
  - 4.1.4 The Library reserves the right to refuse to accept a reproduction or use licensing request if, in its judgment, fulfillment of the order would involve a violation of the copyright law, cause irreparable harm to the material, or will be used in an unlawful or unethical manner.
- 4.2 All reproduced and use license materials must be cited and attributed to the University Library Special Collections & Archives and should include the material description or item number as available.
- 4.3 A requestor must complete all appropriate forms, abide by Special Collections & Archives Reproduction & Use Licensing Policy, and pay all fees.
  - 4.3.1 All reproduction and use license requests must use the appropriate form and only formal requests submitted via the appropriate form will be considered.
- 4.4 Reproduction requests are required for all reproduction of Special Collections & Archives materials, in any format and in any media, used by any entity other than the Library.
  - 4.4.1 The Library's reproduction of materials does not constitute or include: the rights to publish, reproduce, transfer, create derivative works, distribute, perform, publicly display, exhibit, or offer for sale any material, or a portion thereof, subject to copyright in excess of

fair use, as defined by copyright law, without the express permission of the copyright holder.

- 4.4.2 The Library's provision of a reproduction does not constitute permission of the copyright holder and is not a substitute for the requestor's diligent compliance with all applicable copyright requirements.
- 4.4.3 All reproductions are at the discretion of the Head of Special Collections & Archives.
- 4.4.4 Archival materials and any other material in poor condition may not be photocopied and may only be digitized by Special Collections & Archives staff.
  - 4.4.4.1 All archival and any other material in poor condition may be digitized once as a master file and permanently saved within Special Collections & Archives.
  - 4.4.4.2 A derivative access copy may be made from the digital master file and may be sent electronically to a requestor.
  - 4.4.4.3 Photocopies may only be made from book collection materials in good condition and must be copied by Special Collections & Archives staff.
  - 4.4.4.4 Audio and video will be digitally converted only for materials for which Special Collections & Archives has the appropriate conversion equipment and as allowable under copyright law.
  - 4.4.4.5 All digital reproductions are delivered electronically. All photocopies must be picked up in person. CD, DVD, photo prints, or mailing of reproductions are not offered.
  - 4.4.4.6 Cameras with no flash may be used with no fee by researchers for personal or research purposes, in compliance with fair use.
- 4.4.5 Reproduction services do not extend to personal materials. Reproduction is offered only for Special Collections & Archives materials.

- 4.4.5.1 Special Collections & Archives will only reproduce materials held within its collections.
- 4.4.5.2 Digitization equipment may be used on-site by University faculty and staff, and local cultural heritage institutions with advance appointments, so long as it does not interfere with internal workflows.
- 4.4.6 Reproduction services does not include Special Collections & Archive employee research services or use licensing.
- 4.4.7 All reproduction services for materials in the public domain or used for educational, personal research, scholarly presentation, dissertation research, or thesis research that is considered fair use under copyright law requires a reproduction fee.
- 4.5 Use licenses are required to publish, reproduce, transfer, create derivative works, distribute, perform, publicly display, exhibit, or offer for sale any material, or a portion thereof, subject to copyright in excess of fair use, as defined by copyright law, in any media, by any entity other than the University Library.
  - 4.5.1 Use licenses may be granted only for materials for which copyright has been explicitly transferred to the University Library.
  - 4.5.2 Use licensing grants only one-time use for the specified uses agreed to in the use license for the specified project or purpose listed and does not give permission to transfer to another person, create derivatives, or subsequent use beyond those listed in the original use license.
  - 4.5.3 All repeat or other uses not specified in the original use license agreement require a separate use licensing agreement.
  - 4.5.4 All use licenses must be approved by, and are at the discretion of the Head of Special Collections & Archives.
  - 4.5.5 Educational, personal research, scholarly presentation, dissertation research, or thesis research is considered fair use under copyright law and does not require a use license or fee.

- 4.5.6 A use license fee will not be applied to other University departments or entities for official University business, but a use license form must be completed and adhered to.
- 4.5.7 Materials that are no longer protected by copyright are in the public domain and may be used for free without permission. The Library does not charge use fees, nor does it grant or deny permission to publish or otherwise use public domain materials.
  - 4.5.7.1 All public domain materials used must be cited and attributed to the University Library Special Collections & Archives and should include the material description or item number as available.
- 4.6 Research in Special Collections & Archives is the responsibility of the user.
  - 4.6.1 Special Collections & Archives staff may conduct up to thirty (30) minutes of research on behalf of a user with no fee.
  - 4.6.2 Fees are charged regardless of whether the information sought was obtained.
  - 4.6.3 Research fees will not be charged to other University departments or entities for official University business, but research requests should not exceed 30 minutes of Special Collections & Archives staff time. Requests in excess of 30 minutes, but not exceeding 3.5 hours, will be fulfilled as workflows allow. No rush orders.
  - 4.6.4 All research requests are at the discretion of the Head of Special Collections & Archives.
- 4.7 Reproduction, use licensing, and research fees are set in the Special Collections & Archives Fee Schedule.
  - 4.7.1 Reproduction and research fees are cost recovery and may be periodically updated.
  - 4.7.2 Reproduction fees are independent of one-time use licensing fees.
  - 4.7.3 Reproduction and use licensing fees may be applied to the same material and recur with each use and request.

- 4.7.4 Reproduction fees apply to materials in the public domain that are held by the University Library Special Collections & Archives.
- 4.7.5 Use License fees / permission is not required for materials that are no longer protected by copyright and are in the public domain. The Library does not charge usage fees, nor does it grant or deny permission to publish or otherwise use public domain materials.
- 4.7.6 Rush orders are not accepted. All reproduction, use license, and research requests will be processed as they are received, and will be completed at staff's availability.
- 4.7.7 Discounts for University Faculty, Staff, students, and non-profit organizations are available as set in the Special Collections & Archives Fee Schedule.
- 4.7.8 Oral History interviewees and interviewers will not be charged a fee for one (1) physical transcript and are granted a non-exclusive license to their interviews and may use them without requiring a use license or fee.

## V. References

- 5.1 Copyright Act of 1976 <https://www.copyright.gov/title17/>
- 5.2 Fair Use <https://www.copyright.gov/fair-use/more-info.html>

## VI. Procedures

- 6.1 N/A

## VII. Addenda

- 7.1 Reproduction, Use License, and Researcher Request Form templates are listed under the "Forms" section at <https://library.utahtech.edu/info/procedures.html>
- 7.2 Refer to Library Special Collections & Archives Internal Policies and Procedures (<https://library.utahtech.edu/info/procedures.html>)

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Policy Owner: Vice President of Academic Affairs and Provost  
Policy Steward: Dean, Library and Open Learning Services

History:

Approved 01/31/20

Revised 0/0/00

Editorial 07/01/2022