

Ad Council Archives

Agreement to Conditions for Use of Audio, Photographic, Musical, Motion Picture, & Audiovisual Works

- A. The person (researcher) requesting or making copies of photographs, audio, musical works, motion pictures, or audiovisual works assumes sole responsibility for securing copyrights and other permissions that might be required prior to use of copied images/recordings for other than private study.
- B. Copies made for users are strictly for the purposes identified as “fair uses” by §107 of the Copyright Act, such as criticism, comment, news reporting, teaching, scholarship, or research. Note: actual determination of whether a use in any particular case is a “fair use” is a matter for a court to decide. Further information can be found at: <https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>
- C. Before publishing, performing, displaying, or broadcasting a photograph, audio, musical work, motion picture, or audiovisual work except according to the conditions of Fair Use, the researcher is responsible for securing permission from the rights holder and for ensuring that the work carries a credit line stating: **“Courtesy of the Ad Council Archives”** along with the name and record series number of the source of the material.
- D. Before the Ad Council Archives can process any order for copies, or facilitate copying, of photographs, audio, musical works, motion pictures, or audio-visual works, the requestor must indicate here the nature of the copyright ownership of the original material and their agreement to securing permissions as necessary:

AGREEMENT TO NOTICE OF COPYRIGHT

- _____ 1) copyright owned by the Ad Council; **or**
- _____ 2) copyright owned by a third party whose permission has been provided; **or**
- _____ 3) copyright owner cannot be identified.

I hereby agree to conditions A-D as specified above.

Signature: _____ Date: _____

Name: _____

STATEMENT OF NATURE OF PROJECT AND AGREEMENT TO PAYMENT

Phone: _____ E-mail: _____

Mailing Address: _____

Title & nature of project: _____

Purpose: ☐ Publication, ☐ Web Presentation, ☐ Broadcast, ☐ Exhibition, ☐ Private Study

Requested delivery date: _____ Other specifications: _____

Ad Council Archives
Photograph, Audio, Audiovisual Use and Reproduction Policy

Because of the ways in which archival materials are accessioned or collected, the copyright status of many items in the Ad Council Archives is unknown, but most of the material is subject to the Copyright Law of the United States according to which copies cannot be made without permission of the copyright owner. The principal exception to this limit is “fair use” copying allowed under Section 107 for specific purposes such as criticism, comment, news reporting, teaching, scholarship, or research. Note: actual determination of whether a use in any particular case is a “fair use” is a matter for a court to decide. When the Archives has no indication that copying is other than for a fair use, users are permitted to make single photocopies of documents in lieu of notetaking. Further information about fair use can be found at:

<https://copyright.columbia.edu/basics/fair-use/fair-use-checklist.html>

1. Photographs, audio, and audiovisual materials must be used in the Archives' search rooms and must be handled with care. Photocopying of images and hand-held camera “fair use”/study copies of images are generally allowed when doing so will not damage the images. Tripods and scanning of images is not allowed except by Archives staff according to the fee schedule. Users may not use personal equipment to reproduce audio, or audio-visual materials.
2. Photographs may **NOT** be charged out except to representatives of the Ad Council, **ONLY** with permission of an archivist, and **ONLY** for a period not to exceed 24 hours. To safeguard the materials, no exceptions will be made to this policy.
3. Copying of images, audio, and audiovisual works is allowed subject to issues of copyright and other permissions according to procedures outlined in this policy and in U.S. copyright law. For users who desire a copy of such works, the Ad Council Archives will assist users in obtaining single copies for private study and clear “fair uses.” Copies of such works for further publication, performance, or distribution will be made only after the user has obtained the permission of the copyright holder. (Fees for these copying services are shown on fee schedule.)
4. Reproduction of photographic, audio, and audiovisual materials: **A)** If copyright to the material is known to be owned by the Ad Council, **or** if the copyright holder is unknown, **or** if it is unclear whether the material is protected by copyright, single copies will be provided to users, at the cost of reproduction, for the purpose of private study, scholarship, or research. **B)** If copyright to the material is known to be owned by a third party, copies other than for private study will not be provided unless: 1) the user provides the Archives with documentation showing that permission to copy has been granted by the owner; or 2) the owner has previously granted the Ad Council Archives permission to have copies made.
5. Users who wish to receive reproductions of photographs must pay the fees shown in the fee schedule, provide information on their project(s), and agree to the conditions on the “*Agreement to Conditions for Use of Photographs, Musical Works, Motion Pictures, and Audiovisual Works*” form.
6. **It is the user’s responsibility to obtain the Ad Council’s and/or copyright holder’s permission before using the material for any purpose other than private study, scholarship, or research.** Where publication or broadcast of the items is anticipated, a separate usage fee may apply under the Library’s policy on use fees for publication, and Archives staff may refuse to provide copies of an item if copyright permission has not been obtained. All items published or broadcast must carry a credit line reading: “**Courtesy of the Ad Council Archives.**”