

**Mississippi Department of Archives and History  
Archives and Records Services Division**

**Policy for Products, Services, and Fees**

*Revised January 7, 2010*

*Adopted by the Board of Trustees, January 15, 2010*

*Effective April 1, 2010*

The Mississippi Department of Archives and History (MDAH) offers various ways to obtain copies of items in MDAH collections as a contribution to education and scholarship. The purpose of this document is to define MDAH policies regarding products and services related to the acquisition and use of reproductions of items held by the Archives and Records Services Division.

**I. MDAH Approval**

In order to ensure the preservation of the materials and the implementation of copyright and donor restrictions, duplication requests for all materials are subject to the approval of the collection archivist. MDAH reserves the right to deny any reproduction request.

MDAH may delay the reproduction of a fragile item until appropriate conservation measures can be completed. Such measures are implemented as scheduling and available funds allow. The patron may choose to expedite this process by paying the cost of conservation measures necessary to safely reproduce an item.

No copies of collection materials shall be donated to other institutions without the written consent of MDAH.

Failure to comply with this policy may result in the loss of future access to and use of MDAH materials.

Questions about this policy should be submitted in writing to the head of Reference Services or collection archivist, either of whom may consult with the Division director.

**II. Copyright and Restrictions**

Some materials in the MDAH collections may be protected by the U.S. Copyright Law (Title 17, U.S.C., in accordance with the Berne Convention for the Protection of Literary and Artistic Works), and the Digital Millennium Copyright Act. Additionally, the reproduction of some materials may be restricted by terms of gift agreements with donors, privacy and publicity rights, and licensing and trademarks.

Copyright may be difficult or even impossible to determine, especially for archival collections. Whenever possible, MDAH will provide information about copyright and other restrictions. MDAH provides this information as a service to aid the patron, but

determination of the legality of the intended use of an item ultimately rests with the patron. It is the patron's obligation to determine and satisfy copyright or other use restrictions when publishing or otherwise distributing materials found in MDAH collections.

MDAH will produce digital images only from items held in the public domain or from copyrighted items for which permission to digitize has been obtained from the copyright owner(s). It is the patron's responsibility to contact the copyright owner(s) to request that the copyright owner(s) send MDAH written permission to digitize and distribute the copyrighted item.

Each user of reproduced MDAH material will agree to indemnify MDAH for any liability incurred by MDAH as a result of misuse by the user.

### **III. Basic Products and Services**

#### **A. Patron Self-Service Copying**

A patron may make photocopies of books and Subject Files used in the Public Reading Room. A patron may print out paper copies of microfilm and microfiche images and electronic files accessed in the Media Reading Room.

A patron is not permitted to copy any item with a personal scanner, digital camera, or other portable imaging device.

#### **B. Staff Services**

Staff will produce all photocopies of materials used in the Archival Reading Room and will produce all reproductions of sound recordings and motion picture video used in the Media Reading Room.

A patron will request reproduction services using standard order forms. Reproduction orders are processed on a first-come, first-served basis. Production time varies, subject to the size of the order, format, and the volume and nature of other current orders. MDAH may offer expedited service; however, no delivery date can be guaranteed.

#### **C. Delivery of Orders**

All orders are shipped via standard U.S. mail unless otherwise requested. A standard postage and handling charge is assessed; exceptionally large orders will be assessed additional postage costs. MDAH will only ship through express carriers with third-party billing. Digitized reproductions may be transferred electronically.

#### **D. Use of a Commercial Vendor**

If MDAH cannot produce the requested reproduction, a commercial vendor may be used. If a vendor is used, the vendor must be approved by MDAH. The patron must make direct payment arrangements for vendor services. No vendor work will be authorized by MDAH until the patron and vendor have agreed on payment terms, and

the vendor has notified MDAH of the agreement. MDAH will deliver the original material at the time agreed upon with the vendor and pick up both the original material and the reproductions. A vendor delivery fee will be charged for these services. MDAH will not be responsible for the quality of duplication work performed by a vendor.

E. Use of Personal Equipment

If MDAH or an approved vendor cannot provide the desired format, the patron may request to use personal equipment to produce the copy. Such requests must be made in advance using a standard order form, and be approved by the collection archivist and the Division director. If approval is granted, the patron will schedule an appointment with MDAH staff to reproduce the materials. MDAH staff must directly supervise all work and handle all collection materials. Failure on the part of the patron to appear at the appointed copying time will result in cancellation of the appointment and of the order.

#### **IV. Specialized Products and Services**

A patron must request specialized services at the time the order is placed. Additional fees will be assessed to cover higher production costs of these services. Requests for imaging will be denied if the item is too large or too fragile to be printed or scanned with available hardware. MDAH may apply additional special handling charges for material that is unusually difficult to print or scan. Specialized services include the following:

A. Certification of Copies

Paper copies of collection materials reproduced by the MDAH staff may be certified as true and accurate copies.

B. Alteration of Photographic Images

MDAH will print, scan, or make a frame grab of an image "as is" without alterations. Custom photographic prints (those requiring additional staff time to produce material acceptable for publication or display) may be produced with the permission of the copyright owner(s) and collection archivist. The patron must obtain specific permission from the copyright owner to crop an image.

C. Oversized and Altered Digital Scans

MDAH will scan from the original item "as is," with two exceptions: (1) negative images are converted to positives, and (2) 35mm slides and negatives are scanned proportional to their original dimensions to a roughly 5"x7" size. MDAH does not retouch images. Custom scanned images (resized, cropped, or saved as a different file type or on different storage medium) may be produced with the permission of the copyright owner(s) and collection archivist. The patron must obtain specific permission from the copyright owner to crop an image.

D. Reproduction of Motion Picture Holdings in Film or Video Format

MDAH can produce reference-quality and production-quality copies of its motion picture holdings. All such requests must be made in writing and include subject content, project information, intended use(s), contact information, and express delivery number (if third party shipping is desired). Prior to delivery of the copied product, a use agreement tendered by MDAH covering the product must be executed by the patron and MDAH.

The reference-quality viewing copy will be provided in a standard format with time code. The reference copy must be returned before a production-quality copy can be provided. Time-code citations must be provided as part of a request for a production copy. If delivery to an outside vendor is required, the cost of transporting the original material will be charged to the patron.

Any duplicates received by a patron and any subsequent authorized reproductions must be returned to MDAH upon or before a date specified by MDAH. The Division director may grant a written exemption to this provision to allow an individual to retain permanently a reference copy for personal use.

Use fees will be charged for all production copies. Fees must be paid before copies are produced. The use fee total is calculated on the footage ordered in the production copy, regardless of how much of the footage is used in the final product.

E. Reproduction of Audio

MDAH cannot reproduce audio in all formats, and the use of an outside vendor may be required. Reproduction may require the creation of an archival master copy. The patron must assume the costs for the production of this master copy, which is retained by MDAH.

**V. Broadcast/Publication/Exhibition/Internet Use of Copies**

If publication or broadcast of the reproduction is intended, the patron must receive written permission from the Division director and any copyright holder(s), if applicable. The patron must follow all special restrictions applied to certain items, based on format, and as informed by MDAH staff.

MDAH will be identified and credited as the holder of the material in all publications and on all websites, as specified on the use agreement.

Use on the Internet or any web site is prohibited without prior written permission from the Division director and copyright holder(s), if applicable.

Permission for use will be granted for a period of no more than ten (10) years; rights are not granted in perpetuity. MDAH, and copyright holders, must approve superimposition of text, cropping, bleeding, addition of color, or other alterations at the time the request for duplication is approved.

MDAH requests two complimentary copies of every final product for placement in the MDAH collection.

## **VI. Costs, Fees, and Payment**

Reproduction charges and service and use fees are set by the MDAH Board of Trustees. A current copy of the Cost and Fee Schedule is maintained onsite in the William F. Winter Archives and History Building and on the MDAH website. The costs and fees are subject to change without notice and are determined as follows:

### **A. Product charges**

Product charges are derived from the costs, including, but not limited to, salaries and commodities, incurred by MDAH in the creation of a variety of products from a broad range of diverse, and original and/or published materials in various formats and condition.

### **B. Service fees**

Service fees are derived from the staff time and salaries required to perform the service. If delivery to an outside vendor is required, the cost of transporting the original material will include, but is not limited to, public transportation, car rental, food, lodging, insurance, and salary expenses.

### **C. Use fees**

Use fees represent MDAH's proprietary interest in the materials and are based on fees established by institutions with comparable collections of similar historical items. MDAH reserves the right to charge royalties for use.

MDAH staff will determine the category of proposed use. Use fees are for a one-time, non-exclusive use of the image(s) in one product distributed in one format/medium in one language and are in addition to any production, handling, and mailing costs and any service fees. The conditions of said one-time use will be established with the collection archivist and will be listed on a separate use agreement. Any subsequent use constitutes a reuse and must be approved by MDAH following the procedures set forth in this policy. The reproduced material may not be used in other media or formats without the express, written permission of MDAH. The use fee total for film and video is calculated on the footage ordered in the production copy, regardless of how much of the footage is used in the final product.

Requests for motion picture production footage in excess of 300 seconds may be eligible for a 10% discount on any use fees charged. Discounts are subject to the approval of the collection archivist and the Division director.

Legal residents of Mississippi and organizations chartered in Mississippi will not be charged use fees. Mississippi government agencies will not be charged use fees unless the intended use is related to a product that will be distributed for a price. Proof of Internal Revenue Service filing category is required to qualify for the not-

for-profit fee rate. Profit/Not-for-profit status is determined by the status of the entity requesting the use, not by the status of the entity funding the project.

D. Payment in advance

Mississippi law requires payment in advance for all products, services, and use fees (*Mississippi Code of 1972, Annotated*, as amended, §25-61-7). Charges for products, services, and use fees are not refundable.