

Please complete and return with payment



ALBUQUERQUE MUSEUM

History Collection Use Agreement and Reproduction Request

(Rev. 12/28/2016)

Because copyright ownership is not established for many materials in our collection, Albuquerque Museum requires completion of this form. The Museum makes no representation of exclusive ownership of the rights to any image, grants no exclusive rights to anyone, and assumes no responsibility for unauthorized duplication. We only grant permission to reproduce images in our collections on a one-time basis. Information provided will determine usage fees charged in addition to reproduction costs. Use fees are non-refundable. Please complete, sign and return this form with payment to:

Deb Slaney, Curator of History
(for photographs of the History Collections at the Museum and Casa San Ysidro)
Albuquerque Museum, 2000 Mountain Road NW, Albuquerque, NM 87104.

Orders cannot be filled until payment is made (cash or check only, please).

NAME: \_\_\_\_\_

INSTITUTION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_
\_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

( ) Non-commercial Project ( ) Commercial Project

This institution/individual requests permission for one-time use (subsequent use requires reapplication) of the materials listed below. Two copies of the resulting product will be requested from the applicant as a condition of use.

- ( ) advertisement/display ( ) exhibit ( ) report ( ) other \_\_\_\_\_
( ) book ( ) film/video/television ( ) slide show newspaper insert
( ) book jacket ( ) magazine ( ) unpublished research
( ) commercial ( ) periodical ( ) web/internet

**PUBLICATION DATA:**

Title: \_\_\_\_\_

Publisher/Producer: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Release Date: \_\_\_\_\_

Circulation: \_\_\_\_\_

Use: \_\_\_\_\_

**Itemize each image:**

- \* Include catalog number, photographer, date, and brief description of each, photocopies, or other finding aid.
- \* List size desired and number of prints, if not to be emailed.
- \* **Caption information must be completed before orders are processed.**

<u>Catalog #</u>	<u>Description</u>	<u>Date</u>	<u>Photographer</u>	<u>Collection</u>	<u>Donor</u>	<u>Number/Size/Finish</u>
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## CONDITIONS OF USE

### 1. AGREEMENT

Client accepts responsibility for abiding by terms and conditions for use of images from The Albuquerque Museum.

### 2. RESPONSIBILITY

The client is personally responsible for informing all parties involved that images have specific usage terms including but not limited to publishers, authors, graphic artists, printers, etc. Failure to abide by these terms may result in legal action against the client.

### 3. SERVICES

Access to collections is by appointment. MINIMUM TIME BETWEEN ORDER AND DELIVERY IS FOUR TO SIX WEEKS. Museum projects may delay outside orders. THE MUSEUM IS UNABLE TO PROCESS RUSH ORDERS.

### 4. USE OF COLLECTIONS

The Albuquerque Museum unconditionally reserves the right:

- a. To protect and preserve the collections
- b. To restrict reproduction or use of items
- c. To insure that reproductions are used in good taste
- d. To control adaptation, colorization, bleeding, cropping, computer superimpositions, or any alterations to images
- e. To determine commercial and non-commercial use on an individual basis, and to levy appropriate fees
- f. To limit the number of images used; to revoke permission for cause

### 5. COMMERCIAL AND NON-COMMERCIAL USE:

The use of photographs from the museum, a non-profit educational entity, in a for-profit venture utilizes a public trust resource for private gain. In line with accepted practices at similar archives, restrictions will be placed on items and surcharges will be levied on a single item basis. All monies are used to support the Museum.

#### USE:

- a. *Display*: including but not limited to display in offices, shows, restaurants, businesses, exhibitions, slides shows, etc.
- b. *Publication*: including but not limited to any print or electronic media, videotape, magazines, flyers, brochures, etc., exclusive of news media
- c. *Graphics*: including but not limited to logos, menus, billboards, advertisements, etc.

## COMMERCIAL USE

The use of photographic materials by a for-profit or non-profit organization, company, institution, individual, their agents, agencies, or subcontractors that is revenue-generating.

## NON-COMMERCIAL USE

The non-publication use of photographs by a private individual *or* the use of materials by a non-profit institution in a manner unconnected with any commercial venture or fund raising effort.

## 6. COPYRIGHT AND USE PROVISIONS:

ALL COPY PRINTS RELEASED BY THE PHOTOARCHIVE ARE UNDER COPYRIGHT BY THE ALBUQUERQUE MUSEUM. **The Museum will pursue unauthorized use of its prints as copyright infringement.** Permission is granted for ONE TIME NON-EXCLUSIVE USE. Subsequent use of an image requires written permission and payment of additional fees. The client assumes all responsibility for copyright clearance of images and liability for copyright violation. The Albuquerque Museum will provide on request any information it has regarding copyright on images.

## 7. COPY EQUIPMENT

The Albuquerque Museum does not permit the use of equipment to copy photographic materials, nor will negatives be made available to clients. At the discretion of the Curator of History, permission may be granted to non-profit educational organizations or news organizations to scan or videotape images on a limited basis with approved equipment.

## 8. CREDIT AND DEPOSIT COPY

Captions must be placed under each published or exhibited photograph, or with other credits in the front or back of publications, upon written permission of the Museum.

**Mandatory credit line must include: The Albuquerque Museum or Casa San Ysidro: The Gutiérrez-Minge House, image number, photographer, collection name, source as provided on the use agreement.** Audiovisual publications must include a credit line in the end credits. The Museum and Casa San Ysidro must receive a free copy of the finished publication, item, videotape, or other product.

## 9. PAYMENT

**ALL MUSEUM FEES ARE PAID IN ADVANCE BEFORE ORDER IS PROCESSED.** Credit cards are not accepted. Additional reproduction costs for oversize prints are paid to the processing lab. Payment and pickup arrangements are made with the laboratory: Central Photographic, 109 Elm SE, Albuquerque, NM 87102 (505)242-4877.

**10. LIABILITY**

The undersigned agrees to these conditions and agrees to defend, indemnify, and hold harmless The Albuquerque Museum, the City of Albuquerque, its Officials, Agents, and Employees from and against any and all claims, actions, suits or proceedings of any kind brought against said parties for or on account of any matter, including copyright violation, arising from the use of photographs obtained from The Albuquerque Museum for the intended publication.

I have read, understand and agree to comply with these terms and conditions as stated in this document.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**INVOICE/PERMISSION TO REPRODUCE PHOTO(S)**

**Photos listed on page (3)**

**Permission granted to:**

**Restrictions: One-time use only  
Please credit the museum as per captions provided**

- Non-revenue Project (non-commercial project)**
- Revenue-generating Project (commercial project)**

**Total Due:  
Date:**

**(Signed)** \_\_\_\_\_

**Mail payment to:**

**Deb Slaney, Curator of History**  
The Albuquerque Museum  
2000 Mountain Rd., NW  
Albuquerque, NM 87104  
505-243-7255  
fax 505-764-6546

Mail to: Curator of History  
Albuquerque Museum  
2000 Mountain Rd., NW  
Albuquerque, NM 87104  
505-764-6514

**INVOICE**

**ESTIMATE**

The Albuquerque Museum/Casa San Ysidro  
**ALL FEES ARE PAYABLE IN ADVANCE**  
**PHOTO ORDERS TAKE FOUR TO SIX WEEKS**  
**Cash or Check only please**  
**Images to be provided via ftp upload, thumb drive, or DVD.**

**Database Searches**

Search/Consultation Fee: **\$20.00**  
Working prints (non-publishable) \$ 1.00 each

**Print orders**

Processing Fee, Per Order: \$20.00  
Use/permission Fees:

**Non-Revenue Generating Project**

Any request for image of artifacts from the History Collection /Casa San Ysidro \$100 per object  
Use on the Web \$100 per object

**Commercial Project**

Any request for image of artifacts from the History Collection/Casa San Ysidro \$100 per object  
Use on the Web \$100 per object

**Total Due:** \$\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_