

Deed of Gift Overview

Deed of Gift form

Why use a Deed of Gift?

A Deed of Gift is a document that records the legal transfer of ownership of materials from the donor to the Vietnam Center and Sam Johnson Vietnam Archive (VNCA). Storing, processing, preserving, and making historical records accessible to the public is a time consuming and expensive endeavor and we cannot perform these services on material that is not our property.

What if I have questions about the terms on the Deed of Gift?

We want you as the donor to both fully understand and be comfortable with the terms in the Deed of Gift before you sign the document. You are welcome to call us any time to ask questions about specific terms on the Deed of Gift, or if you would like to discuss changing the terms on the Deed of Gift. Please be aware that, while we will strive to accommodate any requests made by a donor for changes to a Deed of Gift, there may be some changes that we cannot accommodate.

What does the “Failure to return this completed form to the VNCA within thirty (30) days indicates your desire to fully and irrevocably transfer all right, title, and interest, including any and all copyright interest, in the property to the VNCA” clause mean?

As we stated above, archiving and preserving materials is very time consuming and expensive. We cannot perform these services on materials that we do not own. This clause will automatically transfer ownership of the materials sent (along with the owner’s copyright) to the VNCA so that we can preserve and make the material available for research. The transfer of copyright does not apply to an author’s published books.

Why do you have this clause?

We have the clause in order to cover situations where a donor does not send us their Deed of Gift, which turns the material in their gift into abandoned property and greatly hinders what the VNCA can do with the material.

Copyright

Do I have to sign over copyright to the archive?

Our deed of gift automatically transfers copyright over donated materials to the VNCA. Donors do have the option to not transfer copyright, but their request must be communicated prior to sending materials to the archive. If you choose to retain copyright over your materials, the VNCA will still make your materials available for research to patrons who come to our reading room located on the Texas Tech University campus. Due to legal restrictions, we cannot make copyrighted material available online in the Virtual Vietnam Archive.

Can I retain my copyright and still have materials viewable in the Virtual Vietnam Archive?

No. We cannot show copyrighted material in the Virtual Vietnam Archive as it is illegal.

You ask that I grant an irrevocable non-exclusive royalty-free worldwide perpetual license to the VNCA to my material even if I retain copyright, what does that mean?

This clause allows the VNCA to use your donated materials in projects or exhibits that we create and for us to grant permission for use of the material in scholarly, educational, and not-for-profit projects not conducted by the VNCA. It does not allow us to resell, license, or in any way make a profit off of the material. Any inquiries made to use the material in a commercial endeavor will be referred directly to the copyright owner.

Discarding Material

Might you transfer, sell, discard, or dispose of material that I have donated to you?

We do reserve the right to transfer, sell, discard, or dispose of material that is donated to us. In most cases, this is done for duplicate items. That can mean duplicate material from within the donor's collection (e.g. three copies of the same newspaper) or material that duplicates items we already have in our collection (e.g. editions of popular books such as Stanley Karnow's Vietnam: A History). We can only take in and store so many copies of an item, so if we find duplicates, we will get rid of them as we see fit.

Another reason why we might not accept materials is if they are not in our collecting scope. We focus our collecting on materials about the Vietnam War with an emphasis put on materials created during the era. We welcome original material like letters, photographs, slides, films, uniforms, and military documentation, and rarely get rid of these materials. However, items such as replica copies of military equipment, commemorative caps, mugs, t-shirts, calendars, and franklin mint type items like plate collections are not materials that we are interested in collecting and these materials will be discarded.

Other reasons why we might get rid of material would be poor condition or an inability of the VNCA to care for an item. If you have a concern about whether or not your material will be accepted by us, please contact us in advance.

What will you do with the materials you do not accept?

The two major ways we will discard material would be through donation or sale of the item. We will try to find a new home for the material with an institution that both wants it and can properly care for the material. If we are unable to find the material a new home, we may choose to sell the material. Funds generated from the sale of material will be used to care for the collection. If we cannot find a new home or sell the material, we may discard the material in the trash.

Can you return duplicate material to me?

No. It is expensive to ship material and the VNCA simply does not have the funds to return unwanted items back to their original donors.

How can I make sure that I don't have any duplicate or unwanted material in my donation?

You can contact us in advance and tell us what you would like to donate. We especially recommend you contact us in advance if you are going to donate books. We have an abundance of books in our library collection and are requesting that donors send us a list of the books they want to donate **before** they send them. We can go through the list in advance and let you know what books we are unable to accept. That way we are not overwhelmed with material that we cannot accommodate, and you do not have to pay to ship heavy books to us.

What is the VNCA Education Collection?

The VNCA Education Collection is reserved for duplicate materials lent out to teachers and classrooms and used in hands on programming. These materials are usually museum objects that are worn or not of high enough quality to go into our permanent collection, but can still be used as a tool in educational programming. Materials in this collection will be handled by children, may be used in a "dress up" or hand's on/please touch display area, and due to the nature of their use, might eventually become worn to the point that they will have to be discarded. Education collection materials are a wonderful way to teach the history of the Vietnam War to children who are often turned off by the don't touch mentality of many museums. With materials from the education collection, a child will be able to do more than just listen to a lecture about the Vietnam War, which might soon be forgotten as just another school lecture; they will be able to engage their senses and imagination by touching an object or trying on a uniform, experiences which will help them to remember the lessons they learn about the Vietnam War and come away with a positive and fun experience. Please note, materials such as medals and flags deserve respect and will not be included in the education collection.

Collection Restrictions

What if I want to restrict access to my collection?

The primary mission of the VNCA is to preserve and make available materials about the Vietnam War. Restricting access to collections goes against this mission; however, we understand that sometimes restrictions are necessary. If you would like to restrict your collection for any reason, you must contact us prior to sending materials so that we can discuss your concerns and make sure that your wishes can be accommodated by the archive. Please be aware that there are some restrictions that we cannot accept, and there must be a date when the restriction ends.

Do I need to restrict my collection if it has Social Security Numbers, home addresses, or medical records?

No. Due to legal requirements, the VNCA automatically restricts this type of information. During processing, medical records are removed from collections and placed into a restricted access area that is not accessible by researchers. Additionally, only redacted access copies of documents containing social security numbers or personal contact information are made available for research. This allows us to restrict personally identifiable information, like a SSN, in a way that still allows researchers to have access to the rest of the information in the document. If the VNCA removes material from a document or from a folder, notification will be posted letting researchers know what we have done.

Digitization

How long will it take for my collection to be digitized and put online?

All donations must be processed and opened to the public before they can be digitized. The VNCA strives to process and digitize collections as efficiently and equitably as possible, but the procedure is very time consuming and we have a very large collection. It can take several years for a document or photograph/slide collection to be processed and digitized after it has arrived at the archive. AV materials, due to their fragility and the nature of their digitization process, can take even longer.

Are there items that you do not digitize?

Yes. We do not digitize books; copyrighted AV material like movies, documentaries, or musical recordings; and copyrighted publications like magazines and newspapers.

Do you discard the originals after you digitize them?

No. The VNCA is an archive and preserving the history of the Vietnam war is our mission. While digitizing our materials makes them easier to access, scans are not viable for preservation. We keep all originals so that they will be preserved for generations to come.