

Rights and Reproductions Guidelines

The Vietnam Archive makes its collections available to its patrons by providing digital copies of its materials online inside the Virtual Vietnam Archive. Patrons may use and download these materials for their personal or educational use at no charge.

Patrons who need higher resolution copies of images or who want to use materials from the Virtual Vietnam Archive for commercial use must request permission in writing from the Vietnam Archive for the use of the materials by submitting a completed and signed Request to Publish contract to the staff. Patrons must agree to our reproduction terms for use and pay any reproduction fees assessed for the materials before any materials will be released to them.

Reproduction Terms for Use

- Any patron wishing to reproduce Vietnam Archive material for profit, resale or commercial
 use must obtain written permission from the Vietnam Archive Staff in advance of producing
 their project.
- Patrons may print images or information from our Virtual Vietnam Archive for noncommercial, personal or educational purposes only, such as using archive materials in the classroom, educational lectures or family scrapbooks. The user assumes all risks of copyright infringement.
- The Vietnam Archive staff will check their records for the copyright status of each image before permission to reproduce is granted. Any photo that is copyrighted will require additional permission in writing from the copyright holder before the Vietnam Archive staff will release the image.
- The Vietnam Archive will do its best to provide patrons with the identity and information of copyright holders to materials in our collection. We will only provide information from our records and can not perform copyright searches outside of our own records.
- Patrons must sign our "request to publish" contract and agree to the terms within the contract before permission to publish will be granted and the material released to the patron.
- Permission is granted for the non-exclusive, one time use of the material.
- The Vietnam Archive will not grant exclusive reproduction rights for any work in the collection and in giving permission to publish, the Vietnam Archive does not relinquish its own right to publish the material or grant permission to others to do so.
- The Patron must use the credit line supplied in the Virtual Vietnam Archive for each item in their publication.
- The Vietnam Archive is to receive one free copy of any publication using our material.
- Patrons may request photocopies or digital scans of materials from our archive, however the Vietnam Archive reserves the right to refuse copying requests for several reasons: the material

is in poor condition and can not physically be reproduced, the volume of the request is too large for the staff to handle, the material has a copying restriction set out by the donor or purchase agreement, the reproduction of the material is in clear violation of a law.

Copyright (as it applies to photocopies)

The copyright law of the United States (Title 17, U. S. Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified by law, libraries and archives are authorized to furnish photocopies or other reproductions of copyrighted works. One of these specified conditions is that the photocopy or reproduction is not to be "utilized for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use", the user may be liable for infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of the copyright law. The granting of permission to publish by The Vietnam Archive does not absolve users of materials from securing permission from copyright owners and payment of such additional fees as the owners may require if The Vietnam Archive does not own the copyright or if the material is not in the public domain. Applicants assume all responsibility for questions of copyright, right of publicity and invasion of privacy that may arise in copying and in the use made of the photographic copy.

Patrons will defend, indemnify and hold harmless The Vietnam Center and Archive, its staff, and advisory board and Texas Tech University, its Board of Regents, employees and agents against all claims, demands, costs and expenses including attorneys' fees incurred by copyright infringement or any other legal or regulatory cause of action arising from the use of The Vietnam Archive materials.

Fees and Payment

The Vietnam Archive will provide digital copies or photocopies of materials in their collection to patrons who request them. The fees are outlined in our <u>fee schedule</u> and are used to cover the cost of the materials used in the request and to help offset the cost of cataloging and preserving material from the archives.

Patrons ordering materials will be issued an invoice detailing the charges and fees for their order. The Vietnam Archive accepts payment by check and <u>credit card</u>. The order must be paid in full before it will be mailed. All fees are non-refundable and subject to change without notice.

Requesting Materials

Documents

When requesting documents from the Vietnam Archive please provide us with the list of documents you require in numerical order. For each document list: the item number, title of document, collection title, unit number (Douglas Pike Collection only), box number and folder number.

Images and AV files

Please provide the staff with a list of item numbers in numerical order and document titles (if available).

Turn-around Time

For small orders of under 50 items the normal turn around time is two weeks. For larger orders the turn around time is two to four weeks.

Mailing/Shipping of Orders

All orders are shipped via first class mail.

Patrons wishing to use alternate methods must contact the staff for any special arrangements; all fees will be paid by the patron.

Due to the high cost of international shipping, patrons from outside the United States must contact the archives staff to arrange for their shipping. All shipping fees on international orders must be paid in full before the items are shipped.