



# Usage Policy

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## General Use

Researchers may use materials from the Archives' collections that are in the public domain (see <https://copyright.cornell.edu/publicdomain>) and may make fair use of copyrighted materials as defined by copyright law (see <https://www.copyright.gov/fls/fl102.html>) without written permission from the Archives. Please cite us:

[Identification of item], [Name of collection], Archives of Appalachia, East Tennessee State University  
OR

Courtesy of the Archives of Appalachia, East Tennessee State University, [Name of collection].

## Publication

Researchers wishing to publish, display, broadcast, or otherwise distribute copyrighted materials from the Archives' collections must obtain written permission from the Archives by completing a **Usage Agreement Form**. Requests will be reviewed on a case-by-case basis, with consideration being given to a number of factors including copyright, trademark, publicity rights, donor and purchase agreements, and privacy concerns.

## Copyright

**The Archives does not claim to control the rights for reproduction for all materials or images in its collections.** Certain images or materials may be protected by copyright, trademark, privacy, publicity rights, or other interests not owned by the Archives. It is the responsibility of the individual researcher to obtain written permission from all rights holders for publication, distribution, or other use of protected items beyond that allowed by fair use.

## Permissions

Unless otherwise specified, use is granted for nonexclusive one-time/one-edition use. The Archives retains all rights to reproductions supplied or derived from its archival holdings. Duplicating, sharing, transferring, transmitting, renting, selling, sub-licensing, trading, leasing, loaning, or gifting reproductions in any form are not permitted. **The Archives does not sign release forms developed by others which are not consistent with our policies.**

## Fees

Researchers not enrolled as students at, or employed by, ETSU are charged a usage fee to publish, display, broadcast, or otherwise distribute copyrighted materials from the Archives' collections. The **Usage Fee Schedule** is reviewed on a regular basis to ensure that fees are in keeping with current archival practice and are subject to change. Paying a usage fee does not entitle individuals to duplicate or distribute materials beyond the terms of the signed Usage Agreement Form. Subsequent use must be renegotiated, and additional use fees will be charged accordingly. **Make checks payable to East Tennessee State University.**



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## Manipulation

To ensure the historical integrity of materials, the Archives restricts manipulation of items. The Archives limits manipulation to the cropping of a still or moving image, detail selection, excerpts of sound or moving images, and minor modifications to contrast and sharpness for clarification purposes. Any other manipulation requires the permission of the Archives. Any changes should be explicitly noted in the credit statement.

## Endorsement

Use of materials from the Archives' collections does not imply that the Archives endorses or confirms the accuracy of the resulting publication or use.

## Indemnification

The user will defend, indemnify, save, and hold harmless the Archives of Appalachia, its employees, officers or designates, from any and all costs, expenses, damage, and liability arising because of any claim whatsoever which may be presented by anyone for loss or damage or other relief occasioned or caused by the release of a reproduction of an item from the Archives' collections or their use in any manner, including their inspection, publication, reproduction, broadcast, duplication, or printing by anyone for any purpose whatsoever. The user is solely responsible for all issues of invasion of privacy, libel and/or slander that may result from use of the materials.

## Donation

Where applicable, individuals are asked to donate to the Archives one copy of the work named in the Usage Agreement.

## Noncompliance

The Archives reserves the right to refuse to grant usage permission and/or provide reproductions to anyone who has not complied with our policies.



# Usage Fee Schedule

Usage fees are charged in addition to any charges for access or duplication services. See our **Access Services and Duplication Fee Schedule** for details.

| <b>Still Images</b>   | <b>COMMERCIAL</b> | <b>NON-COMMERICAL</b> |
|---|-------------------|-----------------------|
| <b>BOOK JACKET OR MAGAZINE COVER</b>  | \$100             | \$0                   |
| <b>SINGLE PUBLICATION (PRINT, MEDIA, ONLINE)</b><br><i>Single use in book/e-book, brochure, catalog, serial, periodical, media cover label, etc.</i>                                      | \$50              | \$0                   |
| <b>PUBLICATION/BROADCAST/PROMOTIONAL PACKAGE</b><br><i>Multiple uses in book, cover/dust jacket, e-resources, website, podcast, companion CD, television and internet broadcast, etc.</i> | \$150             | \$0                   |
| <b>PERFORMANCE, PRESENTATION, OR EXHIBITION</b>   | \$25              | \$0                   |

| <b>Audio or Moving Image Recordings</b>   | <b>COMMERCIAL</b>                                     | <b>NON-COMMERICAL</b> |
|---|---|-----------------------|
| <b>MOTION PICTURE, TV, OR INTERNET PRODUCTION</b>   | \$15 PER SECOND,<br>EACH OCCURRENCE;<br>\$150 MINIMUM | \$0                   |
| <b>PROMOTIONAL PRODUCTION</b>   | \$10 PER SECOND,<br>EACH OCCURRENCE;<br>\$100 MINIMUM | \$0                   |
| <b>PERFORMANCE, PRESENTATION, OR EXHIBITION</b>   | \$10 PER SECOND,<br>EACH OCCURRENCE;<br>\$100 MINIMUM | \$0                   |
| <b>BROADCAST PACKAGE</b><br><i>Includes use in television broadcast, Internet broadcast, companion website, book, and home video/DVD.</i> | \$25 PER SECOND,<br>EACH OCCURRENCE;<br>\$250 MINIMUM | \$0                   |

## Definitions of Users

- Non-Commercial Users: Non-profit entities (required to provide 501(c)(3) number), public broadcasters, accredited academic institutions, and government entities.
- Commercial Users: Users obtaining materials for profit-making productions, publications, exhibits, etc.