

# DACOTAH PRAIRIE MUSEUM IMAGE, PHOTO AND RECORDINGS USE POLICY

04.21.21

## OVERVIEW

The Dacotah Prairie Museum (*DPM*) makes available its photograph archives, artifact images, and exhibit images (*images*) and audio/video recordings (*recordings*) for use by the general public for personal and professional use. *The DPM reserves the right to deny permission to use any of its images or recordings.*

## REQUESTS TO ACCESS AND USE DPM IMAGES AND RECORDINGS

- Requests to access DPM images and recordings will be for purposes of examination, study, research, publication, and advancement in accordance to the DPM's mission.
- Access to DPM images and recordings can be provided through appointment with the Director. Or, a request for physical or digital reproductions to be distributed through mail, email, or a secure website for personal use, or through a printer, publisher, or webmaster for commercial use.
- The DPM will accommodate any reasonable requests for photographic images of its collections.
- ***Unless specifically requested by the DPM, public use of Images and recordings from the DPM collections must be accompanied by the DPM's credit line: "Image/Recording courtesy of Dacotah Prairie Museum." Additional photographers or artists credit may be required.***
- The DPM reserves the right to request the removal of its images from any web site, online retailer, or social media platform that does not comply with this policy or has not been granted the appropriate permission.

## PERSONAL AND NON-PROFIT USE

- Visitors:
  - May take casual photos of exhibits and museum collections, and "selfies" for personal use only.
  - May use handheld cameras, cell phones, and tablets with the flash turned off.
  - May post images from their visits on personal social media sites as long as they are not used for profit, branding or commercial purposes.
  - May not sell or publish the images.
  - May not use the images to promote any outside product/service or serve as an endorsement by the DPM.
- Teachers/Academic:
  - May use any image in any academic presentation at no cost.
  - Must note and credit the DPM wherever images are used in presentations.

## COMMERCIAL USE

- Use of the DPM's collections of images and recordings for commercial (for-profit) purposes is only permitted at the discretion of the Director.
  - Each proposed commercial project must be reviewed to determine its consistency with the DPM's mission, appropriateness of the project's association with DPM, and contribution to the advancement of the DPM
  - Commercial use is limited to publication in a book, video or website and also defined as public displays in a business, or anywhere that generates income.
- The DPM does not supply digital reproductions of its images except directly to printers, publishers, or webmasters for commercial use.
- Audio and video recordings will be emailed or copied to digital device and delivered directly to a designated production company.
- A permission fee will be applied to all images requested; images may not be reproduced more than once, and images may not be reproduced for retail sale, rental or for profit.
- Permission is granted for the one, intended purpose only.
- Images and recordings obtained through the DPM are not allowed to be incorporated into brand logos, marketing, promotional context, commercial product, or any other commercial devices.
- The requester will provide one copy of any publication or video using requested images and/or recordings to the DPM, or share a link to the online use of the DPM content.

## COPYRIGHT

- If a request for any image that may be under copyright, the DPM and user will follow United States Copyright Law:
  - The United States Copyright Office [defines fair use](#) as a legal doctrine that promotes the freedom of expression by permitting the unlicensed use of copyright-protected works under certain circumstances. Defined under [Section 107 of the Copyright Act](#), Fair Use protects criticism, comment, news reporting, teaching, scholarship, and research when it comes to publishing or using copyrighted material.
- The DPM grants permission to use images for which it holds copyright as described in this policy.
- All reproduction rights are retained by the DPM for its photographic images, films, and sound recordings, unless they are already in the public domain. The DPM reserves the right to restrict the use of reproduction of rare or sensitive materials and to refuse permission for inappropriate use.
- The DPM's collection includes some images and recordings for which it does not hold copyright. If the DPM doesn't hold copyright for the requested images, it is the requester's responsibility to determine the copyright status of the material. The DPM will provide any available information about origin and copyright, but we are not required to pursue copyright research or to acquire copyright permission on the requester's behalf.
- The requester, not the DPM, is solely responsible for ensuring that all appropriate copyright permissions are granted before publication. We cannot provide legal advice regarding fair use or copyright. We will only release copies for private use and research with the requestor's acknowledgement of these responsibilities.

## FEE SCHEDULE

- All fees will be paid in advance before requests can be fulfilled; unless other arrangements are made with the DPM Director. ***By paying the usage and/or permission fee, requester agrees to all stipulations listed within this policy.***
- Use Fee Schedule:

- Personal and Non-Profit Use

Copy from original, at original size only (up to 11x17), standard quality presentation paper	\$5.00
Low to normal resolution scan, printed from digital, at original size or enlarged up to 11x17, standard quality presentation paper	\$10.00
Normal resolution scan, to requester's desired size, digital image only, to be emailed or via digital device	\$15.00
High quality resolution scan, suitable to be printed professionally from digital, any size, to be emailed or via digital device (any professional printing fees will be paid by requester directly to printing company)	\$20.00
Digital recordings, audio or video, emailed or copied to digital device, depends on length and quality of output requested, sliding scale to be determined at time of request	\$20.00- \$50.00

- Commercial Use

Permission Fee - applied to all images and recordings, images may not be reproduced more than once, and images may not be reproduced for retail sale or for profit. See usage policy.	\$25.00
Low to normal resolution scan, suitable for web site use, to be emailed or via digital device	\$10.00
High quality resolution scan, suitable to be printed professionally from digital, any size, to be emailed or via digital device (any professional printing fees will be paid by requester directly to printing company)	\$20.00
Digital recordings, audio or video, emailed or copied to digital device, depends on length and quality of output requested, sliding scale to be determined at time of request	\$20.00- \$50.00

- Other Uses

- Use in public exhibitions, public spaces and community purposes: the DPM reserves the right to charge special fees for any previously unlisted use in this policy on a case-by-case basis.

- Subscription:

- 12 month timeframe from initial request.
- All images high resolution scan, digital image only, to be emailed or via digital device.
- Personal and/or Commercial use must comply with all stipulations listed within this policy.
- Permission Fee waived for Commercial Use beginning at Intermediate level.
- Basic Level free with any museum membership, for personal use only, must be current member.

Basic Level (for personal use only)	1-6 Images	\$50.00
Intermediate Level	7-20 images	\$100.00
Professional Level	21 – 100 images	\$250.00

# DACOTAH PRAIRIE MUSEUM IMAGE, PHOTO AND RECORDINGS USE AGREEMENT

## REQUESTER:

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

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

\*EMAIL: \_\_\_\_\_

\*CONTACT #: \_\_\_\_\_ \*DATE OF REQUEST: \_\_\_\_\_

*All fees will be paid in advance before requests can be fulfilled; unless other arrangements are made with the DPM Director. By paying the usage fee, requester agrees to all stipulations listed within this policy.*

\*Intended purpose of use of images/recordings: \_\_\_\_\_

## IMAGE(S) REQUESTED & FEE CATEGORY:

*(see fee schedule in image use policy)*

<i>Description</i>	<i>Format requested (print/digital/size)</i>	<i>Permission Fee (personal \$0 or commercial \$25)</i>	<i>Usage Fee (or note subscription)</i>
<b>Subscription Option:</b> <input type="checkbox"/> <i>Basic \$50 (personal use only)</i> <input type="checkbox"/> <i>Intermediate \$100</i> <input type="checkbox"/> <i>Professional \$250</i>			

*Copy this page as necessary. \*Required information.*

**Total amount due:** \_\_\_\_\_

*Makes checks payable to Dacotah Prairie Museum Foundation, Inc.*

\_\_\_\_\_  
\*Signature of Requester

\_\_\_\_\_  
Date

\_\_\_\_\_  
\*DPM Director Approval

\_\_\_\_\_  
Date