

Advertising Council Archives
Agreement to Conditions for Use of Photographic, Musical, Motion Picture, and Audiovisual Works

A. The person (researcher) requesting or making copies of photographs, musical works, motion pictures, or audiovisual works¹ assumes sole responsibility for securing copyrights and other permissions that might be required prior to use of copied recordings other than for "fair use."

B. Copies made for users are strictly for the purposes identified as "fair uses" by §107 of the Copyright Act: "such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." In determining whether a use in any particular case is a fair use, the factors to be considered include- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for, or value of, the copyrighted work. Note that all factors are considered together rather than in exclusion.

C. Before publishing, performing, or broadcasting a photograph, musical work, motion picture, or audiovisual work except according to the conditions of Fair Use, the researcher is responsible for securing permission from the rights holder. In addition to securing permission from the rights holder and/or Ad Council, whenever sound recordings or audio-visual material from the Ad Council Archives are used in a publication, performance², or other product, the item must carry a credit line stating: "**Courtesy of the Advertising Council Archives.**" The name and record series number of the source of the material should also be cited.

D. Before the Ad Council Archives staff can process any order for copies, or facilitate copying, of photographs, musical works, motion pictures, or audio-visual works, the requestor must indicate here the nature of the copyright ownership of the original material, in accord with item 3 of the "Policy on the Copying of Archival materials":

- a) copyright owned by the Ad Council _____
- b) copyright owned by a third party whose permission has been provided _____
- c) copyright owner cannot be identified _____

I/we hereby agrees to conditions A-D as specified above.	
Signature _____	Date _____
Name (please print) _____	Title _____
SSN/FEIN/ACCT. #(or Major Credit _____ Card name, number & expiration date)	
Address _____	
Telephone (____) _____	E-mail _____
Title of project: _____ Expected completion date _____	

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specific conditions is that the photocopy or reproduction is not to be "used 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," that user may be liable for copyright infringement. This institution reserves the right to refuse a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

¹ Audiovisual works are works that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied. (§ 101 of the Copyright Act)

²“To perform or display a work "publicly" means- (1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or (2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.” (§ 101 of the Copyright Act)

Advertising Council Archives
(University of Illinois at Urbana-Champaign Archives)
Policy on the Copying of Archival Materials
November, 2002

Most of the material held by the Advertising Council Archives is subject to the Copyright Law of the United States (Title 17). Consistent with the constitutional purpose of copyright, Section 107 of the Copyright Act permits "fair use" copying of copyrighted material for specific purposes such as "criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research." In determining whether a use in any particular case is a fair use the factors to be considered include- (1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature of the copyrighted work; (3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and (4) the effect of the use upon the potential market for or value of the copyrighted work. Note that all factors are considered together rather than in exclusion. On the basis of these fair use conditions, Ad Council Archives users are permitted to take notes and make single photocopies of documents in lieu of note taking.

For users who are unable to make their own copies, especially for off-site users, it is the policy of the Advertising Council Archives to assist users in obtaining single copies of archival materials for fair use purposes. The extent and type of copying that Advertising Council Archives staff can perform is defined by subsections (a), (b), (d) and (e) of section 108 of the United States Copyright Act. However, these § 108 standards for library and archives copying **do not allow for the Archives to copy the following categories** of copyrighted archival materials: (1) **photographs** and pictorial and graphic works, except those published as illustrations to text; (2) **musical** works; (3) **sculptural** works; and (4) **motion pictures**, videotapes, and other audio-visual works, except those dealing with news. (cf. §108 (i)) Copyrighted works which fall into these categories may not be copied for users without the permission of the copyright owner.

Because of the ways in which archival materials are accessioned or collected, the copyright status of many items in the Advertising Council Archives is unknown. To try to meet the needs of users to the extent possible under the law, the Archives has developed the following policy (organized by category of archival material) for the copying of copyrighted materials. [If items are known to be out of copyright, copies will be provided to users without reference to this policy.]

1. Textual materials, including accompanying photographic, pictorial, or graphic illustrations.
Single copies will be provided, at the cost of reproduction, to users for the purpose of private study, scholarship, or research. It is the user's responsibility to obtain the copyright owner's permission for any other use of the materials. See attached warning notice on the copy machine or provided with the copies.
2. Audio materials (other than musical works), including phonorecords, audio tapes, and audio-only compact disks.
Single copies will be provided to users, at the cost of reproduction, for the purpose of private study, scholarship, or research. It is the user's responsibility to obtain the copyright owner's permission for any other use of the materials. See attached warning notice on the copy machine or provided with the copies.
3. All other materials including audio-visual materials of every kind, musical works, sculptures, and all photographs and pictorial and graphic works not published as illustrations to text.
 - a) If copyright to the material is known to be owned by the Ad Council, single copies will be provided to users, at the cost of reproduction, for the purpose of private study, scholarship, or research. It is the user's responsibility to obtain the Ad Council's permission before using the material for any other purpose.
 - b) If copyright to the material is known to be owned by a third party, copies will not be provided unless:
 - 1) the user provides the Archives with documentation showing that permission to copy has been granted by the owner; or
 - 2) the owner has previously granted the Ad Council Archives permission to have copies made.
 - c) If the copyright owner cannot be identified by the Archives, or if it is unclear whether the material is protected by copyright, single copies will be provided to users for the purpose of private study, scholarship, or research. It is the user's responsibility to determine the copyright status of the material and obtain any necessary permissions before using the material for any other purpose.