

# Smithsonian Institution Archives

## REPRODUCTION POLICY (effective October 1, 1999)

Smithsonian Directive 805 (formerly Office Memorandum 707) dated April 22, 1992, permits Smithsonian bureaus to charge fees for the right to reproduce images in their collections. This document establishes the policy and fees in effect at the Smithsonian Institution Archives (SIA). It is a supplement to, and not a replacement of SD 805.

Photographic reproduction of items in SIA is permitted in most cases. Options include prints, transparencies, and digital scans made by the Smithsonian Photographic Services (SPS), photographs taken by researchers at SIA with personal cameras, and xerographic copies made by SIA staff, or by researchers using SIA machines on the premises.

Five types of charges apply under this policy:

1. SIA Electrostatic Photocopy Fee: This covers material and staff costs for photocopies made on SIA premises using SIA machines.
2. SPS Photographic Production Fee: This covers laboratory and material costs for work done by SPS. For rates see the SPS leaflet "Photographic Policies and Charges" effective February 1, 1995. NOTE: This fee is determined by SPS.
3. SIA Personal Photography Fee: This is charged to researchers using the SIA photographic copy stand. This fee is waived if the project meets the conditions for a non-profit or scholarly endeavor defined in section III.C.2 below.
4. SIA Reproduction Usage Fee: This is charged if the reproduction will be used for commercial for-profit purposes. This fee is waived if the project meets the conditions for a non-profit or scholarly endeavor defined in section III.C.2 below.
5. PD & L Royalties: Commercial licensing fees negotiated with the Office of Product Development and Licensing. NOTE: Royalty charges are determined by PD & L.

### I. SIA ELECTROSTATIC PHOTOCOPY FEE

SIA allows electrostatic (xerographic) photocopying of unbound documents or images in good condition. Some items may not be photocopied due to fragility, deterioration, binding, or other conditions. In most cases, SIA staff will photocopy requested items for researchers. In certain instances, researchers may do the photocopying themselves.

Photocopying rules and regulations are posted in the reading room and at the copier. The first ten copies per fiscal year are free and each copy thereafter costs twenty cents. Payment is accepted in cash or check.

### II. PHOTOGRAPHY

#### A. SPS Photographic Production Fee

1. Prints from numbered SIA file negatives can be purchased directly from SPS according to established production fees. Researchers should consult with a Reference Archivist to obtain negative numbers, then complete an SPS order form (SI-318), and send it along with payment to SPS. Refer to SPS leaflet "Photographic Policies and Charges" for a schedule of production fees. Order forms and fee leaflets are available from SIA.
2. If no numbered copy negative is on file for an image, researchers may order a photographic copy made from a copy negative produced by SPS. This work should be arranged through SIA, and additional SPS production fees may apply. The Archives will arrange for a copy negative to be made and numbered by SPS, and will inform the researcher of the negative number. The researcher can then purchase a print directly from SPS following procedures outlined in #1 above. Be sure to allow sufficient time for the order to be processed.

#### B. Personal Photography Fee

In some cases researchers can make their own photographs of collection items by appointment. SIA can provide a copy stand and two quartz-halogen photographic lamps, but does not have a camera, film, or developing facilities. Requests are reviewed individually, and decisions are based on the condition of the item to be photographed, intended use of the photographs, and potential disruption to SIA operations. A reference archivist must be present during the photography, but cannot provide photographic expertise. A personal photography fee may be charged to compensate for the use of SIA materials and staff time. To schedule an appointment, complete the SIA "Photograph Order Form" (Appendix B).

### III. REPRODUCTION PERMISSIONS AND FEES

All researchers wishing to reproduce SIA photographs for use in electronic or broadcast media, books, periodicals, theses, dissertations, or for any other purpose must apply to the Reference Archivist for written permission. A form is provided for this purpose (Appendix C), but a letter containing the necessary information is also accepted. This process ensures that three elements are considered: copyright, citation and credit, and reproduction usage fees. As a condition of the permission, SIA may request a copy of the finished product for its files.

#### A. Copyright

SIA photographs are obtained from many sources and are intended primarily for research and educational purposes. Certain works may be protected by copyright, trademark, or related interests not owned by the Smithsonian Institution. Permission will be granted only to the extent of the Smithsonian Institution's ownership of the rights relating to your particular interest. The responsibility for ascertaining whether any such rights exist, and for obtaining all necessary permissions remains with the researcher.

#### B. Citation and Credit

SIA requires proper credit, and reproduction permissions are contingent upon an agreement to supply appropriate credit lines. Of special concern for SIA is facilitating the identification or retrieval of the SIA items that are reproduced, since publication may create further demand for reproduction. Therefore, we ask that the SIA record unit or accession number always be used in credit lines. "Smithsonian Institution" as a credit line is inadequate for this purpose and can cause delay in locating a photograph or the office responsible for the original item. For SIA items, we ask that the following credit line be used.

Smithsonian Institution Archives  
Record Unit/Accession # and/or Collection Title  
Negative #

#### C. Fees

1. Reproduction Usage Fee: SIA requires payment of reproduction fees for commercial usage, including profit-making projects by non-profit organizations. The SIA Reproduction Usage Fee Guidelines (Appendix A) describe the process for reaching a reproduction agreement for commercial usage.
2. Waivers: In general, SIA will consider a waiver of reproduction fees for non-profit or scholarly projects. The question of commercial or non-commercial usage will be determined by the nature of the project rather than the status of the user. SIA may require non-profit organizations to provide their 501 (c) (3) numbers. In general, a non-commercial publication or project reproduces an image for an educational or cultural purpose and is directed to a limited academic or professional audience with, for books, a press run of less than 8,000 copies (see SD 805).
3. Royalties: The Smithsonian Office of Product Development and Licensing (PD & L) arranges with publishers and manufacturers to produce replicas and facsimiles of collection items with royalties paid to the Smithsonian. Reproductions for calendars, greeting cards, games, toys, and similar products are arranged through that office rather than through book and periodical reproduction procedures. Waivers of licensing arrangements for non-profit projects are possible, but must be approved by PD & L. SIA staff will advise requesters to contact PD & L when appropriate.