

# Marblehead Historical Commission

## Photo Use Policy

1. Copy, shipping and use fees will be per the MHC Photo Repro and Use Fee Schedule
2. Fees must be paid by check, payable to Town of Marblehead, with Historical Commission in the Memo Field
3. Purchasing reproductions does not imply the right to publish or reproduce images on the part of the purchaser. All images and their copyright remain the property of the MHC
4. Photographic or digital images are furnished for study or personal use only unless written permission for other use is granted. All commercial use requires written approval of the MHC and payment of a use fee
5. All requests for non-commercial or commercial reproductions or use permissions must be in writing in order to assure a clear understanding of the requirements and planned use. The request must clearly state the intended use of the image
  - a. An Application for Permission to Reproduce Photographs or Use Images is available from the MHC and should be used to request these services
  - b. Applications must be signed by both the applicant and the MHC collections manager or his designate in order to be considered approved
6. Reproduction, use and shipping fees are required to be paid in advance
7. Use fees are in addition to reproduction charges and a signed permission to use agreement must be returned by the MHC to the requestor and use fees paid prior to publication
8. The MHC retains all rights to photographic or digital images in its collection even when permission to use has been granted
9. Use permission, when granted, is non-exclusive and for a one-time, one edition, one episode use only with no other rights, and may only be used by the applicant and in a manner consistent with the application for use – for example, one book including multiple editions, one web site including multiple updates of the same web site, one episode in a TV series which may be shown multiple times in perpetuity and incidental use related to that episode, such as promotional material. Any other use constitutes a reuse, and requires permission of the MHC and payment of additional use fees.
10. Privacy: individuals depicted in reproductions or other images have privacy rights and MHC reserves the right to require a written release from such individuals prior to publication or use in an exhibit
11. Each image must be reproduced in its entirety and without any alterations whatsoever, including cropping, bleeding, overlapping or otherwise manipulating the image, overprinting or changes in color or density unless otherwise approved in advance by the MHC. Duplicate images shall not be made.
12. The user may not reproduce, transfer, assign, sell or permit others to reproduce the image or any facsimile of it; however, permission to do so may be allowed by the MHC in some cases and must be authorized on the MHC Reproduction Application.
13. Permission will only be approved for electronic publication (eg. Web site) if sufficiently secured to prevent unauthorized downloading, transferring, copying and manipulation of content. Permission will not be authorized for reproduction on other media that do not meet the criteria stated above.
  - a. If permission is granted to distribute electronic copies, the distributed copies shall not exceed a display or print resolution of 72 dpi or 640 x 480 pixels. An electronic watermark shall be used within the displayed file.
14. The user assumes all responsibility for possible copyright infringement arising from the use of the reproductions, images or information supplied by the MHC.

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- a. In instances where the MHC only holds a reproduction of an image or photograph, the applicant must obtain written permission from the owner of the original, if the owner can be identified
  - b. The user agrees to release the MHC from any and all claims and demands arising out of, or in connection with, the use of the image, including without limitation any and all claims with regard to intellectual property rights, such as copyright, privacy, publicity, libel, and related legal issues
15. The MHC regrets that it is unable to loan or provide original photographs, slides or other image forms
16. The MHC regrets that it may not be able to satisfy requests for new photographs of items in its collection
17. Credit must be given to the MHC for each permitted use in a clearly discernible place in the publication or exhibit using the following credit line:
- a. Image courtesy of the Marblehead Historical Commission, Abbot Hall, Marblehead, MA, Object ID: (insert OID number), <http://www.marbleheadhistory.com>
  - b. Covers shall give credit in the introductory material of a book or brochure
  - c. Images within a book or brochure shall give credit adjacent to the image
  - d. Images in an exhibit must have the credit appear next to the image
  - e. Images in a web site must be credited on the same web page as the image, as well as having the image watermarked
  - f. Images in a video must have credit given in the show credits
18. The MHC requests two complimentary copies of the published work for any permitted use, with the intention that these will be added to the MHC archive
19. MHC images may not be used as endorsements for commercial products
20. The MHC reserves the right to deny permission to reproduce or use any image from its collection to any applicant whose product is not acceptable to the MHC for any reason. In addition, the MHC reserves the right to refuse permission for reuse because the applicant has not maintained acceptable first use standards as defined by any of these policies
21. Photographic materials and images shall not be used to show or imply that the MHC endorses any commercial product or enterprise, concurs with the opinions expressed in or confirms the accuracy of any text used with these materials
22. Parts of the Policy may be waived at the discretion of the MHC chairman.
23. Requests for photographic or digital image copies will be filled on a best efforts basis, considering that the MHC staff is entirely a volunteer organization. While the MHC will endeavor to fulfill requests within 3 – 5 weeks, no commitment is made for a specific turnaround time, although the MHC will endeavor to satisfy such requests on as rapid a basis as possible.
24. All requests should be sent to

Marblehead Historical Commission  
Collections Manager  
Abbot Hall  
188 Washington St.  
Marblehead, MA 01945