

UAMN Rights & Reproductions Policy

[From UAMN Collections Management Policy]

XVII. RIGHTS AND REPRODUCTION

DEFINITION: Rights and Reproductions refer to the ownership of certain intellectual property rights of the Museum's collections. Most commonly, this refers to copyright. (See separate UAMN Copyright Policy for more detailed information.) UAMN follows the University of Alaska policies on Copyright (<http://www.alaska.edu/active/copyright-issues/>). Copyright of Museum collections and associated data is owned by the University of Alaska.

A. COPYRIGHT LAW

Many parts of the Museum's holdings are protected by Copyright, that is, a form of protection provided by the laws of the United States (17 U.S.C.), to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive rights to the following:

- the right of reproduction;
- the right of adaptation;
- the right of distribution;
- if the work is of such nature, the right of performance; and
- if the work is of such nature, the right of display.

B. ESTABLISHING COPYRIGHT

1. Before the Museum is able to grant permission to reproduce an image of an object, or other media where copyright would be in question, staff must be able to prove that the University of Alaska owns the copyright or has the right to grant such right from the copyright holder or 3rd-party representative.
2. Each department must be trained on identifying whether the University of Alaska owns the copyright on collections, as well as how to obtain copyright.
3. The copyright of photographs of Museum collections shall remain with the University of Alaska, unless a contract states otherwise.
4. Questions regarding copyright of collections and data associated with such material should be directed to the [Elmer E. Rasmuson Library Collection Development Officer](#).
5. The Museum will make all best efforts to determine the existence of copyright ownership prior to granting reproduction permissions with the understanding that copyright ownership may not be able to be determined. The Museum will use its best judgment in these matters.

C. GRANTING RIGHTS FOR REPRODUCTION

Use of images of Museum objects for research, exhibit, publication, programming, and publicity purposes is a common practice and when used appropriately such images serve to share Museum collections more widely.

1. Requests for the right to reproduce images of items in the Museum's collections will be directed to the appropriate departmental curator or collections manager. Individual departments will manage all requests and permissions for reproduction, including the charging and remittance of fees.
2. Departmental staff will be responsible for identifying the copyright issues relevant to the request.
3. Requesting individuals/organizations will follow the policies and procedures established by individual departments regarding applications and conditions of use, including payment of fees if applicable.

D. ELECTRONIC USES

Text and image files, audio and video clips, and other content on the University of Alaska Museum of the North website or other virtual UAMN publications, are the property of the University of Alaska and may be protected by copyright and other restrictions as well. Copyrights and other proprietary rights in the content and design of the UAMN website may also be owned by individuals and entities other than, and in addition to, the University of Alaska. The University of Alaska expressly prohibits the copying of any protected materials on its website, except for the purposes of fair use as defined in the copyright law, and as described below.

E. FAIR USE

"Fair Use" refers to the legal right of individuals to use copyrighted materials for certain purposes without infringing on the copyright protections associated with those items. Section 107 of the U.S. Copyright Act outlines four factors that must be considered when determining whether or not a specific use of a work is protected under Fair Use. Below is the actual text of Section 107 that lists these factors:

"In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall 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.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors."

Questions regarding Fair Use should be directed to the [Elmer E. Rasmuson Library Collection Development Officer](#).

The nature of historical archival collections such as those at a museum means that copyright or other information about restrictions may be difficult or even impossible to determine. The UA

Museum of the North seeks communications from any copyright owners who are not properly identified so that appropriate information may be provided in the future.

F. WARRANTY

The UA Museum of the North does not warrant that use of the text, images, and content displayed on the UAMN website will not infringe the rights of third parties not owned by or affiliated with the UA Museum of the North.

G. DIGITAL MILLENNIUM COPYRIGHT ACT

The Museum will receive communications from individuals who claim that content on the UAMN website infringes on their copyright. This information should be in writing and addressed to the [Office of the General Counsel](#) for review.