

CHARLOTTE COUNTY ARCHIVES REPRODUCTION OF MATERIALS POLICY

Approved by Board March 20, 2024

The Charlotte County Archives seeks to make its collection materials accessible and available to as much of our public as possible. While managing appropriate restrictions, including but not limited to considerations of copyright and preservation, the Archives will make reproductions of materials in its holdings for patrons and permit patrons to make their own copies of certain materials.

Principles

Preservation of collections materials

The Archives will only reproduce or permit reproduction of materials deemed by the archivist not to be at risk of harm from the method(s) of reproduction and/or handling required. Reproduction may be prohibited due to concerns about material preservation.

Cost management

Patrons will be required to pay a fee for reproductions of materials made by the Archives, to offset the time and monetary costs associated with the provision of reproductions.

Compliance with copyright laws

The Archives makes every effort to comply with laws relevant to the reproduction of collections materials, including the Copyright Act of Canada and the Right to Information and Protection of Privacy Act of New Brunswick.

Donor considerations

The Archives will respect any conditions of access and use of materials indicated by the donor in donation agreements, which limits or prohibit the provision of material reproductions to users.

Fair dealing

As the Fair Dealings provisions of the Copyright Act of Canada provides for, the Archives may provide single copies of collections materials for patrons' use in research, private study, criticism, or review.¹ Reproductions of copyrighted materials for other uses may only be provided to users with written authorization of copyright owners.

¹ <https://laws-lois.justice.gc.ca/eng/acts/c-42/page-6.html>

1.0 Self-copying by Archives patrons

1.1 Copying using cameras

Patrons may use their own cameras to make reproductions of most collections materials, including those held in the Research Room and those requested from the Vault, dependent on condition. In doing so, patrons must observe safe handling practices and ensure their devices do not make contact with archival materials.

Reproductions of copyrighted made with patrons' own cameras are for uses permitted under the Fair Dealing provisions only.

2.2 Copying using microform scanner

Patrons may use the microform scanner in the Research Room to save copies of microform scans. These may be saved to the patrons' own external drive or requested to be sent to the patron via Archives email.

Reproductions of microform are subject to copyright restrictions on use, where relevant.

2.3 Copies via download

Patrons may download copies of digital images of collections materials provided on our online database, for uses permitted under the Fair Dealing provisions only. All digital images provided online are in the form of low-resolution, small-sized jpegs. Higher-quality images must be requested and purchased via the CCA's Image Reproduction Request form.

2.0 Copying by the Archives

2.1 Photocopying of non-archival materials

Patrons may request photocopies of any materials in the research room. In the case of copyrighted works, only single copies will be provided, for uses permitted under the Fair Dealing provisions only, unless prior permission has been granted by the copyright holder.

2.2 Copying of archival materials

Requests for copies of archival materials must be made with completion of the appropriate written form, identifying the patron and the intended purpose(s) of all copies. As indicated above, reproduction of archival material is reliant on assessment of any preservation concerns.

2.3 Materials in the public domain

The Archives will make a photocopy or digital copy of collection materials determined by the Archives to be in the public domain, subject to preservation assessment and availability of technological resources.

2.4 Materials with copyrights held by the CCA

The Archives will make a photocopy or digital copy of collection materials with copyright owned by the Archives, subject to preservation assessment, availability of technological resources, and the restrictions of any donors (including the Archives themselves).

2.5 Materials with copyrights held by third parties

For collection materials with copyrights held by third parties, the Archives will make copies only under the following conditions:

- (a) A single copy will be provided for uses permitted under the Fair Dealing provisions, as identified by the researcher, unless prior permission for other uses has been granted by the copyright holder.
- (b) For uses other than those permitted under the Fair Dealing provisions, the patron must confirm their permission from the copyright holder in writing before the Archives will provide a copy.
- (c) Where requests are made for copies of substantial portions of written secondary sources (such as more than 5% of a published text), the Archives may limit the amount of material copied and provided to the patron.
- (d) The sole responsibility for use of all copied materials lies with the patron, including any uses that may constitute copyright infringement. Proper authorization for all non-Fair Dealing-permitted uses is the responsibility of the patron.

The Archives will inform patrons of these conditions when they seek reproductions, and require agreement to them as a condition of the purchase of reproductions.

3.0 Use of copies

3.1 Use of public domain materials

Copies of materials in the public domain may be used and reproduced for any purposes.

3.2 Use of materials with copyrights held by the CCA

Copies of materials with copyrights held by the CCA may be used for Fair Dealing-permitted uses only, unless permission is secured from the Charlotte County Archives. They may not be further reproduced or shared online without permission.

3.3 Use of materials with copyrights held by third parties

Copies of materials with copyrights held by third parties may be used for purposes permitted under the Fair Dealing provisions only, unless prior permission for other uses has been granted by the copyright holder. They may further reproduced or shared online without permission of the copyright holder.

4.0 General

4.1 Reproduction fees

The Archives will charge a fee for all reproductions, to cover some or all of the costs of making and providing the copies, according to the established price list. Users will be informed of the fees before submitting reproduction requests.

Fees may be waived for reproduction requests made by the donors of the materials, in cases where the Archives has already digitized the materials or intends to regardless of the request.

4.2 Archives discretion

The copying of all materials in the holdings of the Charlotte County Archives is at the sole discretion of the Archives, including copies made by patrons and by the Archives. Refusal of copying may be due to donor restrictions, preservation concerns, technological limitations, or other reasons.

4.3 “As-is” materials

Copies of collections materials are provided and allowed on an as-is basis. The Archives makes no warranty or representation as to the materials’ content, format, quality, or moral rights status.

4.4 Credit

Each use of materials must be accompanied by a credit identifying the “Charlotte County Archives” as the source of the materials, along with any identification numbers provided and the name of the original creator (where known).

4.5 No copyright transfer

Provision of a copy does not constitute a transfer of copyright, nor a copyright permission.

4.6 Legal compliance

The sole responsibility for legal compliance in use and reproduction of materials is assumed by the patron, including, but not limited to, copyright, moral rights, neighbouring rights, and defamation and privacy laws.

4.7 No endorsement

The provision of a copy to a patron does not constitute endorsement, approval, or sponsorship of any purpose for which the material is used. Patrons may not state or imply the involvement of the Charlotte County Archives in the materials’ use.

This policy is adapted from that of the City of Vancouver Archives: <https://vancouver.ca/your-government/archives-reproduction-of-materials-policy.aspx>

Price list for reproductions of CCA materials (2024)

Low-res JPEG (72 dpi, max 1000 pixels on longest side) of item already digitized:

Free (via website or email)

Photocopy (physical or PDF)

\$0.50/page

TIFF or high-res JPEG (300 dpi), including scan of items not previously digitized

\$15/image

TIFF or JPEG to custom dimensions

\$20/image

In all cases, a single image will be provided for Fair Dealing uses only (research, private study, criticism, review, education, parody, satire), unless the item is public domain or the purchaser has obtained prior written approval from the copyright holder for their intended use.



REPRODUCTION ORDER FORM

CONTACT INFO

| | |
|-------------------------------------|-------|
| NAME | |
| TITLE/ORGANIZATION (IF APPROPRIATE) | |
| ADDRESS | |
| TELEPHONE | EMAIL |

INTENDED USE OF REPRODUCTION(S)

- research, private study, criticism, review, or other non-commercial uses (“Fair Dealing use”)
- any other use

PRICES

JPEG or TIFF scan, 300 dpi : \$15 per image

JPEG or TIFF scan to custom dimensions: \$20 per image (specify dimensions under format)

PDF copy: \$1 per image/page

DETAILS OF REPRODUCTION(S) REQUESTED

| IDENTIFYING NUMBER (EG. P, MC) | TITLE/DESCRIPTION | FORMAT (JPEG, TIFF, PDF) | COST |
|-----------------------------------|-------------------|-----------------------------|------|
| | | | |
| | | | |

TOTAL COST:

METHOD OF PAYMENT

- E-transfer (sent to contact@ccarchives.ca)
- Credit or debit card (online via Square invoice)
- Credit or debit card (in person or over the phone)
- Cheque (made out to the Charlotte County Archives)
- Cash

Images will only be sent upon receipt of payment. Please allow 5 – 10 business days turnaround time. If you need your image(s) sooner, contact us about rush orders (an additional fee may be involved).

Image files will be sent digitally in the preferred format, either as an email attachment or via wetransfer, depending on the total size of all files.

As the conditions of sale indicate, provision of image reproductions for non-Fair Dealing uses is dependent on public domain status or prior confirmation of rights approval from the copyright holder. If the copyright status of requested image(s) is unclear, extra processing time may be needed.

By signing below and submitting this request form, I confirm that I have read and agree to the conditions of sale (attached).

Signature of applicant

Date

Conditions of sale

As-Is Purchase: Copies of collections materials are provided as-in, with warranty or representation as to the materials' content, format, quality, or moral rights status.

Credits: Purchaser must accompany each use of materials with a credit identifying the "Charlotte County Archives" as the source of the materials, along with any identification numbers provided and the name of the original creator (where known), as per the following format:

Charlotte County Archives, P600.134.

Photograph by D. Will McKay. Charlotte County Archives, P751.43.

No Transfer of Copyright: Purchaser is buying only a copy, which does not constitute a transfer of copyright, nor a copyright permission.

Legal Compliance: The Purchaser assumes sole responsibility for legal compliance in use and reproduction of materials, including, but not limited to, copyright, moral rights, neighbouring rights, and defamation and privacy laws.

No Endorsement: The Purchaser may not state or imply the involvement of the Charlotte County Archives in the use of materials, nor consider the provision of copies of materials constitute endorsement, approval, or sponsorship of any purpose for which the material is used.

Use of reproductions:

Purchaser certifies that as indicated in the request form, the materials will be used for (a) "Fair dealing" for purposes of research, private study, criticism, review, education, or other non-commercial uses and/or (b) any "Other Use".

Fair Dealing use: Purchaser confirms that for Materials used for criticism and/or review, Purchaser will credit the creator and performer (if applicable) for each such use.

Other Use Orders: Orders of copies of Materials for Other Use are checked for ownership status.

(a) If their copyright is determined to be public domain, the Purchaser will be advised and the Materials will be supplied after receipt of payment.

(b) If their copyright is determined to be owned by a third party, or unknown, the Purchaser will be requested to obtain permission for the identified uses of the Materials from their copyright owners. Upon the Purchaser notifying the Charlotte County Archives that all such permissions have been obtained and paying the reproduction fee, the Archives will supply the reproductions.