

Draft Intellectual Property Rights Permission Request

This draft permission letter requests rights similar to the Creative Commons Non-Commercial, Attribution, and No Derivative Works license. Much of the boilerplate contract language such as representations, warranties, indemnification, choice of law, and termination has been deleted intentionally. While this approach is designed to simplify the permissions process, it may result in less protection to the museum because the agreement does not provide any recourse against the rights grantor if there are infringement claims from others.

Institutions should therefore consider the legal risks and its contractual requirements for online publishing projects before relying exclusively on this template.

Subject: Request to Publish and Distribute [Insert Description of Work(s)]

Dear Sir or Madam:

The **[insert name]** Museum (hereinafter “Museum”), a non-profit, charitable organization, is a participant in the Online Scholarly Catalogue Initiative being funded by The J. Paul Getty Trust in Los Angeles. For more information about the Initiative, please see http://www.getty.edu/foundation/funding/access/current/online_cataloging.html.

As part of the Initiative, the Museum will be publishing a catalogue of **[insert description works]** from our collections in electronic form that may be accessed via the World Wide Web (hereinafter “Catalogue”) without any access restrictions and at no cost to the user. We have no plans to publish the Catalogue in print; however, we will allow people to download all or part of the Catalogue and to print it **[optional: and we will offer people the right to obtain for a fee the Catalogue as a print-on-demand publication]**.

We are requesting permission to include **[insert description of work(s); may opt to list works on an exhibit or attachment to the letter depending on the number and description of works being requested; if so, it is necessary to incorporate by reference the exhibit or attachment]** (hereinafter “Images”) in the Catalogue. Specifically, we are requesting permission to do the following:

1. The right to reproduce the Images on a royalty-free basis in digital format(s) as part of the Catalogue and to include the work title, attribution information, courtesy credit to rights holder and/or owner of the work, and/or copyright notice, all as set forth on the above- referenced list of Images;
2. The right to allow users to download and/or print all or part of the Catalogue, including the Images;
3. The right to modify the digital format of the Images for compatibility with software applications and computer operating systems;
4. The right to make the Catalogue, including the Images, available at no charge in all media now known and hereinafter invented including, without limitation, the World Wide Web, DVDs, and handheld devices such as iPods, for an unlimited period of time; and
5. The right to make the Catalogue available on websites and via other digital distribution technologies that may include advertising.

Other than as set forth above, we shall not authorize others to reproduce, publish, or distribute the Catalogue, including the Images, in whole or in part. We recognize the importance of copyright law exceptions such as fair use and the libraries and archives exception; we may use Images in accordance with such legal exceptions and we may allow others to do so as well. We realize this

request for rights may seem broad when compared to requests for rights for traditional print publications. While we recognize this concern, we are asking for rights because we know that twenty- first century scholarship is dependent upon free and easy access to quality materials on the World Wide Web. We agree to post prominently the terms and conditions relating to use of the Catalogue, including the Images. We hope you will agree to our request.

[If a high-quality digital surrogate of the work is needed in addition to permission to reproduce and distribute that digital image as part of the Catalogue, include the following paragraph:

We are also requesting that you provide us with a high-resolution digital copy of certain Images as identified on the above-referenced list. The digital copy will be used solely for the purposes described herein.]

Please let me know if you have any questions. If you agree to the requested grant of rights, please acknowledge that agreement by signing and dating this letter in the space designated below and returning a copy to me at **[insert contact information]**.

Sincerely,

Agreed to and Accepted by:

Name

Title

Date