

Ellis County Historical Society

- POLICY TITLE:** Ellis Count Historical Society Collections Reproductions and Permissions
- POLICY PURPOSE:** This policy applies to situations when the reproduction and display of materials held by the Ellis County Historical Society (ECHS) exceed the allowances made under Fair Use. Further, this policy describes terms for reproducing and obtaining permission to publish those materials.
- BACKGROUND:** The Ellis County Historical Society Museum collects, preserves, and exhibits Ellis County History for the surrounding community and its visitors. The Ellis County Historical Society makes its collections accessible to a broad spectrum of users: ECHS members, the Ellis County community (i.e. Ellis County residents), affiliates, visiting researchers, publishers, media outlets, and the general public. The collections are intended primarily for research, but may also be used for exhibit, publication, and other appropriate purposes. It is understood that all users of the Ellis County Historical Society’s collections are bound by copyright laws codified in [Title 17 of the United States Code](#).
- APPLIES TO:** This policy applies to any person, company, or institution wishing to reproduce, whether in person or by request, or publish digital and physical materials held by the Ellis County Historical Society for purposes that exceed allowances made under Fair Use.
- DEFINITIONS:** Collections - materials held by the Ellis County Historical Society.
Reproduction – the creation of a physical or digital copy of materials held by the Ellis County Historical Society.

License – expressed, written consent granted by the Ellis County Historical Society’s designated agents allowing the licensee limited, non-exclusive permission to use a reproduction or reproductions in a commercial / for profit project

Guests – persons who are not currently ECHS members, affiliates, or Ellis County residents

Affiliates – representatives of other historical organizations to be determined at the discretion of the ECHS administrator or their designate

Fair Use – refer to [17 U.S. Code § 107: Limitations on Exclusive Rights: Fair Use](#)

Applicant – any person requesting reproductions of Ellis County Historical Society materials and/or permission to publish them

POLICY STATEMENT: Materials in the Ellis County Historical Society’s collections are available for use by ECHS members, Ellis County residents, affiliates, and guests primarily for research purposes.

Reproductions

Applicants may request reproductions of both digital and physical materials held in the collections of the Ellis County Historical Society. Applicants wishing to use or otherwise display reproductions in a manner that exceeds the allowances made under Fair Use must complete and submit the ECHS User Agreement stipulating the:

- ECHS materials under request for reproduction;
- Holder of the material(s) common law copyright or literary property (e.g., ECHS, a third party, or in the public domain);
- Purpose of the request (non-commercial or commercial / for profit);
- Applicant’s relationship with the Ellis County Historical Society (ECHS member, Ellis County resident, affiliate, publisher, media outlet, or guest).

All User Agreements are reviewed by designated ECHS staff. Requests may be denied or limited based on factors such as copyright compliance, donor restrictions, or the condition of the item. The Ellis County Historical Society reserves the right to refuse a reproduction request if, in its judgement, fulfillment of the order would involve violation of copyright law.

The copyright law of the United States (Title 17, United States [Code](#)) governs the making of photocopies or other reproductions of copyrighted materials. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproductions.

One of these specific conditions is that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If an applicant makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “fair use,” that applicant may be liable for copyright infringement.

The applicant will adhere to the [user agreement](#) and the provisions of copyright law.

The applicant is responsible for any costs associated with the reproduction or retrieval of the requested materials, assessed according to the fee schedule posted on the Ellis County Historical Society’s webpage.

Permissions

Permission must be specifically granted by the copyright holder in order to publish, exhibit, or otherwise display ECHS materials as part of a commercial / for profit project.

If the Ellis County Historical Society does not own the copyright, it is the applicant's sole responsibility to determine the copyright status and to obtain any required permissions from the copyright holder and pay any copyright fees. The applicant must provide written permission from the copyright holder to the ECHS prior to receiving any reproductions.

In instances where the ECHS does own the copyright, all applicants falling under the category of guests are required to pay a one-time, non- exclusive license (as defined above) fee ***in addition*** to any costs associated with the reproduction or retrieval of the requested materials, assessed according to the fee schedule posted on the Ellis County Historical Society’s webpage.

EXCLUSIONS OR SPECIAL CIRCUMSTANCES:

RELATED DOCUMENTS:

[Ellis County Historical Society User Agreement](#)
[User Fee Best Practices Flowchart](#)
[Fee Schedule](#)

RESPONSIBLE ORGANIZATION: Ellis County Historical Society

RESPONSIBLE OFFICIAL: ECHS Administrator

ORINATION DATE: December 2020

ADOPTION DATE: December 14, 2020

REVIEW CYCLE: Every three years

POLICY ADDRESS: ECHS
1111 East 30th
Hays, KS 67601
785.628.2624

Approvals: Brad Boyer
President, ECHS Board of Directors