

Request to Copy Copyrighted Material for Publication or Other Commercial Use

If you are requesting a copy of copyrighted material from one of the General Libraries collections and that material may be used for commercial purposes, you are required to sign the Agreement on the back of the page before a copy can be made for you.

Background information: When the use is commercial, the library requires that the Requestor obtain permission from the copyright owner. If the Requestor undertakes and documents a reasonable inquiry and cannot locate a rights holder from whom permission could be obtained, and if the Requestor requesting the copy is willing to indemnify the University against any claim that the library's act of providing a copy were an infringement of a third party's rights, the library may reasonably conclude that it should provide the copy.

Reasonable inquiry: A reasonable inquiry by the Requestor who is requesting the copy should include those of the following steps that are relevant:

1. First ascertain whether the work might be in the public domain.
2. Contact the author or the publisher, if known, by letter, telephone or e-mail.
3. Sometimes the apparent copyright owner is no longer the copyright owner. Contact the U.S. Copyright Office for information. The Copyright Office now provides online information at <http://lcweb.loc.gov/copyright/> and performs professional searches for a fee.
4. If the author, creator or publisher of the materials is not obvious, such as may be the case for historical photographs, architectural drawings, personal papers or other archival materials, the task may be more difficult. Try the following:
 - Check with staff of the library owning the material for information about who owns copyright in the work and how to contact the owner. For example, the library that owns the materials may own the copyright or have information about whom to contact to ask permission to publish the work or excerpts from it.
 - Check the WATCH File [<http://www.lib.utexas.edu/Libs/HRC/WATCH/>], a database that contains primarily the names and addresses of copyright holders or contact persons for English-language authors whose papers are housed in whole or in part in libraries in North American and the United Kingdom.
 - Check with the library or other source for an alternative work that is either in the public domain or for which copyright ownership can be more easily determined.

A reasonable inquiry that results in no identifiable or reachable copyright owner, coupled with a signed indemnification form from the Requestor, may provide sufficient reassurance that our providing a copy is a fair use, that our actions will not likely harm an unknown rights holder and that, the Requestor will bear the risk of such harm, however remote it may be.

Indemnification by Requestor Requesting Copy of Copyrighted Work for Publication or Other Commercial Use

The Requestor named below has requested a copy of:

This copy is intended for commercial purposes. The Requestor has taken the appropriate steps outlined on the verso of this page to determine who owns copyright, but has been unable to ascertain that information.

The Requestor will defend, indemnify, and hold harmless University and the University of Texas System, its Board of Regents, their officers, agents, and employees against all claims, demands, costs, and expenses, including without limitation, attorneys' fees, incurred as a result of alleged or actual copyright infringement or any other legal or regulatory cause of action arising from Requestor's use of the requested form.

Requestor's name: _____

Name of Company: _____

Address: _____

E-mail address: _____

Telephone Number: _____

Signature: _____ Date: _____

Request accepted and approved by

Name of Unit Head: _____ Date: _____

Signature of Unit Head: _____

Name of Library Unit: _____

[Unit head retains copy of the form and sends original to the Deputy Assistant Director of Development, PCL 3.200 (S5400)]

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