

# Statement on the Reproduction of Manuscripts and Archives for Commercial Purposes

*Developed by the Committee on Manuscripts Collections of the Rare Books and Manuscripts Section of the Association of College and Research Libraries. Approved as policy by the ACRL Board of Directors on January 31, 1977.*

1. It is the responsibility of libraries, archives, or manuscript repositories to facilitate access to original collections by permitting commercial publishing companies to reproduce, reprint, or otherwise publish certain collections in their possession, unless:
  - a. the physical condition of the originals prohibits reproduction;
  - b. there are legal restrictions which prohibit or limit reproduction of the originals.
2. No repository shall be expected to reproduce a complete manuscript collection or archival record group.
3. The commercial publisher shall agree to the following conditions:
  - a. **Permission.** (1) The publisher shall be responsible for compliance with all copyright and other legal requirements applicable to reproduction of the material borrowed and will obtain (and will deliver to the repository a duplicate executed counterpart of) all such consents, licenses, and other instruments as may be necessary for such compliance. (2) The publisher shall agree to indemnify and hold harmless the repository, its officers and employees, any and all of them, against and from any liability, loss, cost or expense whatsoever, including attorney's fees, which the repository, its officers and employees, any and all of them, may at any time incur arising out of or relating to the reproduction of any of its manuscripts or other original material.
  - b. **Acknowledgment.** The publisher shall cause the reproduction of any manuscript collection or archival record group to show that it has been made from an original in the library of the owning repository in the form specified by the repository.
  - c. **Quality of Reproduction.** The publisher shall cause his reproduction to be of a quality satisfactory to the repository from which he has borrowed the originals. A hard copy reproduction should meet current minimal standards for binding and paper as formulated by the Library of Congress and by the Resources and Technical Services Division, a division of the American Library Association. If published on microfilm, the reproductions shall meet the minimum specifications in *Specifications for the Microfilming of Books and Pamphlets in the Library of Congress* (Washington, D.C., Library of Congress, 1973). In addition, the following American national standards, published by the American National Standards Institute, shall be adhered to:
    1. *Specifications for Safety Photographic Film*, ANSI PH1.25-1974.
    2. *Methylene Blue Method for Measuring Thiosulfate and Silver Densitometric Method for Measuring Residual Chemicals in Films, Plates, and Papers*, ANSI PH4.8-1971.
    3. *Specifications for 16mm and 35mm Silver Gelatin Microfilms for Reel Applications*, ANSI PH5.3-1967 (R-1973).
    4. *Practice for Storage of Processed Silver Gelatin Microfilm*, ANSI PH5.4-1970.
    5. *Dimensions for 100-Foot Reels for Processed 16mm and 35mm Microfilm*, ANSI PH5.6-1968 (R1974).
    6. *Microfiche of Documents*, ANSI PH5.9-1975.
    7. *Microfilm Package Labeling*, ANSI PH5.19-1975.
    8. *Practice for Inspection and Quality Control of First Generation Silver Halide Microfilm*, ANSI PH5.23.
    9. *Operational Procedures for the Production of Microforms*, ANSI PH5.24.
  - d. **Reproduction.** The owning repository shall specify when and where the reproductions are to be made and the conditions under which they will be made.
  - e. **The Original.** (1) The publisher will not permit original manuscripts or other archival materials to suffer physical damage while in his care. Should damage occur, all repairs are to be made by qualified conservators chosen by the owning repository and at the expense of the publisher. (2) If the archival or manuscript materials are damaged beyond repair, the publisher must return the materials to the owning repository and reimburse the owning repository at the value set by an independent appraiser who is jointly selected and therefore satisfactory to both the publisher and the owning repository. The publisher must pay the appraiser's fee.

- f. **Royalties.** The owning repository shall receive from the publisher (1) an agreed royalty which has been established in advance by legal contract and (2) a sufficient number of copies of the publisher's reproduction for the repository's internal use.
  - g. **Restrictions.** The publisher must respect any restrictions placed upon reproductions or copies of original manuscripts or archival materials furnished to him.
  - h. **Pricing.** The publisher shall agree to market his reproductions using a nondiscriminating price structure.
4. a. Both the owning repository and the publisher must inform purchasers of repro-

ductions that permission to make extensive direct quotations or to print any reproduction in full must be obtained from the owning repository. Every reproduction must bear a clear statement to this effect.

- b. Manuscripts must not be published without due regard for literary property rights (also known as common law rights), personal property rights, libel, and unwarranted invasions of privacy. ■■

*Copies of this statement are available, upon request, from the ACRL Office, 50 E. Huron St., Chicago, IL 60611.*

## Highlights of the Midwinter Meetings of the ACRL Board of Directors

The Board of Directors of the Association of College and Research Libraries met three times during the ALA Midwinter Meeting: on Monday, January 31, 1977; on Wednesday, February 2, 1977; and on Thursday, February 3, 1977.

### Bibliographic Instruction

In response to increasing interest from ACRL members, the Board of Directors voted unanimously to establish a Bibliographic Instruction Section within ACRL. The section, which will replace the ACRL Bibliographic Instruction Task Force, will sponsor programs at conferences, develop policy statements on bibliographic instruction, explore methods of evaluating bibliographic instruction programs and materials, promote needed research, and cooperate with Project LOEX and other groups in areas of mutual interest.

The *Guidelines for Bibliographic Instruction in Academic Libraries*, developed by the Bibliographic Instruction Task Force, was approved as ACRL policy.\*

### Legislation

The Board approved a statement, developed by the ACRL Committee on Legislation, on federal legislative policy in regard to college and research libraries:

Support for academic libraries at all levels must be an integral part of federal funding for higher education. Library resources and services must be strengthened to meet

\* The *Guidelines for Bibliographic Instruction in Academic Libraries* was published in the April 1977 issue of *C&RL News*.

the changing dynamics of teaching as well as the needs of students, faculty, and researchers at all levels of higher education. It is imperative that any federal legislation which stimulates new or expanded educational programs shall provide sufficient funds to meet the library resource needs, including personnel, required for the success of these programs.

Expansion of knowledge, new technologies for both the bibliographic control and the dissemination of knowledge, and increased demand for information services make it essential that funding be adequate to enable all academic libraries to develop appropriate levels of adequacy in collections, services, and facilities. At the same time, substantial specialized financial aid is necessary for major research libraries if they are to continue to acquire the best product of global scholarship and make it widely available. A serious effort must also be made to provide support for consortia and other cooperative efforts which are attempting to profit from the efficiencies of technology in order to expand the accessibility and availability of resources.

Funds for library materials and personnel, federal scholarships and loans, work-study programs, special grants, research grants and contracts, and assistance in building programs benefit the nation by improving the quality of higher education.

The Board recommended that the statement be incorporated under the section "College and Research Libraries" in the forthcoming new edition of the publication *Federal Legislative Policy of the American Library Association* and that the wording in the present edition be dropped.