

Contractual conditions for film, video, TV and computer*

1. Any purchased reproductions (digitised material/copies) of image material from the image archive of the Herder Institute in Marburg may be used **once only and exclusively for the purpose stated overleaf**. Without written consent from the Herder Institute, these may not be passed on to a third party nor placed in other publicly accessible collections. Where relevant, all copyrights shall remain with the Herder Institute of Marburg.
2. Should the image archive of the Herder Institute in Marburg make available reproductions of image material, the rights to which are either attributable to a third party or unclear, it is the responsibility of the user to ensure that the legal situation is clarified and, if necessary, to comply with any legitimate demands made by third parties.
3. The written agreement of the image archive must be obtained in all cases for the use of the image in film, video, TV and computer productions. A new application must be made in the case of all repeats and subsequent editions – this also applies to parts of the production stated overleaf if they involve photos/digitised material from the image archive of the Herder Institute.
4. Approval for use of the image material must be applied for using the available form in duplicate. This is considered to be granted on payment of the production costs and image royalties, as well as on receipt of a copy of this agreement returned by the image archive.
5. In accessing material and information from the image collection that pertain to individuals who are still alive or who passed away less than thirty years ago, any user is beholden to respect and observe any personal rights inherent to the material and bears responsibility towards any and all third party claims.
6. The Herder Institute reserves the right to possibly withdraw previously granted approval at a later date. Immediately on withdrawal of approval, the applicant is obliged to make no further use of the material previously made available.
7. In the case of using images, the **Herder Institute, Marburg, image archive** must be stated as the owner of the original under each image in the credits in the case of computer productions, for example. Commercial exploitation (particularly posters, postcards, reproduced slides, all types of reproductions, videos and all forms of multimedia use) requires the written agreement of the Herder Institute and is subject to a charge.
8. The applicant is obliged to pay all costs that fall due (research, production of copies/digitised materials, etc.) and fees (image royalties/reproduction fees); an appropriate invoice will be sent. In the case of data carriers, a reference copy must be sent to the image archive without having to be requested.
9. In justified cases, particularly in the case of productions and websites of academic institutes, as well as in the case of productions in which the Herder Institute is expressly interested, the reproduction fee may be reduced.
10. If the production/website/CD-ROM/DVD contains a selection of photos produced by the image archive and/or digitised material, then the image archive must be informed of the illustrations involved when the production is complete/activated.
11. Contractual penalties will be due if the contractual conditions above are flouted. In the case of missing or incorrect evidence of origin, the image royalty shall be increased 100%; in the case of misuse of image materials provided by the image archive of the Herder Institute, this shall be increased 500%.

Place of fulfilment and court of jurisdiction is Marburg

* Basis: The principles and fees for photographing in museums/collections for commercial purposes and for the use of photos for reproduction. Decision of the Conference of German Cultural Ministers dated 25.06.1992. CGCM Erg.-Lfg. (supplemental set) 79, September 1994



HERDER INSTITUTE
for Historical Research on East Central Europe
INSTITUTE OF THE LEIBNIZ ASSOCIATION

Scientific Collections Image Archive
Gisonenweg 5-7
35037 Marburg

phone +49 6421 184-148
fax +49 6421 184-139
e-mail bildarchiv@herder-institut.de
Internet www.herder-institut.de



Supported by:



Die Beauftragte der Bundesregierung
für Kultur und Medien

HESSEN



**Hessisches
Ministerium für
Wissenschaft
und Kunst**