



Request for Copyrighted Materials

ORS 192.324

Official Use Only
File No. _____
Date Rec'd _____

Requestor's Information:

Name _____ Company _____

Complete Address _____

Phone _____ Email _____

Description of Records Requested (To expedite your request, be as specific as possible in describing the records being requested)

Please Check All That Apply:

I have been granted copying privileges by the copyright owner. (Please attach a copy of the permission letter or copyright release from the copyright owner.)

I am not required to obtain a copyright release from the copyright owner because:

I intend to use the copies made for purposes such as criticism, comment, news reporting, teaching, scholarship, or research as allowed by fair use doctrine (17 U.S.C. § 107). I understand I cannot use these copies for commercial gain.

The materials were created prior to March 1, 1989, and there is no copyright notice on the plans.

The materials were created prior to 1923, and therefore are in the public domain.

How would you like to receive these records? Pickup at City Hall Email US Mail

Requestor must read and sign:

I understand that every person has a right to inspect any public record of a public body in this state, except as otherwise provided by ORS 192.311 to 192.478. Further, I understand that fees may be charged to reimburse the City for its actual costs in making the records available. Such calculation may include staff time, costs for summarizing, compiling, or tailoring a record to meet my request. I hereby request the City of Dallas City Recorder to produce, to the best of their ability, the records specified above. Any fees must be paid prior to release of the record(s) requested. A deposit for fees, based on the estimated cost, will be required for any estimate above \$25. For estimated above \$25, the City will provide a written estimate of the cost and will seek confirmation to proceed or cancel the request. I understand if the fee is not paid, or additional requested information is not provided within 60 days, the request will be closed.

I hereby agree to defend, indemnify, and hold harmless the City of Dallas, its officers, employees, and agents from and against any and all claims, suits, actions, damages, and liabilities arising out of or related to any copyright violation claim(s) made against the City as a result of the reproduction of any materials identified in this request.

Date Submitted _____ Date Submitted _____

Please return completed form to: **City Manager's Office**
187 SE Court Street
Dallas, OR 97338
503-831-3502
sam.kaufmann@dallasor.gov



Frequently Asked Questions on the Request for Reproduction of Copyrighted Materials Form

The City of Dallas maintains a record of approved architectural drawings as a reference. The architectural drawings are available for review; however, copyright law protects the duplication of these drawings without the owner's consent.

Q: What is a copyright?

- A. A copyright is the exclusive right of the copyright holder to copy, reproduce, or make derivative works of their copyrighted material, such as architectural plans and drawings.

Q: Why is the City treating architectural works differently than other types of documentation?

- A. While many types of work may be eligible for copyright protection, architectural works are given specific protection under U.S. Copyright law. (An architectural work is "the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features.")

Q: Why is the City saying architectural plans are copyrighted if I don't see the © symbol on it?

- A. There are a few reasons. On and after March 1, 1989, it was no longer necessary for copyright holders to place the symbol on a work for it to have copyright protection. Also, architectural works are given specific protection under U.S. Copyright law.

Q: Doesn't Oregon Public Records Law mean the City has to give copies to the public?

- A. No. Federal copyright law supersedes Oregon Public Records law. Requestors still do have the right to view copyrighted material under the Public Records law, but may not make copies of the material without the copyright owner's consent.

Q: Who is the "owner" of a copyright?

- A. The "owner" is the party that holds the copyright and has the exclusive right to allow copies of the work. For architectural works, this may be either the architectural firm that drew the plans, or the party that hired the firm as "work for hire," such as a builder or homeowner.

Q: How can a customer determine who holds the copyright on plans or drawings?

- A. The customer may view the plans/drawings and investigate who owns the plans/drawings by contacting the architect or owner represented on the plans.

Q: How do I know if I'm qualified to copy under fair use?

- A. This is not an easy question to answer, but in general, it is acceptable to copy if it is for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. It is also generally acceptable to copy small portions of a plan for limited, non-commercial use, such as a copy of a particular section in order to locate electrical or a support wall, etc. It is not acceptable to copy a full set of plans or drawings to avoid having to pay the owner for copies of those plans. It is not fair use if the purpose is to gain commercial advantage. (See 17 U.S.C. § 107 for more information)

Q: Are site plans copyrighted?

- A. No.

Q: Can someone get a copy of plans or drawings for a replacement set, for deferred submittal, or revisions without a copyright release or permission from the copyright owner?

- A. No.

Q: What do we do with the copyright release or permission letter?

- A. Give the signed release or permission letter to the City Recorder along with the Request for Reproduction of Copyrighted Materials and Public Records Request Form.

Q: What if the owner of the plans is deceased or unavailable to fill out the form?

- A. Copyright exists for the life of the owner plus 70 years, so death does not automatically extinguish copyright.

Q: Who can answer questions about this procedure?

- A. Contact the City Recorder.