

## Request for Use of Audiovisual Materials (images, films, sounds) of the German Federal Archives (Bundesarchiv)

(Please complete this form entirely and well readable and send it back signed by mail or fax / Mandatory fields are marked with \*.)

Family name of user <sup>*(1)</sup> :		First name <sup>*</sup> :			
Street and number <sup>*</sup> :					
Zip/postal code <sup>*</sup> :		City, country <sup>*</sup> :			
E-mail <sup>*</sup> :					
Client / Institution (name and address) <sup>(1)</sup> :					
Subject of use <sup>*</sup> : (Research topic, title of project/publication, etc.)					
Purpose of use:	journalism	science	official	private	education
Type of publication <sup>*</sup> :	book	TV/film	Newspaper / magazine	scientific (periodical, thesis, etc)	
	no publication	exhibition	internet / online services	digital media (DVD, etc.)	
Name of publishing house, magazine etc.					
Estimated date of publication:					
Print run (number of copies)	up to 500	up to 3.000	up to 5.000	up to 25.000	up to 50.000
	up to 100.000	up to 150.000	up to 300.000	more than 300.000	
Broadcasting (TV/film)	local	regional	national	europa-wide	worldwide
duration of publication (internet / online)	1 week	1 month	3 months	6 months	1 year
Invoice address:					
I am a first-time user in the Federal Archives:					yes   no
I would like to receive the Federal Archives Newsletter quarterly by e-mail.:					yes   no
<p>I have been informed about the legal requirements, the purpose and duration of the processing of my personal data and about my rights based on the privacy policy of the Federal Archives (<a href="http://www.bundesarchiv.de">www.bundesarchiv.de</a> &gt; Datenschutzerklärung). I agree to communicate via e-mail.</p> <p><b>By signing below, I accept the following Regulations of the Federal Archives (Bundesarchiv) for the Use of Audiovisual Materials.</b></p>					
			<div style="border: 1px solid black; width: 100%; height: 30px;"></div>		
			<div style="border: 1px solid black; width: 100%; height: 30px;"></div>		
(Location <sup>*</sup> )		(Date <sup>*</sup> )	(Signature <sup>*</sup> )		
<p><i>To be completed by the Federal Archives only:</i>    Reg-BArch <input type="checkbox"/>    Gz- DBa <input type="checkbox"/>    Genehmigungsvermerk BArch: .....</p> <p><i>Bemerkung / Auflagen:</i> .....</p>					

(1) Please **always** state the name of a **natural person!** Names of institutions may be entered in the field "Client / Institution".

# Regulations of the Federal Archives (Bundesarchiv) for the Use of Audiovisual Materials (images, films, sounds)

## 1. General Provisions

The use of audiovisual materials (=AV materials) of the Federal Archives is permitted under the following terms and conditions. The Federal Archives reserve the right to deviate from these terms and conditions.

The user is responsible for providing the correct (billing-)address. If the invoice recipient does not comply with the obligation to pay, the Federal Archives have the right to claim users and invoice recipients as joint debtors.

## 2. Legal Basis

For the use, the provisions of the Federal Archives Act (Bundesarchivgesetz (BArchG)), the Ordinance Governing the Use of Archival Documents at the Federal Archives (Bundesarchiv-Benutzungsverordnung (BArchBV)) and the Federal Archives Cost Regulations (Bundesarchiv-Kostenverordnung (BArch-KostV)) apply in their respective valid versions. These can be found on the website of the Federal Archives:

[www.bundesarchiv.de/bundesarchiv/rechtsgrundlagen/index.html.de](http://www.bundesarchiv.de/bundesarchiv/rechtsgrundlagen/index.html.de)

In addition, the legal provisions on copyright and personal rights shall apply as amended.

## 3. Request for Use

The use of AV materials of the Federal Archives requires the granting of a written Request for Use. It is to be filled in completely.

## 4. Access to and Reproduction of AV Materials

The user may view or listen to AV materials in the Federal Archives, unless this conflicts with conservational or other reasons according to § 13 BArchG.

AV reproductions are intended for preview and are only provided in a quality that is not suitable for publication (xerocopy, PDF document or digital files in low resolution).

Reproductions made available for preview remain property of the Federal Archives and must be returned within eight weeks of receipt; copying is not allowed. Digital AV materials must be deleted after being used for the approved purpose.

For publication purposes, the user is provided with copies/digital copies that can be used specifically for this purpose. The costs of the provision are governed by the Federal Archives Cost Regulations (Bundesarchiv-Kostenverordnung (BArch-KostV)).

If the Federal Archives do not hold a usable copy of an AV material, it shall be produced - if possible - at the expense of the user. The property belongs to the Federal Archives.

The AV material is made available to the user for the approved purpose only (e.g. release in one publication, in one language or in one broadcast). Any further use requires the prior written permission of the Federal Archives. The user is obliged to provide complete information about the particular use.

Without prior written permission of the Federal Archives, AV materials must not be saved, reproduced, archived, duplicated, copied, modified or used in any other way. Passing on to third parties is only allowed with the prior written approval of the Federal Archives.

For legal reasons, the use of AV materials from the Federal Archives (including excerpts) on Facebook, Twitter, YouTube etc. is prohibited!

Copies usable for video, film and television productions are subject to charges according to sections 4.21 to 4.25 BArch-KostV even if the provided copies are not used in the production (film, video etc.).

## 5. Protection of Copyright and Rights of Third Parties

The Federal Archives shall endeavor to clarify and document the rights of third parties in the respective AV material with regard to its origin, originator and existing rights when making the materials accessible, as long as this information can be ascertained with reasonable effort. The information provided by the Federal Archives is conditional on possible changes occurring in the meantime. Therefore, the user is responsible to preserve the rights of third parties, especially for obtaining permission to publish from the holder of the rights.

If third parties' copyrights and/or rights of use in individual AV materials are known, usable copies will only be made available under the condition that the user must obtain permission for publication

directly from the holder of the rights. If the address of the right holder is known to the Federal Archives, it shall be provided, unless this conflicts with regulations on data protection.

For preserving any other rights (e.g. ancillary copyrights or personal rights) the user is generally responsible.

## **6. Attribution**

When publishing AV material of the Federal Archives, the user is obliged to state the complete reference number of the AV materials and - if known - the names of the originators directly attributed to the AV material or in a separate list of references in the publication. The following pattern has to be used: Federal Archives, reference number / name of the originator or right holder; for films the title of the film shall be specified.

*Examples:*

- Bundesarchiv, Bild 183-1989-1109-030 / photographer: Thomas Lehmann  
or  
BArch, Bild 183-1989-1109-030 / Thomas Lehmann
- Die März-Revolten in Berlin, Bundesarchiv, Film: BSP 11407-1 / Bundesrepublik Deutschland
- Berliner Ballade, Bundesarchiv, Film: K-242478-1 / Günter-Neumann-Stiftung

## **7. Liability**

The user shall be liable for the use of AV materials according to these Regulations as well as for all claims resulting from the use. If a usage object is provided, the user shall also be liable for its intact and timely return. The user shall bear the risk of transport. In the event of damage, loss or deterioration of the usage object, the user shall pay compensation to the Federal Archives.

## **8. Notification of defects**

The user shall immediately, at the latest four weeks after receipt of a delivery, notify the Federal Archives of any complaints concerning the content and scope of the AV material supplied or the technical quality of the reproductions.

## **9. Deposit copy**

The user has to provide a deposit copy of any publication in print or on electronic storage media that has been produced using AV material from the Federal Archives on his own accord and free of charge. The number of the used AV materials and the size of the print run have to be stated.

## **10. Costs**

Costs (fees and expenses) for the use and reproduction of AV materials of the Federal Archives are charged in accordance with the current version of the Federal Archives Cost Regulations (BArch-KostV). The publication fees (section IV BArchKostV) are based on the rates valid at the time of publication. Depending on the particular right holder, license costs of third parties may be added.

## **11. Penalties for Violations**

Disregarding these conditions may exclude the user from further use. The Federal Archives reserve the right to take further steps in accordance with civil or criminal law against any unlawful use or unauthorised dissemination.

## **12. Applicable Law**

These Regulations are governed by the laws of the Federal Republic of Germany.

*These "Regulations" are originally written in German! In the event of any differences in meaning between the original German version and the English translation, the original German version ("Bedingungen des Bundesarchivs für die Nutzung audiovisueller Medien (Bilder, Filme, Töne)") takes precedence.*