



City of The Dalles
City Attorney
313 Court Street
The Dalles, OR 97058
541.296.5481 Ext 1122
541.296.6906 FAX

PUBLIC RECORDS REQUEST FORM

Oregon Public Records Law grants each person the right to inspect the records of a public body (unless exempt from disclosure). Please fill out this form completely and identify specifically the type of records you are requesting.

First & Last Name (please print)

Signature

Name of Organization (if applicable)

Address

City

State

Zip Code

Daytime Telephone Number

Date of Request

Have you contacted any other City of The Dalles employee about this request? If yes, name of employee contacted:

Requester Information: _____
Requested Information/Records: Please give a brief statement describing the requested information/records, being specific enough for the City to determine the nature, content and department within which the record(s) you are requesting may be located. If files are to be previewed before copies are requested, please identify documents you wish to have copied from the files on the attached Addendum, and sign. Also affix a paper clip or "sticky" note identifying the documents requested.

(please use back of this document if additional room needed)

Purpose of Request: Some records requests may require a balancing of privacy rights, governmental interests and other confidentiality policies on one hand and the public interest in disclosure on the other. Thus, because the identity and motive of the person seeking the disclosure of a particular public record may be relevant in determining whether a record is exempt from disclosure under a conditional exemption, please give a brief statement as to the purpose of your request:

This form may be submitted:

- By mail or in person to the City Attorney, City of The Dalles, 313 Court Street, The Dalles, OR 97058
- Faxed to the City Attorney at 541.296-6906
- E-mailed to the City Attorney Office at ctrautman@ci.the-dalles.or.us

FOR OFFICE USE ONLY

Date Completed: _____

Date Notified: _____

Date Picked Up: _____

Info Compiled by: _____

Total Charges: _____



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Request for Reproduction of Copyrighted Materials

NOTE: THIS FORM MUST BE PROPERLY COMPLETED FOR THE CITY OF THE DALLES TO ACCEPT YOUR COPY REQUEST. (FEDERAL COPYRIGHT LAW CAN BE FOUND IN TITLE 17 OF THE *UNITED STATES CODE*)

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Day Phone: _____ FAX: _____ Email: _____

I hereby request copies of the following materials:

for the project: _____
(name of project)

located at: _____
(street address)

Please check any that apply:

- 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.
- 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 hereby agree to defend, indemnify and hold harmless the City of The Dalles, 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.

(Initial here)

By signing below, I verify that I have read and understand all terms set forth herein:

Signature: _____ Date: _____



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

The City of The Dalles maintains a record of approved architectural drawings for 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 (plans and drawings) 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 such as plans and drawings, this may be either the architectural firm that drew the plans, or the party that hired the architectural firm as "work for hire," such as a builder or individual 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. The City accepts that the customer has

done their due diligence in investigating ownership and obtaining the proper release or making a determination that their use qualifies as "fair use."

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.

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 letter from the copyright owner?

A: No. They need a release or permission letter signed by the copyright owner.

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

A: Give the signed release or permission letter to the City Attorney along with the Request for Reproduction of Copyrighted Materials and Public Records Request forms.

Q: What if the owner of the plans is deceased or unavailable to fill out this 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: Staff in the City Attorney's office.