



### Historical Collections - Deed of Gift

I, the undersigned Donor, convey the following materials to Upstate Medical University, to be placed in the Historical Collections:

Accession Number: \_\_\_\_\_ Collection Title: \_\_\_\_\_

Description of materials: \_\_\_\_\_  
\_\_\_\_\_

- Upstate may dispose of items that do not fit within its collection policy       Upstate must return items that do not fit within its collection policy

These materials, and any future additions I may make to them, shall be accessible to all persons qualified to use the Historical Collections subject to any terms and conditions as stated below.

Additional Terms and Conditions: \_\_\_\_\_  
\_\_\_\_\_

Requests for information about any of the patients included in the collections will be answered following HIPPA privacy rules. Those granted access to these materials may request copies in accordance with Historical Collections policies.

- I transfer, convey and assign property rights that I possess to the contents of the above named papers (including future additions I may make to them) to the Historical Collections.       I transfer, convey and assign literary rights that I possess to the contents of the above named papers to the Historical Collections.

I affirm that I have the authority to donate these materials. I have received an explanation of all terms and conditions of this *Deed of Gift* and agree to them as indicated.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

For the Historical Collections: \_\_\_\_\_

President of Upstate Medical University: \_\_\_\_\_

## Explanation of Deed of Gift

The *Deed of Gift* form is designed to legally assign to the Upstate Medical University Historical Collections a donation of personal papers, records, books, or other materials, which you as a Donor are placing in the Historical Collections for care and administration. The *Deed of Gift* transfers the title to these materials to the Historical Collections and defines the terms of this transfer.

**Donation of Gift:** The Historical Collections curator completes "Accession Number", "Collection Title" and "Description" section of the form. The "Description" of the donation states the type of material transferred.

**Access Restrictions:** Although most Donors have no need to limit access to collections, placing a restriction on access to a portion or an entire collection is possible. In the interest of scholarship the Historical Collections prefers to avoid restricting materials, but please discuss this with the curator if you feel there is a genuine need.

**Copies:** Ordering of photocopies and digital scans is offered as a convenience to researchers, particularly those who are using the collections from a great distance. This practice is standard in the archival field. When copies are requested, researchers are informed that they may not quote for publication without permission.

**Assignment of Literary Rights:** To enable scholars to quote readily from papers, Donors are encouraged to transfer their literary rights to the Historical Collections whenever possible. Researchers who wish to quote for publication from unpublished papers must obtain the permission of the literary property right owner. Since authors and their heirs are often difficult to locate, obtaining permission to quote may be a difficult task if the rights remain with the Donor. Copyright is often difficult to comprehend, so Donors are encouraged to discuss the particulars of the transfer with their attorney.

For original unpublished works created on or after January 1, 1978, copyright protection extends for the life of the author plus 70 years. If the work is anonymous or pseudonymous, copyright extends for 120 years from date of creation. If an author's date of death is unknown, copyright may be presumed to expire 120 years after creation of the work, provided that the records of the Copyright Office do not indicate that the author was living more than 50 years after the work's creation. For unpublished works created before 1978 and published prior to 1 January 2003, copyright extends for life of author plus 70 years or 31 December 2047, whichever is greater. For unpublished works created before 1978 and published after 31 December 2002, copyright extends for life of author plus 70 years.

It should be noted that conveyance of literary rights applies only to communications of the person who actually created the papers and for whom they are named. Literary rights to writings of other individuals and organizations contained in the collection remain with those individuals or organizations and cannot be transferred by the Donor; only physical property in these writings is transferred.

Assignment of literary rights may be effected with specific limitations. A Donor may wish to stipulate, "Literary rights retained during my lifetime" or something similar in the "Additional Terms and Conditions" section.

**Distribution and Disposition of Materials:** To ensure maximum use of a donation and to best utilize University resources, the Historical Collections generally reserve the right to distribute and dispose of collections or materials contained in a collection as it deems most suitable. In the unlikely circumstance that the Historical Collections refocuses its collection policies, previously accessioned collections may be offered to other repositories where they would join similar materials, or could be sold. If, in this eventuality, you wish deaccessioned material returned to you or your heirs please so indicate in the "Additional Terms and Conditions" section. Examples of materials within collections often judged to be inappropriate for care and attention are periodicals, maps, pamphlets, multiple copies, ephemera and the like. If a Donor wishes any duplicate materials, or materials not wanted by the Historical Collections returned, they should select the appropriate box.