

Release Forms: FAQs

REV 12-7-2010/PM

What forms do I use for our printed publication?

- The SCA Creative Work Copyright Assignment/Grant of Use Form is needed for all articles (not officer letters or event notices), poems, artwork, etc.
- The SCA Photograph Grant of Use Form is needed for all photographs.
- The SCA Model Release Form is needed for all photographs where an individual's facial features are identifiable (not obscured by helmets, garb or shadowing) in the photograph.
- The SCA Model Release Form is *not* needed if an individual's facial features are not identifiable.

What forms do I use for our website?

- The SCA Creative Work Copyright Assignment/Grant of Use Form is needed for all articles (not officer letters or event notices), poems, artwork, etc.
- The SCA Photograph Grant of Use Form is needed for all photographs.
- The SCA Model Release Form is needed when you are posting portrait-style images, and photographs taken at either private spaces at events or at non-public venues.
- The SCA Model Release Form is *not* needed when the images are taken at a public place and in a public forum, including any SCA contest or competition, merchants' row, court, class, etc. where there is no expectation of privacy.

Will the policies be updated to require these?

Yes, as confirmed at the October 2010 Board meeting, the policies are being updated to reflect the new forms.

Is it legal to require these forms?

Yes. We cannot make a rule that is less restrictive than a modern-day law, but we can make them that are more restrictive. The requirement for releases for models is expanding in all types of organizations and businesses as is the rights of the individual to be able to control their own image (in light of technology that allows for a multitude of images to be dispersed with little or no cost associated) versus the right to photograph people in public places.

Who created the forms?

The text was created by an intellectual property attorney, and once they were typeset, the forms were returned to the firm for approval prior to distribution.

Why are you allowing digital signatures?

As there is a large need for the required forms from so many members, the 11 months of development time also addressed ways to make them the simplest, the most straight-forward and the easiest to complete, and that included digital signatures. There does need to be a traditional *or* a digital signature on the signature line — just completing the form is not enough.

Are the digital signatures legal?

Yes. The Adobe e-signature format we are using for obtaining signatures on the various releases and assignments is acceptable. Since the passage of E-SIGN, in 2001, and the European Union's EU Directive for Electronic Signatures the year prior, electronic signatures on contracts are to be given the same status as traditional written signatures on contracts. The Adobe digital signature is one kind of electronic signature. Electronic signatures supported by public key infrastructures are generally considered "digital signatures". US and State laws do not dictate a particular technology solution for digital signatures, and in this case for what we are doing, it is acceptable.

Does this apply to local groups or is it just kingdom-level?

They apply to both local and kingdom groups.

Are Creative Work forms required for event notices and letters from officers?

No, these are not considered a creative work unless they take the form of a poem, story, etc., and do not require a Creative Work form.

Do captions require a Creative Work form?

No, captions are not considered a creative work and do not require a Creative Work form unless the contributor wishes to complete one.

Can we use the Creative Work form for permission to print personal information?

No, this form cannot be used for "you are hereby given permission to print my personal information". Within Society and kingdom policies, you can receive this information via e-mail, set-up a separate form, etc., but it cannot be added to this form. If you are looking for a sample form, the Kingdom of Caid's is available at <http://webwright.sca-caid.org/docs/Personal%20Info%20Release.pdf>.

Why can websites and electronic newsletters have "news" pictures without using the Model Release forms and traditional newsletters can't?

Once something is printed and distributed, it is very difficult to unpublish it, plus the majority of printed newsletters and publications have a subscription cost or purchase price associated with them, which means some may argue that the purpose of the photos is commercial.

Why do we have a new Photograph Grant of Use Form?

The section "if any individual facial features are identifiable (not obscured by helmets, garb or shadowing) in my Photograph I have or will submit an SCA Model's Release Form from each person whose features can be recognized" has been removed as it no longer applies in all instances once the modifications to Model's Release Form requirements were approved by the Board of Directors on December 2, 2010.

Do I need the photographer's permission to modify a photograph?

Not necessarily. Most photographers expect that some level of cropping or color adjustment may occur, but if you are editing photos significantly, please confirm with the photographer that the finished image is okay to publish as modified. If the photographer doesn't like the modifications, he or she may request that the image be removed. If you are cropping a photo to the point that it now appears portrait-style, you will need a Model's Release form from the subject.

What about the portrait-style images of members who have passed away?

If you already have their image on your site, and no one has asked you to remove it to date, you may leave it. On the original letter of September 21, 2010, it was noted that “The Board of Directors has voted to leave existing images on web sites as they are, but asks that web ministers make the attempt to get releases on as many images as is feasible.” If their estate later asks you to remove it, and you don’t have a release form, you will need to remove it. If you want to add portrait-style images after December 31, 2010, you will need to get a signature from their estate.

Can we put the forms in roster format?

While you can certainly have release forms available at events, they cannot be modified in any way including into the format of a roster. It is the individual member’s choice to sign or not, and cannot be presented as an attendance requirement at an event.

Can “permission to publish my image” be added to the blue cards?

No, agreeing for your image to be published is in no way a requirement to be a member.

What is meant by “public place”?

From USLegal.com: “A public place is generally an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose.” In other words, the majority of SCA events and functions are held in public places, but there are exceptions: a household meeting held at someone’s home, for example, would be considered a non-public venue, and in order to publish images from that meeting on an SCA-hosted website, Model Release forms would be required.

What does the statement “except where prohibited by local law” refer to?

This is intended for privacy and photography laws in countries other than the US.

Can we modify the forms to cover specific dates?

The forms cannot be modified in any way with the exception of adding the publication and/or website name.

What if the author will only allow the Creative Work to be published within a certain time frame?

If the **contributor** wants to add an “expiration date” or other restrictions (i.e. “you can publish this once before January 1, 2015”) he/she can do so, but no other statements can be added to the form.

Are there other forms coming?

Yes. There is a form coming for Release of Digital Rights. This form covers a specific situation: digitizing images for the purpose of education, research and *fundraising*. One kingdom is digitizing images of items that relate to their kingdom history, and they want to have the ability to not only publish the information, but to collect funds for the resulting finished work. Obviously, this is outside the scope of the current forms, and the form will not be necessary for the regular operation of the chronicler or webminister offices. Additional forms may be added as the need arises.