



DEED OF GIFT FORM

I, the undersigned, hereby donate and convey to the Waterwheel Historic Trust, all rights, title and interest that I possess in the following materials:

Description:

Date material received:

I understand that the location, retention, cataloguing and preservation of the materials, or other considerations relating to their use or disposition are at the discretion of the Trust in accordance with their Policies. Materials added to the collections shall be accessible to all persons qualified to use materials in the Trusts collections, subject to the terms and conditions, if any, stated below.

Terms and Conditions:

Donor's Signature: **Date:**

Donor's name and Address:

(Please Print)

Tel: **Email:**

Copyright Interests:

I represent and warrant that I control the copyright in some or all of the donated materials. (Please indicate the materials for which you control the copyright and the nature of your copyright control e.g. sole/joint owner, heir, literary executor, trustee).

I do not control copyright in any of the donated materials.

To the best of my knowledge, the copyright is controlled by:

Name: **Tel/Fax/Email:**

Address:

Copyright Conveyance

If you wish to transfer, convey and assign to the Trust, any copyright which you control in the above named materials, subject to the limitations, if any, stated below, please initial here:.....

Limitations:

I represent and warrant that I am the sole owner or the materials described above and that I have the full right, power, and authority to give the materials to the Trust. I have received an Explanation of all terms and conditions of this Deed of Gift and agree to them. I acknowledge the information I have provided is accurate.

The Waterwheel Historic Trust gratefully acknowledges receipt of this gift and agrees to the stipulations outlined above.

Trustee or Project Manager's signature:

Name: **Date:**

¹ We wish to acknowledge the information from www.hurstassociates.blogspot.com, and the Navarro college Deed of Gift information on www.navarrocollege.edu/library/archives/general/DeedofGift.pdf



DEED OF GIFT

A Deed of Gift is a formal, legal agreement that transfers ownership of, and legal rights in, the materials to be donated from you as Donor to the Trust. The Deed of Gift form constitutes the transfer of title and serves to define the terms of the transfer. A Deed of Gift form not only transfers the copyright (if applicable), but also states what the new owner can and cannot do with the items. For example, if the Trust decides not to retain the items, can it sell them or otherwise dispose of them? Or perhaps the items must be returned to the original owner (or that person's descendants).

It is recommended that, whenever possible, the Deed of Gift form be used to document all in-kind gifts of \$250 or more to the Trust, and for in-kind gifts below that amount, which include unique archival materials for which copyright conveyance may, or may not, be involved.

Donation of Gift. The “Description” portion of this section will be completed by a Trust representative. The Description of the donation will describe the material being transferred and date received on site.

Disposition of Materials. In order to make the most effective use of resources, the Trust reserves the right to determine the disposition of donated materials.

Copyright Interests. *When one considers digitizing items from an archive, not only is copyright important on original works of authorship, but ownership and the rights of the owner are important. For example, if you were to digitize a letter, one would need to know if the letter was still covered by copyright or not. In addition, you would need to know if you had been granted the right to make a copy of the letter (digitize) and publicly display the letter (which occurs when you display digitized items on the internet).¹*

Because assignment of copyright is often complex, the Trust staff is happy to work with the Donor to clarify questions of copyright control. Copyright in writings and original creations contained in a donated collection is controlled by the individuals or organisations which created them unless the copyright has been conveyed legally to the Donor or any other party.

Assignment of copyright may be conditional. For example, a Donor may wish to stipulate “Copyright retained during my lifetime” or something similar in the “Limitations” space provided on the Deed of Gift.

- If you, as Donor, control the copyright in all or some of the materials being donated, please tick the first box in the relevant section on the Deed of Gift form and explain the extent of your copyright control.
- If you, as Donor, do not control copyright in any of the donated material, please tick the second box.
- If you have any information about the holder of the copyright, please tick the third box and supply as much information as possible.
- **Conveyance.** The Trust encourages Donors to transfer any copyright they may control to the Archives whenever possible. Copyright ownership by the Trust archives facilitates use by scholars. If you wish to do so, please initial the first paragraph in the “Copyright Conveyance” section of the Deed of Gift.

Terms and Conditions. Although most donors will have no need to limit access to materials which they are donating, the option of placing reasonable restrictions on access to the materials or a portion of the materials is available to a Donor. The Chairman or Project Manager of the Trust will be happy to discuss the terms of agreement or restrictions with a Donor. Any restrictions on access mutually agreed to will be for a specific period of time and will apply to all researchers.

Acknowledgement of Receipt of Gift. This section of the Deed of Gift serves to formally acknowledge the receipt of a donation under the terms mutually agreed to by Trust and the Donor. The Donor will receive a copy of the Deed of Gift form signed by a Trustee or Project Manager. In kind gifts valued at \$250 or more will be reported to the Trust, who will send the Donor an official receipt for charitable deduction purposes.

¹ We wish to acknowledge the information from www.hurstassociates.blogspot.com, and the Navarro college Deed of Gift information on www.navarrocollege.edu/library/archives/general/DeedofGift.pdf 2