

## Preparing legal documents

Narrators must give you permission to record, reproduce, or distribute their words. With the storyteller's written permission, an interview with an eyewitness to history can become a primary document that provides significant historical information for years—and hopefully, generations—to come. Every oral history legal-release form should address at least the following matters.

### *Donor agreement*

Through a contract or deed of gift, narrators agree to donate their interviews to the interviewer, the interviewer's sponsoring organization, or the designated depository. Specific language indicates whether the donor agreement is a contract or a deed of gift. Ask your chosen oral history depository what type of donor agreement it prefers.

### *Copyright assignment*

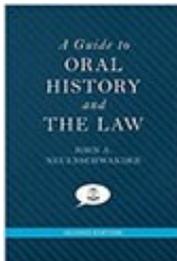
Oral history interviews produced in the US are subject to US copyright law, which protects fair use of the interview in reproduction, distribution, display, public performance, and the creation of derivative works. Before an interview is recorded, duplicated, transcribed or indexed, made public as an audio file or transcript, quoted in a publication or broadcast, or deposited in an archive, the narrator must transfer copyright ownership to the individual or organization sponsoring the project. When the interviewer is someone other than the designated copyright holder, the interviewer must also transfer copyright to the sponsor. Ideally, a release form should be signed before an interview series begins.

### *Future use*

Narrators have the right to know how their interviews will be used. Sponsoring organizations or individual interviewers will benefit from thinking broadly when explaining future use, as technological developments constantly create new avenues for publishing and distributing oral histories.

If for some reason interviewers want to restrict the use of their interviews, they have the right to state those restrictions, and the depository is obligated to protect the restrictions to every extent possible. To honor a narrator's wish to restrict the use of an interview for a certain period of time or to limit future use in certain formats (such as on the Internet), provide a legal-release form that includes a section outlining the requested restriction or attach a form that supplements a general release form. It is very difficult to enforce restrictions that are linked to the duration of a lifetime, so ask the narrator to specify a particular future date to end the restriction.

Interviewers and those who process recordings and transcripts should protect the narrator's right to privacy by keeping all restricted materials totally confidential until the restriction period ends.



A full explanation of narrator rights, samples of legal-release forms, language for restricting use, suggestions for avoiding potential legal claims, and even more, are available in John A. Neuenschwander, *A Guide to Oral History and the Law*, 2d ed., published by Oxford University Press, 2014.