

CITY OF ROSEBURG, OREGON



900 SE DOUGLAS AVE • ROSEBURG, OR 97470 • PH: 541-492-6866 • EMAIL: info@cityofroseburg.org

PUBLIC INFORMATION/RECORDS REQUEST

"Public information" is defined in ORS 192.410 - 192.500 and in the Oregon Attorney General's Public Meetings and Records Manual. The sources referenced also list several limited circumstances under which a public body may decline to release certain information. Because the identity and motive of the person seeking disclosure of a particular public record may be relevant in determining whether a record is exempt from mandatory disclosure under a conditional exemption, please provide the following information:

REQUESTOR'S IDENTITY		
Contact Name	Phone Number:	
Name of Organization (if applicable)		
Mailing Address:		
City:	State:	Zip:
Email Address:		

REQUESTED INFORMATION/RECORD
Please give a brief statement describing the requested information/record(s), being specific enough for the City to determine the nature, content and probable department within which the record(s) you are requesting might be located:

PURPOSE OF REQUEST
Please give a brief statement as to the purpose of your request:

All requests for inspection or copies of City records shall be submitted to the City Recorder for response. The City Recorder's response will be pursuant to the City of Roseburg's policy for requests, inspection and copying of City Records. A copy of such policy is attached for your review. In most cases, there will be a fee charged for providing this service. Payment of the fee for meeting your request must be received prior to requested materials being released. The City Recorder will advise you of the fee required for your request. This form may be submitted by mail, in person or via email to the City Recorder.

The City retains public records in accordance with the Secretary of State's Cities Retention Schedule. Architectural drawings may be available for review; however, copyright law protects the duplication of these drawings without the owner's consent. See following page for additional information.

SIGNATURE	
Applicant's Signature:	Date:

STAFF REVIEW/PROCESSING	
Date Processed: _____	Number of Copies: _____ Staff Time: _____ Hours @ _____ = \$ _____
Other Charge(s): _____	Total Paid: _____ Receipt Number: _____
Staff Printed Name: _____	Department: _____

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 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 deciding 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 section 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?

A: No. They need a release signed by the copyright owner. The release template is available through the City Recorder at info@cityofroseburg.org.

Q: What do we do with the copyright release forms?

A: The copyright holder can email an electronic copy to the City Recorder or send a hardcopy.

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: The City Recorder.