APPENDIX C FORM OF LICENSE

CONSENT TO ACCESS TO AND USE OF HISTORICAL MATERIALS

This consent relates to projects by the Digital Innovation South Africa initiative of the University of Kwa-Zulu Natal ("**DISA**"), and the Aluka initiative of Ithaka Harbors, Inc. ("**Aluka**") to digitally preserve and make available certain historical documents and other materials described in Appendix A (the "**Historical Materials**"). DISA and Aluka intend to create reproductions of the Historical Materials in digital or electronic form (these reproductions, whether they are reproductions of writing, photographs or audiovisual recordings, are referred to as the "**Digital Images**") and make the Digital Images available online for scholarly, educational and other non-profit cultural purposes.

Access to Historical Materials for Digitization. If you are the custodian of or otherwise in possession of the Historical Materials, you agree to provide DISA, Aluka and their agents with access to the Historical Materials for the purpose of creating the Digital Images. Depending on the physical condition of the Historical Materials and other circumstances, DISA and Aluka may arrange to do the necessary work at your facility and need physical access to the Historical Materials and room in which they and/or their agents may work, or may arrange to send the materials to DISA or a commercial imaging service.

Custodial Archive. Subject to obtaining appropriate consents from the Rights Holders in the Historical Materials, DISA and Aluka will provide you with images of the Historical Materials selected for digitization (the "**Custodial Archive**") for use by you internally for the preservation of these materials and to allow for onsite study of the Historical Materials without damaging the original materials. The Rights Holder may not grant permission, and you understand that in such circumstances you may not use, make available or publicly distribute any part of the Custodial Archive, and that you must strictly adhere to copyright and other applicable laws with respect to the Historical Materials, subject to any principles of "fair use" or "fair dealing" that, if available under the applicable law, may allow for limited non-commercial uses of portions of the Historical Materials and Digital Images.

Consent to Use of Historical Materials. To the extent you are the holder of the copyright and other intellectual property rights (the "**Rights**" and the "**Rights Holder**") with respect to the Historical Materials, you hereby grant to each of DISA and Aluka a non-exclusive, worldwide, perpetual, royalty-free license to use the Historical Materials in the following ways:

- Create the Digital Images as reproductions of the Historical Materials in digital or electronic form,
- Retain the Digital Images in archives maintained by DISA (the "**DISA Archive**") and Aluka (the "**Aluka Archive**") with other materials of historical, educational, scholarly or other non-profit interest, and supplement the Digital Images with a computer searchable index, metadata and descriptive, historical and other contextual materials (the "**Contextual Materials**"),
- Modify or adapt the Digital Images without changing the context or substantive content, for example, for preservation, translation, quality control, delivery and other purposes,

- Distribute and otherwise make publicly available copies of the Digital Images, with accompanying Contextual Materials, to authorized users of the DISA Archive and/or the Aluka Archive for educational, scholarly and other non-profit cultural purposes. These uses may include allowing users to print out physical copies of the Digital Images, download and save copies of the Digital Images, and distribute and make available copies of the Digital Images for research and teaching purposes, for example, by displaying them on a projection screen or via distance learning or other teaching devices, or by including them in classroom materials.
- Distribute a limited number of the Digital Images in printed form for the purposes of publicizing, and publicly documenting the history of DISA, the DISA Archive, the Aluka initiative, the Aluka Archive, or Ithaka Harbors, Inc., the non-profit organization of which Aluka is a part.
- Make any copies of the Digital Images useful or necessary in connection with the above in any format, for example, to protect the DISA Archive and/or Aluka Archive from loss of data or to facilitate distribution, and
- Use any technology and means in connection with reproduction, archiving, modification and distribution of the Historical Materials and Digital Images that is available or that may become available in the future.

It is understood that no royalty payments will be made and that Aluka may collect fees from educational institutions and other users of the Aluka Archive to help support and maintain the archive.

The consent granted hereby is not exclusive, and does not give DISA or Aluka any ownership of or rights in the Historical Materials other than the right to use the Historical Materials described in this agreement.

The consent granted hereby may only be transferred to non-profit successor organizations to DISA or Aluka.

Identification of Custodian, Author and Rights Holder. If so requested, DISA and Aluka will identify you as the custodian, author and/or the Rights Holder, as applicable, with respect to the Historical Materials on the DISA and Aluka websites.

Confirmation of Rights. DISA and Aluka understand that you may not be the Rights Holder or that there may be other Rights Holders with respect to the Historical Materials. If there are any other persons who may be Rights Holders with respect to any of the Historical Materials, or you are aware of any other reasons why the Historical Materials should not be used, please write such person(s) name or describe these reasons in the space that follows:

If you are signing on behalf of an organiziation or corporation, the person signing this consent confirms that he or she is duly authorized to grant this consent on behalf of the organization or corporation.

Consented and Agreed,

_____
(signature)

Name (print):_____

Organization:_____

Date: _____

Acknowledged,

_____
Dr Dale Peters
Project Manager, DISA, on behalf of the University of Kwa-Zulu Natal

_____
Thomas I. Nygren
Executive Director, Aluka initiative of Ithaka Harbors, Inc.