*July 2019*

[*This is a template. Adapt this document to correspond to your own guidelines, working practices, logo and policies.*]

*The following template highlights important topics for inclusion in a museum’s Copyright and Intellectual Property Rights Policy. It should be accompanied with clearly explained* ***procedures*** *for how you expect staff and volunteers to work with copyrighted materials and perform due diligence in their copyright searches.*

*Please note: this template is for an internal policy document, rather than an external policy for visitors (in-gallery or online) to the museum.*

[*museum name*]

[*name of author and date*]

|  |  |
| --- | --- |
| ***Approval date*** | *Insert the date the policy is approved by the governing body* |
| ***Review date*** | *Insert the month and the year the policy will be reviewed (and then put this date in your calendar!)* |
| ***Introduction*** | *You should state that this policy will guide your museum’s approach to managing Copyright and IPR.**You should make a commitment to embedding the content of this policy across the working practise of staff and volunteers, describing how this policy will form part of any mandatory training and/or induction at the museum.* |
| ***Ethics and legislation*** | *Your policy should refer to any relevant ethical guidelines or legislation that guide work of this kind, or which you are obliged to adhere to.**For example:** *Copyright, Designs and Patents Act 1988*
* *Berne Convention for the Protection of Literary and Artistic Works 1886*
 |
| ***Reference to other policies and procedures*** | *You might like to reference any other policies or procedures that are important to this policy document. You should signpost to where these can be found, and also check if they need updating before referencing them in this document.**For example:** *Documentation policy / procedure (how collections information is documented and managed)*
* *Rights research procedure (how staff should go about conducting rights research for ascertaining copyright)*
* *Rights acquisition procedure (how staff should go about contacting rights holders in order to acquire copyright)*
* *Rights protection procedure (how staff should manage copyrighted assets to ensure they are used appropriately and are not risking copyright infringement).*
* *Risk assessment procedures*
 |
| ***Governance*** | *Whose responsibility is it to ensure staff and volunteers are working to this Copyright and IPR Policy? The Chair of Trustees? Line Managers? What role does senior management (i.e. Museum Manager, or Senior Curator) play in making sure Copyright and IPR is managed and communicated appropriately at the museum?* *Are there specific members of staff who work exclusively with rights management? Will the museum bring in specialist support (e.g. legal services) to deal with particular topics or projects?**For example:** *Decisions regarding overall appetite for risk and/or procedure sign of to rest with Chair of Trustees*
* *Management of copyrighted works is the responsibility of Museum Manager / Registrar / Collections Manager*
* *Responsibility for communicating policies to staff rests with Line Manager of each staff member etc.*
* *Rights audits are carried out by Curators and Collection Managers on a case by case basis.*
* *Documentation Officers / Volunteers responsible for knowing museum policies regarding collections management and rights research and for carrying out tasks as directed in procedures.*
 |
| ***Ownership of rights*** | *State that the museum cares for collections which are protected by intellectual property rights, including copyright. You might like to state which sort of collections the museum owns, borrows or loans out. For example, those which fall into the copyright category such as literary, artistic, sound recordings etc. Explain who (generally) owns the rights associated with these collections, or state where you do not yet have sufficient knowledge of rights ownership.**For example:** *50% of the museum’s photography collection has sufficient documentation regarding rights ownership. Of this 50%, the majority is not copyrighted to the museum but to various private rights holders and organisations – however in the majority of cases the museum has negotiated a license with these rights holder for very permissive non-commercial use (including use on websites and social media platforms).*
* *All of the photographs taken of the museum’s social history collection (with a small number of exceptions) are copyrighted to the museum as per our freelance photographer’s contract.*
* *The museum regularly borrows copyrighted works as part of short and long term loan agreements, which normally accounts for 5% of the museum’s total collection in its care.*
* *Currently, the museum has very little information regarding rights ownership of collections items. A Rights Audit is currently underway to address this, and new procedures have been written to ensure any future acquisitions include transfer of copyright, or at least document rights ownership information in a centralised, accessible place.*
* *The museum has a collection with a wide variety of rights holders, and only knows the rights holders of around 30% of its collection.*

*You might also like to add a link to your volunteer agreements and contracts here, and explain how volunteers should transfer all copyright to museum when they are volunteering.* |
| ***Use of rights*** | *Use this section of your policy to explain how the museum uses rights as part of its activities.* *For example:** *The museum regularly produces promotional material (both printed leaflets and online listings) for which images need to be cleared for use.*
* *The museum uses social media platforms including Facebook and Instagram, and needs to have sufficient rights clearances in order to upload copies of collections.*
* *The museum regularly publishes copies of its collection online and needs to ensure it has suitable rights clearances in place.*
* *The museum regularly looks to create new retail products and as such will negotiate licenses to use copyrighted works for new products.*

*You might like to link to the museum’s ‘charge sheet’ here, to show how much your organisation usually charges for licenses to use its copyrighted material.* |
| ***Management of rights*** | *Describe here how rights are ‘managed’ at the museum – you can split this into the following areas if you wish:** ***Systems****Which collections management system does your museum use to document information about collections, or information about other digital assets? Are these systems accessible to everybody (e.g. an Excel spreadsheet saved in a centralised location) or are they closed and only available to certain staff (e.g. a collections management system like MIMSY or Emu or MODES with a limited number of logins).*
* ***Staff****Are there specific staff or roles who manage information regarding rights? For example does the museum have a Documentation Manager or a Picture Library Manager whose job it is to ensure rights are understood, documented and managed appropriately?*
* ***Third parties****Does the museum employ a third party or agency, to manage rights on behalf of them? For example, do Bridgeman look after commercial enquiries regarding rights to the museum’s photo collection?*
 |
| ***Protection of rights*** | *How does your museum protect the rights it owns, and the rights of others? How risk adverse is the museum when it comes to using rights protected work?**For example:** *The museum is very risk adverse regarding rights protected work, and as such only uses copies of its collection within exhibitions and printed material. No online use of collections material is permitted, including social media.*
* *In the case of suspected orphan works, the museum uses a risk assessment to evaluate whether or not to use a work in a particular context.*
* *The museum ensures all rights agreements are made in writing, and records information regarding rights in an accessible place and format.*
* *The museum protects itself by only ever using material it knows it either has copyright for, has a license to use, or knows is out of copyright.*
* *The museum uses watermarks and/or credit lines on all published works, and ensures online images are a limited size in case of copyright infringement.*
* *The museum makes copyright training an essential part of induction both for staff and volunteers.*
* *The museum has appointed a member of staff whose role is to work exclusively with Copyright and IPR.*
* *The museum has an external Copyright and IPR Policy on its website, including a Take Down Policy.*
 |
| **Access to content** | *Use this section to describe how staff and the public access copyrighted works.**E.g.** *The museum stores all of its collections (including many copyrighted works) on a collections management and digital asset management system. All staff with login details have access to this, and can download files freely.*
* *All staff can view digital copies of the museum’s collection via a custom built database, regardless of who owns the copyright, however only a handful of staff are able to directly upload and download images and other files into and out of this database.*
* *The museum makes copies of collections works available on its ‘Collections Online’ database – these images can be viewed but not legally downloaded.*
* *The museum has uploaded a significant amount of its photographic collection onto Instagram, albeit at a limited size and with a watermark.*
 |
| **Crediting** | *You might like to add a section in your rights policy about credit line standards – as in, how you expect museum copyright items to be credited. This would be helpful for those staff and volunteers who regularly send copies of images etc. to the public (i.e. for research, or for press and publicity or online purposes).**E.g.** *All museum copyrighted works should be sent with credit instructions that include the credit line ‘© Museum of Social Work’ unless otherwise stated.*
* *All images uploaded onto museum or third party websites MUST include ‘© Museum of Social Work’ either as a watermark, overlaid as a credit line in the corner of an image, or included in the photo metadata.*
 |
| **Infringements** | *This section relates to how a museum deals with copyright infringement – either by a third party or infringement by the museum itself. You might like to split this into the following sections:** ***What to do if staff or volunteers are informed that the museum might have infringed someone else’s copyright***
* ***What to do if you see museum copyright infringement by someone else***
* ***Information about the museum’s Take Down Policy, and how it communicates its stance on copyright to the public – i.e. with a public facing Copyright Policy, available on its own website.***
 |