

Museums Association - copyright seminar Licensing - related issues

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IPRs (copyright, trade marks) are assets

- IPRs enable museums to protect “content” and names/brands
- and to exploit them – through licensing
- opportunities – publishing, picture libraries, location agreements, merchandising, sponsorship ...
- and risks

Risk – is the Museum allowed to trade?

- charities
- local authorities

Risk and risk management – does the museum own the IPRs?

- risks in licensing material without having secured rights
- rights audit – answers may not always be clear
- particular problem areas
- managing risk when it cannot be eliminated

Risk and risk management – the license agreement (1)

- use a written contract – NB *A Guide to Copyright for Museums and Galleries (2000)*
- contract “captures” the opportunities; and the risks

Risk and risk management – the licence agreement (2)

- potential pitfalls:
 - copyright works/trade marks covered by licence
 - extent of permitted use (products, media, territory, sub-licensing)
 - exclusivity?
 - duration
 - product approval terms
 - payment terms
 - warranties/indemnities/rights provisions

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