

Licensing issues - a legal perspective

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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 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 licence 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