Putting Together a Museum's IP Policy: Renaissance ROM as a Case Study

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Royal Ontario Museum
Opening Points

- I am not a lawyer or policy writer.
  - “I know what I don’t know.”
- “I am Canadian.”
- So is Celine Dion.
- I have a confession. I like journalists.
  - “What a great way to spend your life!”
- It is now 4 R’s: Rights to Reproduce Rina’s Reasons
- Bandwidth. Think three per cent.
- Have fun. Respect the time!
- Meet my friend.
Royal Ontario Museum

- Dual mandate:
  - Civilization, Art, Archaeology
  - Natural Science
- $43-million operating budget
- 350 regular & 37 part-time staff
- 27 curators and 20 assistant curators
- 2001/2002 attendance:
  - 1 million physical visitors
  - 1.5 million web visitors
- More than five million objects
What is Renaissance ROM?
ROM’s Options

- Managed retreat
  - Real operating budget has been declining for 12 years with little prospect for growth despite increased reliance on self-generated revenues.

- Renaissance ROM
  - An intelligent Master Plan capital investment will transform ROM’s business case and reduce dependency on provincial government funding.
ROM Digital

- A comprehensive program to systematically digitize, store and manage our collections information and leverage digital assets
  - E.g. access, education, licensing
ROM Digital

- Collections Information Management
- Image Centre
- Digital Repository
- Digital Gallery
- Education/Business Applications
A New Language
ROM Digital Language

- Language of business: the ROM’s digital imperative is driven by business initiatives
- Initiatives require:
  - New Technology
  - New Policy
  - New Process
  - New Organization
ROM Digital Desired Outcomes

- Crafting a long term vehicle for disciplined capture and secure storage of digital assets
- Protecting the ROM’s assets
- Providing access to more of the collections for wider audiences
- Helping people to make personal connections
- Extending education beyond our boundaries
- Growing revenues to sustain the program
- Improving our own efficiency
ROM Policy Development

- Spring 2000 - ROM board adopts governance model
- Redefined its fundamental role and responsibilities: specifically the care, protection and safeguarding of ROM collections, property, premises and resources
- Required board task force to develop and monitor policies to articulate Museum’s mandate, vision, values and objectives, limits of executive authority
- Project co-ordinated through executive office of Museum’s Chief Operating Officer
- Fall 2001/Spring 2002 - 20 policies approved
- Cover everything from health and safety to repatriation of Canadian aboriginal objects
ROM Policy Development

Policies complement ROM Digital initiative:

- Public Access – access to collections and information resources a key responsibility
- Copyright – prudent and fair use of its resources and protection in real world
- Information Management – information as a corporate and organizational asset, includes practice statement on use of IT resources
- Publications – promotes core ROM activities
ROM Copyright Policy

Need for IP policy based on:

- Recognition that information is a vital institutional asset, central to the Museum’s role and purpose.
- Recognition that information is increasingly seen as commodity that can be purposefully used to further institutional interests.
- Demands for increased self-sufficiency, to build revenue-generation.
- Importance of intellectual property in creating ROM programs, exhibits, products; need to comply with law in the use of diverse intellectual property interests (liability). – ie. ROM field guide series and use of images by curators
- Inconsistent past practice at the ROM; potential to negatively impact institutional interests.
Copyright Policy Process

- No clear guidelines/principles in the Museum community that could be easily adopted (professional associations, other museums).

- Task Force examined intellectual property/copyright issues/concerns applicable to ROM as producer/creator, publisher/distributor, and consumer:
  - Collections - permanent & loan
  - Exhibition right, Reproduction right etc. i.e. exhibiting designer dresses, publishing catalogues/books, etc.
  - Original research by curators
  - Collections-based research, field research (sponsorship issues)
  - Works based on the collections by non-employees - volunteers, Students, Curators Emeritus, External Scholars
  - Photographs/Video/Digitization
  - Publications
Copyright Policy Highlights

- ROM owns the economic rights in works produced by employees as part of their employment duties
  - ROM has interests in economic rights in works created in conjunction with ROM-funded activity or research
  - Contracts with third parties ensure irrevocable licence for use
  - Details steps for employees entering into external projects
  - Employees waive moral rights where ROM owns economic rights
  - Details use of ROM resources for external projects
  - Addresses creator’s right to integrity of work relating to accessioned objects in the collections
  - Provides for ROM’s right to acquire all economic rights to permit anticipated exhibition and reproduction purposes
  - Requires senior executives to ensure Board Governance Committee has all relevant info for determining adherence
ROM Businesses & Policy

Profit growth, outreach, customer experience, attendance

- Museum attraction
- Asset exploiter
- Educational programs

Collections & research

Strengthening collections and research, efficiency, quality of service and delivery
### Business Initiative

**Delivers**

<table>
<thead>
<tr>
<th>Technology</th>
<th>Intellectual Capital system</th>
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<tbody>
<tr>
<td>IC DB, search and access</td>
<td>repository of knowledge and information to enable sharing, analysis and synthesis, promotes creativity, reduces re-invention, improves productivity and saves time</td>
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<tr>
<td>Extract or link to standard sources...eg.collections mgt, library Extract from non standard sources...books, catalogs, curatorial files, exhibit labels etc</td>
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<td>Re-use in multiple media</td>
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<td>Recognize level of audience</td>
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<td>Attach service characteristics eg rights management, usage restrictions</td>
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<td>Apply tools and engines</td>
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<td>Other synthetic structures eg GIS, files independent of collections</td>
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<tr>
<td>Content management</td>
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</tbody>
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### Process

Governance

Content management

### Organization

Change in roles and responsibilities

Training in use of data, tools
<table>
<thead>
<tr>
<th>Business Initiative</th>
<th>E-licensing</th>
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<tr>
<td><strong>Delivers</strong></td>
<td>Mechanism to promote, sell and deliver copies of or licenses to use ROM digital assets to public or trade</td>
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<tr>
<td><strong>Technology</strong></td>
<td><strong>Policy</strong></td>
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<tr>
<td>Infrastructure to serve objects (images 2d/ 3d/ panoramic/ 360, video, sound)</td>
<td>Protection of rights</td>
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<tr>
<td>SW to allow search certain metadata and access to above via web</td>
<td>Products are integral part of planning for exhibits, galleries/, programs</td>
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<td>Prices and Ts&amp;Cs online</td>
<td>For profit business</td>
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<td>Ordering and payment on line</td>
<td>Develop partners for wider range of product or specialized lines</td>
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<tr>
<td>Some delivery online</td>
<td>Distribute 3rd party related goods?</td>
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<td>On demand printing (partners?)</td>
<td>Active promotion</td>
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<td>Security/ rights management/ watermarking</td>
<td>Partnerships for fulfillment eg on demand printing</td>
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<tr>
<td>Authoring SW</td>
<td>High customer service standards</td>
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<tr>
<td>Content management</td>
<td><strong>Organization</strong></td>
</tr>
<tr>
<td>IC system</td>
<td>ROM Global? Not left in Registration</td>
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<td></td>
<td>New selling and marketing skills</td>
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<tr>
<td><strong>Process</strong></td>
<td>Training in new technologies and standards</td>
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<td>Promotion</td>
<td>Staff to create materials</td>
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<td>Brand development</td>
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<td>Product planning</td>
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<td>Production centre support</td>
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<td>Quality control</td>
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<td>Take part in workflows for exhibit and gallery</td>
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The business initiatives’ interdependencies have been used to devise a strategy and plan.
In Praise of Copyright Lawyers

“The first thing we do, let's kill all the lawyers.”

Shakespeare, Henry VI, Part 2.

Methinks the bard should have written:

“The first thing we do, let's kill all the lawyers, except for Laura, Rina, Christopher, Maria and Rachelle.”