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COPYRIGHT MANAGEMENT

GUIDELINES FOR CULTURAL HERITAGE INSTITUTIONS

BY THE EUROPEANA COPYRIGHT COMMUNITY

Introduction

The aim of this document is to support best practice in copyright management in cultural heritage organisations by highlighting the steps an organisation can take with the ultimate goal of developing a harmonised approach. It focuses on establishing adequate workflows to deal with copyright in collection management, providing sufficient copyright support or knowledge and integrating copyright needs in activities and projects.
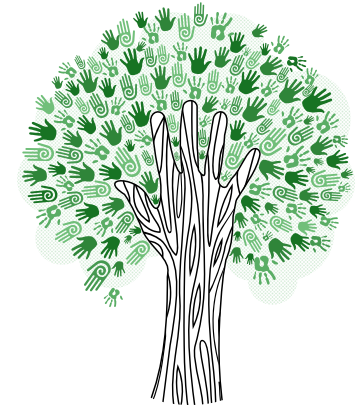
ULTIMATE GOAL

Harmonise all approaches to copyright across your organisation

TO SUPPORT THIS GOAL

Harmonise a specific approach to risk management for your organisation

PHASE ONE

Building your organisation's foundation

PHASE TWO

Expansion

PHASE THREE

Integration

ULTIMATE GOAL
Harmonise all approaches to copyright across your organisation

OBJECTIVE

Develop an overarching policy related to the strategic objectives of your organisation

OUR TIPS TO GETTING THERE

WORKFLOW
- Agree on approaches to copyright and re-use across your organisation
- Ensure the whole organisation is aware and follows a consistent approach and policy

WHO TO INVOLVE[1]
- Senior management
- Licensing specialists
- Business managers
- Compliance specialists
- Digital specialists

WHO TO INFORM[2]
Everyone else in your organisation

WHAT TO DOCUMENT
The top-level policy that you develop

**HOW TO DOCUMENT**
External policy documents published online

HOW TO START THE DISCUSSION
Rely on guidance and case studies from other organisations, evidence of good practices, and your own network

[1] This means: who in the organisation is responsible for part of the process of collecting and documenting copyright status information? Many organisations may not have all the roles discussed in this document, or responsibility for these functions may lie with a small number of people. Wherever possible, involve those in your organisation who are responsible for these functions, or their closest equivalent.

[2] This means: who needs to know where to find copyright information from the internal documentation?
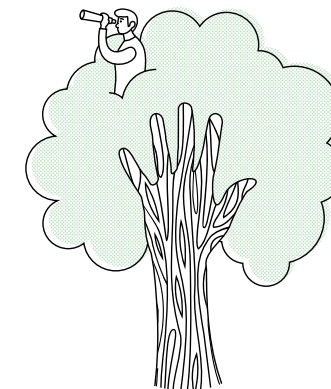
TO SUPPORT THIS GOAL

Harmonise a specific approach to risk management for your organisation

OUR TIPS TO GETTING THERE

OBJECTIVE

Evaluate risk and risk appetite, and consider whether other tools are more appropriate to mitigating risk in addition to copyright (in other words, don't use copyright for everything)

WORKFLOW

Agree on approaches to copyright risk and risk appetite at the organisation level

WHO TO INVOLVE

- Senior management
- Business managers
- Compliance teams
- Curatorial teams
- Digital staff

WHO TO INFORM

All other teams across your organisation

WHAT TO DOCUMENT

A risk framework or assessment template to inform compliance

HOW TO DOCUMENT

Internal policy documents, consider publishing online to benefit others

HOW TO START THE DISCUSSION

- Weigh and discuss the copyright risks and benefits
- Show the risks of lack of copyright management
- Show and compare risks of open or closed licences

PHASE ONE
Building your organisation's foundation

Develop adequate workflows to deal with copyright at multiple stages of collection management across your organisation

OBJECTIVE
ACQUISITION

As far as possible, obtain copyright information, licences, and transfers at the time of acquiring collection materials

OUR TIPS TO GETTING THERE

WORKFLOW
- Integrate copyright transfer or licence clauses into contracts
- Prepare questionnaires on copyright ownership for donors and sellers,
- Create relevant metadata fields in inventories

WHO TO INVOLVE
- Acquiring curator / purchaser
- Organisational lead or team for acquisitions
- Any legal advisors

WHO TO INFORM
- Access
- Communications
- Marketing

WHAT TO DOCUMENT
Ownership of all forms of copyright in the collection materials, as far as known, and any known gaps in knowledge.

HOW TO DOCUMENT
- Record copyright information within donation
- Purchase agreements as far as possible
- In collection metadata
- Inventory records

HOW TO START THE DISCUSSION
Draft / discuss general donation agreements and purchase contracts that have a dedicated space for copyright information

OBJECTIVE
DOCUMENTATION & USE OF COLLECTION MATERIALS

Record copyright information about collection materials and incoming loans, keep records up to date, and ensure visibility of copyright information and licenses

OUR TIPS TO GETTING THERE

WORKFLOW
- Maintain records - record changes to copyright status
- Assess your records at a suitable level to the scale and complexity of the collection materials (eg at item or collection level as the case may be)

WHO TO INVOLVE
- Responsible curator
- Documentation team
- Licensing team
- Access team

WHO TO INFORM
- Communication
- Senior management

(inform about possible licensing / re-use possibilities according to assessment)

WHAT TO DOCUMENT
- Known changes to copyright status (eg death of author or acquisition of rights)
- Known details of rights ownership, licences issued or received

HOW TO DOCUMENT
Collection metadata/ inventory. Use standardised licences where possible

HOW TO START THE DISCUSSION
- React to circumstances, projects, changes to copyright status, etc.
- Assess (parts of the) collection and possible licensing
- Draft standard licences

PHASE ONE
Building your organisation's foundation
continued

OBJECTIVE

DIGITISATION & REPRODUCTION

Ensure copyright in photographs and reproductions are cleared with those digitising the content

OUR TIPS TO GETTING THERE

WORKFLOW
- Prioritise digitisation procedures where no new copyright emerges
- Contract with third party digitisation providers or staff members ensuring copyright in digitisations (where arising) is the property of the organisation

WHO TO INVOLVE
- Responsible curator
- Digitisation manager or team
- Any legal advisors

WHO TO INFORM
Any relevant internal teams

WHAT TO DOCUMENT
- Agreement over ownership of copyright in any contracts
- Any licences received from third parties to enable digitisation or making available of digitisations

HOW TO DOCUMENT
- Collection metadata/inventory
- Contracts

HOW TO START THE DISCUSSION
- Check for best practices and examples within your jurisdiction and sector.
- Draft standard contracts for future digitisation projects.

OBJECTIVE

DIGITAL ACCESS & RE-USE

Maintain clear policies on copyright and access to and re-use from your collection materials, and make guidance on copyright available or link to existing guidance.

OUR TIPS TO GETTING THERE

WORKFLOW
- Define a top level access and re-use policy
- Prepare and publish procedures for applying the policy
- Prepare and publish guidance for users on understanding the policy

WHO TO INVOLVE
- Access teams
- Licensing teams
- Digitisation manager
- Business managers

WHO TO INFORM
- Publication teams
- Trading teams
- Communications teams

WHAT TO DOCUMENT
- All aspects of outward licensing from collections (eg licences used, standard licence terms, prices, conditions, contact points)
- Guidance

HOW TO DOCUMENT
Published materials (eg website) and internal policies and guidance

HOW TO START THE DISCUSSION
- Champion the value of licences and re-use statements for enabling use of the collections
- Exemplify how missing licences might damage the collection (ie limited legitimate reuse may be permitted)

PHASE TWO
Expansion

Nurture sufficient copyright knowledge and support across your organisation

OBJECTIVE

SUPPORTING STAFF

Ensure staff in the organisation have enough training or support available

OUR TIPS TO GETTING THERE

WORKFLOW
- Establish copyright education levels for all roles [3]
- Design guidance and training packages targeted to each level
- Work with human resources teams and managers to ensure that all staff receive guidance and training according to their level

WHO TO INVOLVE
- Human resources teams
- Managers
- Compliance and copyright experts

WHAT TO DOCUMENT
- Copyright education levels
- Recording the depth and breadth of information that must be known at that level
- The amount of training required at that level (frequency, detail)

HOW TO DOCUMENT
Internal records available to managers and teams

HOW TO START THE DISCUSSION
- Show risks of lack of copyright knowledge as connected to the strategic objectives of the organisation
- Check for external input
- Benchmarking

[3] Some roles may require little to no copyright support while other roles may require extensive support and knowledge.

OBJECTIVE

SUPPORTING ADMINISTRATION

Senior management understands the importance of dealing with copyright adequately

OUR TIPS TO GETTING THERE

WORKFLOW
- Specific copyright education level for senior management, which focuses on communicating the importance of copyright to different aspects of the organisation's work and risks
- Dedicated training/copyright induction processes for senior managers

WHO TO INVOLVE
- Human resources teams
- Senior managers
- Compliance and copyright experts

WHAT TO DOCUMENT
- Copyright education level
- Recording the level the information that must be known at this level
- The amount of training required at this level

HOW TO DOCUMENT
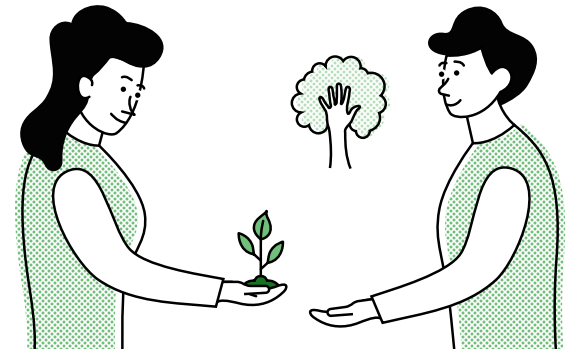Internal records available to managers and teams

HOW TO START THE DISCUSSION
- Case studies
- Risks of not understanding copyright
- Benchmarking

PHASE THREE
Integration

Integrate copyright needs in activities and projects across your organisation

First row

OBJECTIVE

[SHORT-TERM INTEGRATION]

The copyright requirements of every activity and project are assessed during the planning stage

OUR TIPS TO GETTING THERE

WORKFLOW
Ensure consideration of copyright is included on relevant plans and templates, eg project proposal documents

WHO TO INVOLVE
Any team planning a project

WHO TO INFORM
• Senior managers
• Copyright managers
• Communications

WHAT TO DOCUMENT
• The copyright role in the project
• The copyright resource requirements of the project

HOW TO DOCUMENT
Project plan

HOW TO START THE DISCUSSION
Draft project proposal templates etc with a dedicated space for copyright information.

Second row

OBJECTIVE

[LONG-TERM INTEGRATION]

Adequate copyright resources are allocated to activities and projects

OUR TIPS TO GETTING THERE

WORKFLOW
• Make the case for necessary copyright resources, based on the project plan (or similar)
• Outline the risks of not having the resources and the benefits of having the resources

WHO TO INVOLVE
Project lead / steering group

WHO TO INFORM
• Senior managers
• Managers

WHAT TO DOCUMENT
Risk assessment of lack of copyright management

HOW TO DOCUMENT
Business case

HOW TO START THE DISCUSSION
Show risks of lack of copyright management

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This document was created by the
Europeana Copyright Community Steering Group

We relied on several sources in creating this document:

🔗 Rights management – suggested procedure, Collections Trust, 2017.
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