

Headstone Manor & Museum Intellectual Property Policy

This policy is modelled after the Natural History Museum's NHM Intellectual Property Policy.

Scope

Headstone Manor & Museum is Harrow's dedicated local history museum run by the Harrow London Borough Council. Together with the Harrow Museum Trust, it cares for nearly 100,000 objects, from the Neolithic to modern times. The ultimate goal of this curation is to foster education and interest in the ancient and modern history of the Borough of Harrow, covering both the natural and man-made world. In the course of the Museum's operations, it will need to manage both third party and internal Intellectual Property Rights (IPR).

This policy seeks to create a framework to enable access to the collections and research curated and created by the Museum whilst at the same time protecting the rights of creators. The Museum abides by the Copyright, Designs and Patents Act 1988, and especially takes care to balance the rights of creators with the legal rights in relation to using IP under the acts related to Fair Dealing, Education, Libraries, Archives and Museums.

Governance

This policy applies to Museum employees, volunteers, contractors, and visitors. It is the responsibility of Museum employees to ensure this policy is implemented appropriately and made accessible to volunteers and visitors.

If any infringements are made of Museum or third party IPR, it is the responsibility of staff and volunteers to report this to their line manager for consideration. Disputes will be handled on a case-by-case basis.

The Museum does not accept liability for anyone who wilfully disregards this Policy in the use of IP owned by the Museum or a third party.

Ownership

Employees

Harrow Council (London Borough of Harrow) shall own all copyright and related rights in all works created by Museum employees during the course of their employment. These rights may be transferred in due course to the Harrow Museum Trust according to the terms in the Collections Management Agreement.

Harrow Council (London Borough of Harrow) shall retain the right to patent any invention, trade mark, or design right created by the Museum employee during the course of their employment. The employee must be named as creator in patent applications.

Employees shall retain all IP rights and right to patent for any works, inventions, etc. created outside of the course of their employment so long as no Museum collections, facilities, or property have been used in the course of creation.

Volunteers, students, freelance contractors, researchers etc.

Unless an alternative arrangement is made in writing, all IP created by volunteers, students, and freelance contractors during the course of their work with the Museum shall remain with Harrow

Council. These creators will also waive their moral rights to the content. These rights may be transferred in due course to the Harrow Museum Trust according to the terms in the Collections Management Agreement.

The Museum retains all rights to apply for patents with the respective creator named in patent applications, unless otherwise specified in a written agreement.

Where the transfer of IPR is not feasible or appropriate, written arrangement will be made to ensure the Museum can continue to use the material for its own purposes (e.g. licensing).

In all situations, any negotiations or agreements are to be undertaken with the head of the respective department (Collections, Education, etc.).

Collaborations

The rights to any IP resulting from collaborations between the Museum and other groups or partners will be negotiated and agreed in writing before the project begins. Alterations must be signed by both parties.

Visitors

Ownership of IP including copyright created by visitors during their visit to the Museum remains with the creator (visitor).

IP in relation to material in the permanent collection

From 2020, all material donated to the Museum has been accompanied by a copyright agreement within which the depositor, so long as they are the IP rightsholder, can choose to transfer copyright and related rights or issue a perpetual license for use along with the transfer of ownership of the object. This transfer/license is assigned to the Harrow Museum Trust for Museum collections or London Borough of Harrow for Archive collections. In the case that the object is donated with a perpetual license for use, the Museum agrees to only use the IP in the manner specified by the depositor. If the depositor does not consent to one of the above choices, the material cannot be accepted into the Museum collections.

Where the depositor is not the rightsholder, or in the case that the Museum definitively does not have full rights to the IP, the Museum takes all due process to ensure it is not violating rights of the rightsholder in any subsequent use and reuse.

In the case of material obtained prior to this agreement, where it is reasonably certain that the depositor was/is the rightsholder, the Museum has decided to adopt a 'reasonable risk' policy in relation to use and reuse. This stance is due to the difficulty in tracking or contacting all depositors for any object in the collection. The Museum believes that past depositors donated objects to the Museum in good faith with the understanding that these objects would be used for educational and display purposes, and although the medium has changed over time (in-person display vs online display), this understanding should remain. The Museum has a 'take-down' policy (see below) which can be implemented should any past depositor with proof of IP ownership come forward.

Use

Third Party IP

The Museum will strive to undertake all due processes to ensure that it does not violate the rights of any third-party IP creator or owner in its use of IP for both non-commercial and commercial use. This includes ensuring the Museum holds appropriate licenses to allow limited copying of material by the public, and advising the public when they need to obtain permission from the rights holder(s).

Members of the public will be allowed to make copies (e.g. photographs, drawings, etc.) of works on display in the Museum the rights to which are owned by third parties as is permitted under copyright and other IP law.

Museum IP

Use of IP owned by Harrow Council and the Harrow Museum Trust by both internal and external parties must follow copyright and related IP rights law.

The Museum will strive to make as much collections material digitally available as is legally and technically feasible, and allows all works available to be used for private research and study. The Museum retains the rights to charge for licenses for commercial or widely distributed use of its own IP by external parties. The Museum will not charge licenses to internal parties (e.g. Harrow Council, Harrow Museum Trust) to use Museum IP, but there may be an administrative fee. Museum employees may use Museum IP without charge for internal projects, but must seek advice from a line manager for external use (e.g. presentations, etc.).

Members of the public will be allowed to make copies (e.g. photographs, drawings, etc.) of works on display in the Museum the rights to which are owned by the Museum as is permitted under copyright and other IP law.

The Museum will not prohibit or create barriers for use (financial or otherwise) for works which fall under Museum IP where fair use would be permitted under IP law.

Credit

Third party IP

Any use of material owned by the Museum for which the IPR are held by a third party requires the appropriate credit (e.g. text line, watermark, etc.) to the third party and the Museum, unless otherwise specified.

Museum IP

Any use of Museum IP by third parties must include credit, unless this is not required by IP law. Use of Museum IP by internal parties, including employees, is encouraged to include credit such as an appropriate watermark, to prevent copying and redistribution.

If the creator is known, and has not otherwise waived their moral right or specified anonymity, and where it does not violate data protection rights, they should be acknowledged where appropriate.

Access

The Museum seeks to provide access to IP in its collections whilst upholding third party IP rights, data protection legislation, and other contractual agreements.

Employees, volunteers, and contractors/freelancers must apply due diligence to ensure they are protecting the IPR of the Museum and third parties at all times.

A brief copyright policy is available on the Museum website for visitors to the website to understand the IPR in relation to images which appear online, including on the online catalogue. This can be accessed here: <https://headstonemanor.org/wp-content/uploads/Copyright-and-Takedown-Policy.pdf>

The Museum works with a takedown policy. The Museum will remove images or other IP if contacted by the copyright holder, or make suitable adjustments. In order to activate this policy the rights holder should email collections@headstonemanor.org with the following information:

- Contact details (name, email address, phone number)
- The object Reference Number/Object number
- The nature of the complaint
- A statement that they are the copyright holder/are authorised to act on behalf of the copyright holder. They may be required to provide proof of this ownership.

Management of rights information

Employees, volunteers, and contractors/freelancers are responsible for recording, maintaining, and updating rights management information. Line managers should be consulted regarding internal procedures, locations, and security of this information.

In accordance with data protection policy, this data is retained for archiving purposes in the public interest or historical research purposes. However, if the object or associated IP is decommissioned, the data will also be erased.

Please see our privacy policy available here: <https://headstonemanor.org/privacy-policy/>