

## NHM Intellectual Property Policy

### Scope

The Natural History Museum's mission is to maintain and develop its collections and use them to promote the discovery, understanding, responsible use and enjoyment of the natural world. Renowned for its unrivalled collections, internationally important research programmes, educational and enjoyable exhibitions and high standards of visitor care, the Museum combines its rich history with an emphasis on looking to the future to play a dynamic role in the UK and the world.

The Museum endorses the Intellectual Property (IP) legislative profile for the United Kingdom as published in the WIPO Guide to Intellectual Property Worldwide to ensure that it respects third party rights and can appropriately exploit its own IP. It recognises the importance and role of the 'Acts Permitted in relation to Copyright Works', detailed in the Copyright, Designs and Patents Act 1988 and in particular those relating to Fair Dealing and Library Privilege. It also honours its obligations under the relevant legislation, various international treaties, conventions, directives, and regulations including the Berne Convention and the Convention of Biological Diversity.

The aim of this policy is to create a balanced framework, supported and embedded within the Museum's governance, whereby the Museum can provide access to its collections for education and research whilst protecting its and third parties' confidential information, trademarks, economic and moral rights. The Museum further aims to retain the freedom to publish, share and use its own intellectual content in the future, as well as embracing Open Access principles in research outcomes.

### Governance

The Trustees and the Director delegate the following authorities and responsibilities:

- This policy applies to all Museum employees, volunteers, formal visitors, contractors and public visitors. Compliance with the terms of this policy is a condition of employment and of access to the Museum.
- The Intellectual Property Officer shall ensure that this policy is implemented, monitored and managed.
- The Intellectual Property Committee shall provide high level support to the Intellectual Property Officer and shall be appointed by the Director who shall determine their responsibilities.
- Departmental budget holders are responsible for the management of rights and assets created by employees in the course of their employment, and created by volunteers, contractors and formal visitors.
- IP Co-ordinators shall be appointed by Departmental budget holders to provide a daily focal point for Intellectual Property Rights for their Department.
- The IP Co-ordinators shall identify any areas of work which present risks of infringing third party rights or where the Museum is unable to realise the benefits of its own assets, and liaise to resolve this with the Intellectual Property Officer and Departmental budget holders, where appropriate.
- The Museum must identify a process to explore all benefits and opportunities arising from the use of its own IP
- Employees, volunteers, formal visitors and contractors are required to familiarise themselves with the contents of this policy and to ask line managers/supervisors for explanations if they have difficulty in understanding this policy. Line managers and supervisors are responsible for reporting any violation of the NHM Intellectual Property Policy to their Departmental budget holder or Human Resources
- The Museum's Audit and Assurance Office shall maintain an overview of risks associated with IP on its Risk Register.
- Project leaders and managers shall identify and evaluate risks relating to use of third party rights, ownership and protection of the Museum's rights as well as access and use.

- Departmental budget holders are responsible for and authorised to determine the ownership of rights in works and research outcomes produced by employees, volunteers, formal visitors and contractors to the Museum.
- Departmental budget holders are accountable to the Trustees for ensuring that the ownership of rights in works and research outcomes produced by employees, volunteers, formal visitors and contractors to the Museum is fully recorded.
- Departmental budget holders are responsible for the protection of rights and reporting cases of suspected abuse of the Museum's Intellectual Property and where the Museum's name is brought into disrepute to the Intellectual Property Committee.
- The Museum will give due consideration to any unauthorized uses of third party rights which are brought to its attention.
- Disputes and grievances on matters included in this policy will be dealt with under the Museum's formal grievance procedure in the Staff Handbook.
- Employees, volunteers, contractors and formal visitors who wilfully disregard the NHM IP Policy do so at their own risk and assume all liability. Failure to comply may result in disciplinary action under the Museum's disciplinary procedures or withdrawal of visiting rights and access to facilities for visitors.

## **Ownership**

### **IP created by employees in the course of their employment**

- The Museum shall own the copyright and related rights in all works, performances, data, databases, software and designs created by Museum employees in the course of their employment. The Departmental budget holder, to whose Department the employee is attached, is authorised and responsible for any considerations of the transfer of ownership of rights with prior written permission.
- The Museum shall retain the right to apply for and register worldwide any patent for an invention, trade mark and secrets, designs and confidential information and will name creators in such applications created by Museum employees in the course of their employment. The Museum will become the proprietor of any intellectual right that is in consequence granted or registered.

### **IP created by Museum employees outside their contract of employment**

- Museum employees shall own the copyright and related rights in works, performances, data, databases, software and designs created by them outside the course of their employment, where Museum collections and/or facilities have not been used. In the event of ownership disputes the Divisional Directors are authorised to decide on behalf of the Museum and shall refer to the Museum's grievance procedure as outlined in the Staff Handbook, where appropriate.

### **IP created by volunteers, research students, freelancers, commissioned/contracted parties**

- The Museum shall ensure that it has appropriate written agreements in place with volunteers, research students, commissioned parties, freelancers and other contracted parties to negotiate the right to apply for and register worldwide any patent for an invention, trade mark and secrets, designs and confidential information and will name creators in such applications. In cases where this is not possible the Museum the Museum shall explore possibilities of shared royalty provisions

- Volunteers, research students, commissioned parties, freelancers and other contracted parties shall assign their copyright and related rights to the Museum in writing as well as waive their moral rights. Where this is not appropriate, arrangements shall be made to ensure that the Museum can retain the rights to reproduce the material for its own purposes. The Departmental budget holder to whose Department the person is attached, is authorised and responsible for any negotiations.

### **IP created by formal visitors, or those participating in Museum-funded projects or research**

- The ownership of copyright and related rights subsisting in all works, performances, data, databases, software, and designs produced by formal visitors or people who are participating in Museum-funded projects or research, or contributing work to the Museum, shall be negotiated with the Museum in writing. The Museum shall negotiate full ownership or royalty payments where appropriate, or at least or at least negotiate an irrevocable, worldwide, non-exclusive and royalty-free licence to reproduce the material for the Museum's own purposes.

### **IP resulting from collaborative projects and initiatives**

- The ownership of copyright and related rights subsisting in all works, performances, data, databases, software, and designs resulting from collaborative projects and initiatives shall be negotiated with the Museum in writing. The Museum shall negotiate full ownership where appropriate, or at least permission to reuse content and explore shared royalty provisions.

### **IP created by public visitors**

- The ownership of copyright and related rights subsisting in works created by public visitors as a result of their visit to the Museum shall belong to the creators of such works, subject to any underlying rights ownership. As a condition of entry to the Museum any works created by public visitors may only be used for non-commercial purposes in ways that do not conflict with the work of the Museum.

### **General**

- In cases where the Museum does not retain full rights, the Museum must ensure that it reserves the right to reuse the IP for its own purposes and that its ability to commercially exploit the IP is not unduly restricted.
- Where the Museum is the contracted party and rights have been assigned to the client, the Museum shall only reuse the IP subsequent to permission from the client or in accordance with any licence agreement.

## **Use**

Employees, volunteers, contractors and formal visitors must respect and honour the Museum's and third party rights, trade secrets and confidential information made available during the course of the Museum's operations.

### **Use of third party Intellectual Property**

- Library and Archives staff may make copies of published or unpublished works from the collections for employees, volunteers, contractors, formal visitors and public visitors for their non-commercial research or private study purposes subject to internal procedures, the relevant legislation and licensing agreements.
- Employees, volunteers, contractors, formal visitors and public visitors who wish to make copies or use third party works, performances, data, databases, software, trademarks, designs, inventions and patents for any

purposes beyond the provisions of the relevant legislation must seek appropriate permission from the rights holders.

- In cases where ownership of rights cannot be established or where rights cannot be traced (Orphan Works), employees, volunteers, contractors and formal visitors must follow internal procedures.
- The Museum will endeavour to secure third party permissions for funding bodies, sponsors and other partners in accordance with contractual obligations.
- Use of third party software and databases will be subject to the appropriate commercial and open source licensing agreements and IT Conditions of Use.

### **Use of Museum Intellectual Property**

- Requests to make any copies, disseminate, use, broadcast, adapt, or make available to the public any works in which rights are owned by the Museum beyond the provisions of the relevant legislation or prior to written authorization, such as online licences, will be granted on formal applications by the Departmental budget holder or designated people.
- Employees, volunteers, contractors, formal visitors and public visitors making or using copies of published and unpublished works from the collections are subject to internal procedures, relevant legislation and the terms of licensing agreements.
- Use of the Museum's name, logo, trademark and any other marks or names commonly associated with the Museum by non-Museum employees may only be granted by written permission of the Museum.
- Employees may use the Museum's name, logo, trademark and any other marks or names commonly associated with the Museum, during the course of their work and in describing their relationship with, or employment by the Museum. They may not use it for personal gain or private activities and websites.
- The Museum's trade secrets in information, technology, concepts, plans, designs, ideas, potential inventions and other confidential information and agreements are important assets and must be protected and not be used in contexts which might impact negatively upon the Museum.
- The Museum shall endeavour to allow use of software that it develops during the course of research under Open Source licence agreements, subject to third party contractual obligations.
- Public visitors may make copies of works in public exhibition galleries, for which the Museum is the rights holder, by drawing, painting, photographing and/or moving images or other means, provided that the copy or copies made are not used for commercial purposes.
- The Museum shall not use contractual terms to prohibit uses of NHM works where such uses would be permitted under the relevant Intellectual Property legislation.

## ***Crediting***

### **Museum content**

- All use of Museum content by third parties, shall require the use of the appropriate credit line, including rights ownership information, and/or digital watermark, unless the use falls under certain specific

provisions in the relevant legislation where such acknowledgement is not required where it would be impossible for reasons of practicality or otherwise

- The Museum shall clearly identify the rights ownership of its own published content unless this is impossible for reasons of practicality or otherwise.

- 

### **Third party content**

- All use of content for which the Museum is not the rights holder requires the use of the appropriate credit line and/or digital watermark, unless the use falls under certain specific provisions in the relevant legislation where such acknowledgement is not required where it would be impossible for reasons of practicality or otherwise.

## **Access**

- The Museum aims to provide free online public access to works in its collections under Open Access principles subject to copyright restrictions.
- The Museum aims to provide access to users in compliance with third party rights and the contractual obligations of funding bodies, sponsors and other partners.
- Employees, volunteers, contractors and formal visitors shall take necessary, appropriate measures to ensure that they protect the rights in the Museum's IP and those in third party content.

## ***Management of rights information***

- Employees, volunteers, contractors and formal visitors are responsible for ensuring that they record rights management information, associated with rights and assets created and owned by the Museum and third parties, in accordance with internal procedures, systems and legal requirements.

**Date approved: 13 December 2012**

**Document Owner: Intellectual Property Officer**

**Date at which policy last reviewed: 13 December 2011**

**Date at which policy last updated: 18 January 2012**

**Date at which policy due for review: 13 December 2012**