

## DEPARTMENT OF MUSEUM VOLUNTEERS

### INTELLECTUAL PROPERTY POLICY

#### **Preamble:**

The Department of Museum Volunteers (DMV) recognizes the significance of intellectual property in the operations of the DMV and the Royal Ontario Museum (ROM).

As defined by federal statute, copyright is found in dramatic, musical, artistic and literary works as well as in performances, sound recordings and broadcasts. Copyright in works is comprised of both the economic rights to reproduce, create derivatives, distribute, display, perform and alter works, and the moral rights, being the creator's right to the integrity of the work and the right of being recognized as the creator of the work. Economic rights can be assigned, transferred or licensed. Moral rights remain with the creator for the duration of copyright and cannot be transferred or assigned, but they may be waived.

#### **Policy:**

As a department of the Royal Ontario Museum, the DMV adheres to the ROM's Copyright and Trade-mark policies. Copyrights and trade-marks are valuable assets of their owners and should always be used correctly.

#### *Copyright:*

DMV members will respect creators' rights to the integrity of accessioned objects and creators' rights, where reasonable in the circumstances, to be recognized as creators by name.

DMV members who create works, e.g., brochures, pamphlets, etc., and performances for the DMV and the ROM, will respect the copyright of all other creators. DMV members will obtain copyright permission to use the material of others in which copyright exists. DMV members will inform themselves as to copyright ownership and the ability to use source materials without written permission of copyright owners.

#### *Licences to use DMV Members' Works and Performances:*

DMV members have copyright in their works and performances. Works and performances of DMV members are based on ROM collections, ROM sponsored projects, objects loaned to the ROM, and the scholarship of ROM curators, employees and other DMV members. Accordingly, DMV members grant without further formality an irrevocable, non-assignable licence to the ROM to use their ROM related works and performances in pursuit of the ROM's mission. DMV members also waive their moral rights only in favour of the ROM.

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According to the custom of the ROM, a DMV member's name will be associated with their work or performance and any recording or broadcast, as appropriate.

A DMV member who is selected to develop a master script or data sheet does, by being selected, authorize other DMV members and ROM employees to make adaptations and perform those adaptations of the master script or data sheet for the purposes for which the master script or data sheet was created.

A Docent, or other member of the Museum Interpretation Section who develops a script from a master script or data sheet, has the exclusive right to perform, copy, adapt, and authorize the performance, copying, and adaptation of that script or data sheet while a DMV member.

A Museum Docent or other member of the Museum Interpretation Section has the right to require that any performance not be recorded or broadcast by members of the public. However, the ROM may identify members of the media who are expressly permitted to copy, record and broadcast works and performances.

*Copyright in Contracted Works:*

Contracts for the production of a work for the DMV by a third party will be in writing and address moral rights and the ownership of economic rights. The DMV should acquire a royalty-free, and non-exclusive, world-wide and irrevocable licence to use and reproduce the work for education and research purposes and commercial purposes, as appropriate.

*Trade-mark:*

All designs or logos developed or used by the DMV must conform to the ROM's trade-mark and brand. Use of all other designs, logos or trade-marks, whether of the ROM or third parties, whether registered with the Canadian Intellectual Property Office or not, and whether created or merely adopted by DMV members, must be cleared with the person(s) charged by the Deputy Director, Operations, with responsibility for intellectual property within the ROM.

DMV members who create identifying designs, logos, and other trade-marks for the use of the DMV/ROM assign all trade-mark rights in the same to the DMV and, by extension, to the ROM, without the need for further formality.

**Related policies:**

DMV Public Programs & Activities

ROM Copyright

ROM Trade-mark

