

**Intellectual Property:
Audit, Valuation and Management**

TORONTO TOWN MEETING

NINCH/MCN/CHIN

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by Maria Pallante

GUGGENHEIM MUSEUM/FOUNDATION

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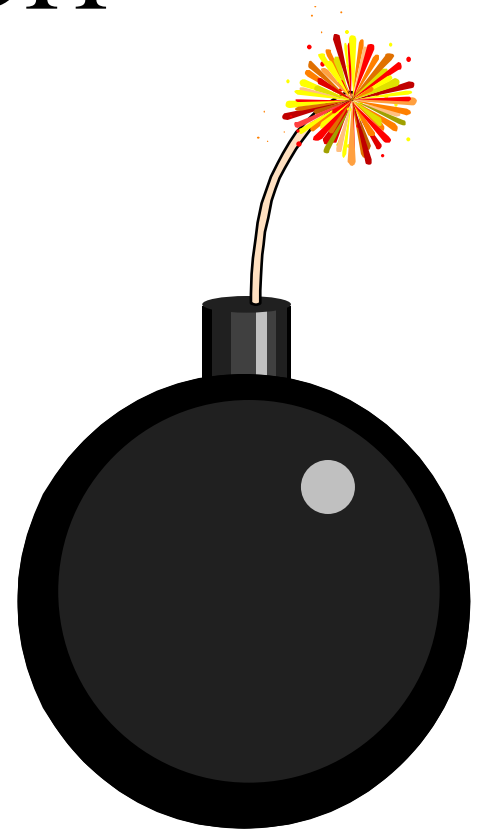
What is Intellectual Property?

- Patents
- Trademarks
- Copyrights
- Trade secrets



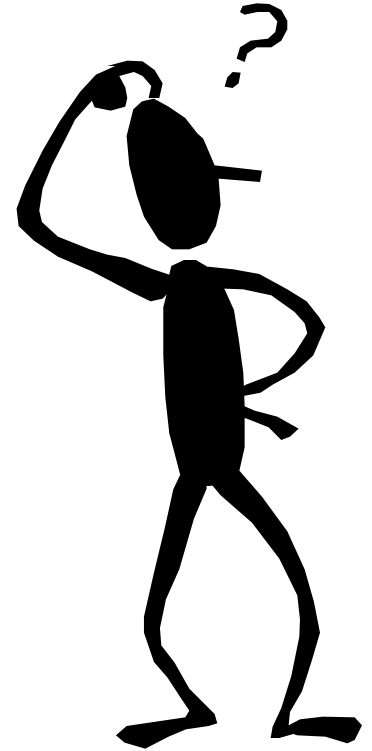
1) THE IP AUDIT

- WHY DO IT?
- Inventory
- Compliance
- To Create Accurate Policy
- To Avoid Infringement



Where is your IP?

- Registrars' files
- Curatorial files
- Retail
- Publications
- Marketing
- Legal
- Director's office
- Contracts dept.
- Photography
- Archives
- Film/Video
- Information Technology
- Exhibition
- Education



Deciphering Specific IP Assets

Trademarks

- Museum Names
- Exhibition Names
- Domain Names
- Catalog Names
- Program Names
- Building Images

Museum Names

- Guggenheim Museum
- Guggenheim
- Solomon R. Guggenheim Foundation
- Metropolitan Museum of Art
- MET
- MoMA

GuggenheimMUSEUM



Exhibition and Catalog Names

- The Art of the Motorcycle
- Art of this Century



THE ART

OF THE

MOTORCYCLE

Domain Names

- guggenheim.org
- getty.museum
- artofthemotorcycle.org
- guggenheimmuseum.com
- moma.org

Program Names

- Learning Through Art
- Works and Process

Building Images

- Solomon R. Guggenheim Museum
- Rock and Roll Hall of Fame
- New York Public Library Lions
- Guggenheim Museum Bilbao





Copyrights

- Collection
- Images of the Collection
- Images of Exhibition Installations
- Brochures
- Posters
- Checklists
- Catalogs
- Promotional Materials
- Exhibition Design
- Programs
- Films
- Products
- Website





Roy Lichtenstein

GUGGENHEIM MUSEUM

Deciphering Licenses

- Assignments
- Work-for-hire
- Exclusive licenses
- Non-exclusives

2) VALUATION

- WHAT ARE YOUR IP ASSETS WORTH?
- TO WHOM ARE THEY VALUABLE?
- IS THE VALUE FINANCIAL?
- ARE THEY MEASURABLE
INDEPENDENTLY OR ONLY AS PART
OF A COLLECTIVE WORK?
- (e.g a database)

IRS: Fair Market Value

- The amount at which the property would change hands between a willing buyer and a willing seller when the former is not under any compulsion to buy and the latter is not under any compulsion to sell, both parties having reasonable knowledge of relevant facts.

Managing Your Intellectual Property Assets

- Analyze legal status of rights (e.g.PD)
- Register copyrights, trademarks, & domains
- Track renewal dates
- Track status and ownership
- Track license restrictions
- Ensure proper © and ®
- Develop technical requirements
- Invest in software and/or Intranet

Inventory Database

**Name of
Artist**

**Nationality of
Artist**

**Date of Birth
Date of Death**

**Copyright
Status**

**Contact Info
for Rights
Clearance**

**Licenses
on File**

**Restrictions
on Authorized
Use**

**Works in
Collection**

Special Issues

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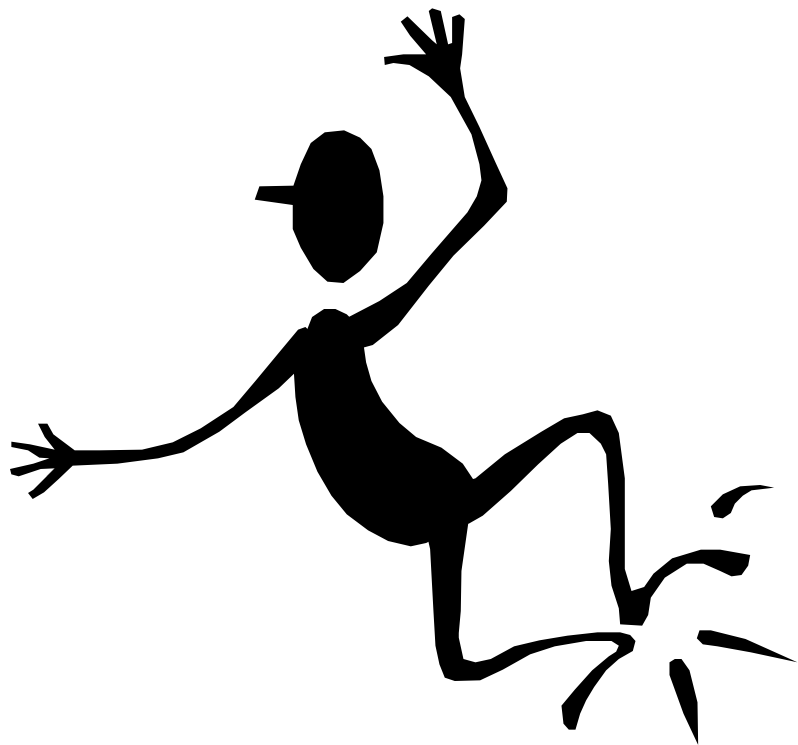
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Enforcement

- Monitor, Monitor, Monitor (everyone)
- Draft form letters, use resources like ICANN
- Know when to get legal help



THE END