

Preamble

As a center of scholarship and research, the Royal Ontario Museum (ROM) recognizes the initiative of creators and the importance of the integrity of *works*. The ROM is committed to the prudent and fair use of its resources, and will work to maximize its *copyright* interests.

As defined by federal statute in Canada, copyright comprises both the *economic rights* to reproduce, create derivatives, distribute, display, perform, and alter the work and *moral rights* protecting the creativity of the creator. Economic rights can be assigned, transferred or licensed. Moral rights remain with the creator for the duration of the copyright and cannot be transferred or assigned, but they may be waived.

Policy

Ownership of Economic Rights

The ROM owns the economic rights in works produced by *employees* as part of their employment duties, in the absence of an agreement to the contrary.

Also, as the ROM owns its collections and other resources, the ROM will have interests to economic rights in works derived, in whole or in part, from the use of these resources.

Works Resulting from ROM-funded Activities or Research Projects

The ROM will have interests to economic rights in works created in conjunction with a *ROM-funded* activity or research project, unless otherwise stated in writing. In particular, employees and/or *volunteers* undertaking ROM-funded fieldwork will agree with the ROM in advance to the nature of works produced and the ownership of economic rights.

Where the ROM agrees that ownership of economic rights will belong to a party other than the ROM, the ROM should acquire a royalty-free, non-exclusive, world-wide, and irrevocable *licence* to use and reproduce the work for education and research purposes.

Contracts with Third Parties

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

Externally Sponsored Projects

Before employees and/or volunteers participate in externally sponsored and ROM-related projects, they will enter into a written agreement with the ROM (and where necessary, other parties) acknowledging:

- The nature of the work to be produced and the roles and responsibilities of the parties involved; and,
- That interests to economic rights in such works, unless reserved to the

sponsor or otherwise provided for in the project agreement, will belong to the ROM.

Moral rights

The ROM will

- Acknowledge the contribution of individuals as creators, where appropriate.
- Consult with creators regarding changes or alterations to works, where appropriate.

However, in order to facilitate and further ROM work, employees will waive moral rights in works for which the ROM owns the economic rights.

Use of ROM Resources

Employees and volunteers may obtain permission to use *ROM resources* for works produced on their own time. Requests will be considered on a case-by-case basis. The ROM and the individual may both have interests to economic rights in such works, the details of which will be addressed in a written agreement. Employees and volunteers are not authorized to use ROM resources for personal or commercial uses without a prior written agreement.

Prior to any use of ROM resources by non-employees or non-volunteers, a signed agreement will be required that addresses ownership of economic rights.

Collections

With respect to all accessioned objects, the ROM will

- Respect the creator’s right to the integrity of the work and the creator’s right, where reasonable in the circumstances, to be associated with the work as its creator by name.
- Acquire all economic rights necessary to permit anticipated exhibition and reproduction uses.

Copyright Responsibilities & Administration

The Office of the Chief Operating Officer in consultation with pertinent Senior Managers will develop and implement appropriate management practices and procedures relating to copyright.

Explanation of Terms

copyright: a collection/aggregate of intangible property rights including the following economic rights in a work: reproduction, translation, and the public performance and/or display of certain works. See Section 3.(1) of the Copyright Act.

employee: an individual who fills a position approved by the President & CEO and who receives monetary compensation. ROM employees include senior management, supervisory and exempt staff, unionized employees, and individuals employed by the ROM for a limited duration.

licence: a contract in which a copyright owner grants to another permission to exercise one or more of the economic rights under copyright.

moral rights: includes the right to the integrity of the work (i.e. the right to prevent the use of the work in association with any product, service, cause or institution, and the right to modify the work in any way) as well as the authorship right (i.e. the right to be associated with the work). See Section 14.1 of the Copyright Act.

ROM funds: funds, regardless of source, that are administered under the control or authority of the ROM.

ROM resources: a term that includes ROM facilities, funds, human resources, and intangible properties including trademarks, information records and research data.

volunteer: a term that applies to all individuals who provide their time and service to an activity that supports the objectives of the ROM and is authorized and sponsored by the ROM, and for which they are not paid by the ROM. Volunteers include, but are not limited to, members of the Department of Museum Volunteers and the ROM Reproductions Association, trustees, research associates, departmental associates, field associates, curators emeritus, post-secondary or graduate students working in a curatorial department or in the field, and secondary-school students working on a cooperative-education term on Museum premises or volunteering in the Hands-on Discovery galleries.

work: includes artistic works (including paintings, drawings, maps, charts, plans, photographs, engravings, sculptures, works of artistic craftsmanship, architectural works, and compilations of artistic works), collective works (including encyclopaedias, dictionary, year books or similar works, newspapers, reviews, periodicals), dramatic works, literary works (including tables, computer programs, and compilations of literary works), musical works, and sound recordings.

Approval

Chair of the Board

President & CEO

Date

April 18, 2002

Amended

[Dates]

MONITORING

Adherence to Policy

Board: The Governance Committee will monitor management’s adherence to the policy.

Management: The President & CEO, the Chief Operating Officer, and the Vice-President Collections & Research will ensure that the Governance Committee has all the relevant information for determining adherence.

Policy Review

<i>Method</i>	Internal Report
<i>Responsibility</i>	Governance Committee
<i>Minimum Frequency</i>	Annually
