

Nottingham Castle Trust

Copyright and Intellectual Property Rights Policy

1. Introduction

The purpose of this document is to guide Nottingham Castle Trust's approach to managing Copyright and Intellectual Property Rights (IPR). The nature of the Trust's collection and activities means that it must appropriately manage third party IPR as well as IPR created and owned by the Trust itself.

Nottingham Castle Trust (NCT) is committed to embedding the content of this policy within the working practice of all staff, providing appropriate training on induction and refresher training at regular intervals or whenever the policy or procedure is updated.

As Nottingham Castle Trust is closely linked to Nottingham Council, this policy manual should be understood as forming part of the Council's overall copyright and intellectual policy.

2. Relevant Ethics and Legislation

- Copyright, Designs and Patents Act 1988 (as amended), effective from 01 August 1989;
 - Earlier Copyright Acts, such as those of 1911 and 1956, may still be relevant in certain situations;
 - Berne Convention (1886);
 - Universal Copyright Convention (signed in 1952 and amended in 1971);
 - World Intellectual Property Organisation (WIPO) Treaty (1996).
 - Trade Marks Act 1994
 - Public Sector Information (PSI) Directive, 2013
 - The Copyright and Rights in Performances (Licensing of Orphan Works) Regulations 2014
 - Other statutes such as the Data Protection Act 1998 and the Human Rights Act 1998
- also have a significant bearing, particularly in the areas of confidentiality and privacy.

3. Definitions

Intellectual Property Rights are a group of legal rights relating to 'intangible' property. The IPRs most immediately relevant to the Nottingham Castle Trust are as follows:



Copyright

- Literary, dramatic musical or artistic rights, valid for the creator's lifetime plus 70 years after the end of the calendar year they die
- Sound recordings and broadcast rights are currently for the creator's lifetime plus 50 years after the end of the calendar year they die

Database right

- is 15 years from the end of the calendar year in which the database was completed

Moral rights

- relate to the individual creator's honour or reputation

Publication rights

- is 25 years from the end of the year in which the work is first published

Typographical arrangements

- The arrangement of text on pages of a published work including websites

A **trademark** is a word, name, symbol or device

Performers' rights relate to both live and recorded performances

4. Reference to other policies and procedures (delete if not applicable)

NTC has a commitment to managing its collections effectively according to SPECTRUM standards. The Trust's Documentation policy and procedure outline how collections information relating to copyright and IP is documented and managed.

Procedures covered which include rights management:

- object entry
- loans out
- acquisition
- cataloguing
- use of Collections including research

A rights management procedure is also included. This covers:

- Rights research procedure - researching rights associated with the collections
- Rights acquisition procedure - Getting permission from other rights holders (Rights in)



- Licensing rights to others (Rights out)
- Rights protection procedure (how staff should manage copyrighted assets to ensure they are used appropriately and are not risking copyright infringement).

5. Rights ownership

According to current copyright and intellectual property law, IPR of Nottingham Castle Trust's collection is owned by the Trust itself, unless otherwise stated.

6. Rights usage

How Nottingham Castle Trust uses rights as part of its activities:

- The Trust is a source of information for students and researchers, and needs to
- ensure that it complies with relevant legislation regarding copying and copyright
- exceptions, that it makes users aware of their responsibilities, and keeps a record of
- such transactions.
- The Trust produces learning materials such as presentations and worksheets, and
- needs to ensure it has suitable rights clearances in place.
- The Trust regularly publishes copies of its collection online and needs to ensure it
- has suitable rights clearances in place.
- The Trust sometimes produces material to support exhibitions, such as
- catalogues, interpretation panels and labels, and needs to ensure it has suitable
- rights clearance in place.
- The Trust sometimes looks to create new retail products and as such will
- negotiate licenses to use copyrighted works for new products.
- The Trust sometimes produces promotional material (both printed leaflets and
- online listings) for which images need to be cleared for use.
- The Trust uses social media platforms including Facebook, Twitter and Instagram, and
- needs to have sufficient rights and clearances in order to upload copies of collections.
- The trust will need to be open to future rights uses as and when they arrive,
- particularly considering the regular development of new online platforms.

7. Responsibilities

Nottingham Castle Trust is required to ensure compliance with the Act and other legislation.



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Individual members of staff and volunteers are responsible for ensuring they familiarise themselves with this policy and act within the scope of the law.

The Data Manager shall insure that the policy is implemented, monitored and managed, and responsibility for clearing rights with the rights holder rests with each individual manager.

8. Procedures

- This policy document is available to all staff and to the general public, via The Nottingham Castle Trust website.
- IPR provisions are written into Nottingham Castle Trust's contracts with staff, volunteers and freelancers.
- The Head of Marketing controls and promotes the use of The Nottingham Castle Trust brand commercially, developing the reputation and the value of the brand.
- All records created by staff employed within Nottingham Castle Trust in the fulfilment of their role as employees of the Trust, including writing, photographs, videos, slides and electronic data, belong to the Trust and the Trust owns the copyright in them. In instances where the boundaries of what constitutes an individual's official role may be slightly unclear, the onus is upon employees to agree with their line manager any rights they wish to reserve, in order to avoid confusion of ownership at a later date.

9. Breach of Policy

Breach of copyright and other IPR laws may render both Nottingham Castle Trust and individuals liable to both civil and criminal proceedings.

10. Review

This policy will be reviewed every three years. Next review: **September 2023**

11. Date of Approval

First approved: **September 2020**

