

# COPYRIGHT and INTELLECTUAL PROPERTY RIGHTS POLICY

## 1) Introduction

Copyright is an intellectual property right (IPR) which exists in anything written, printed or recorded in any format, including books, articles, paintings, films and photographs, until the end of the copyright period. The author or creator of the work is usually the first owner of copyright except when the work is created by any employee or volunteer employed within the Devonshire Group (in which case the copyright belongs to the employer) but it can be transferred to someone else. Ownership of the work does not necessarily entail ownership of the copyright.

Copyright is an automatic right enabling the holder to permit or prohibit copying of material. It can be bought, sold, given away or otherwise traded. Chatsworth and the Devonshire Group own, generate and make use of a range of copyright items protected by legislation. Current UK legislation is the 1988 Copyright, Designs and Patents Act. This has been modified by a number of Statutory Instruments, which follow from EU Directives; the most recent being the Hargreaves Review (May 2011) with revisions October 2014.

## 2) Aim of Policy

The aim of this policy is to ensure all Devonshire Group staff are aware of their responsibilities and obligations in relation to copyright and IPR, including rights owned by Chatsworth as well as those owned by other parts of the organisation and related individuals, in order to minimise risk of infringement. IPR is a valuable asset the understanding of which this policy aims to improve.

## 3) Definitions

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

- *Copyright*
  - Literary, dramatic musical or artistic rights are currently 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) Statement of principles

The Devonshire Group

- is committed to complying with all relevant IPR legislation;
- performs its legal duties in the interests of good relationships and reputation;
- is committed to promoting best practice in IPR administration within and beyond the Devonshire Group;
- aims to acquire IPR and IPR licences in respect of its activities and the objects in its possession;
- is committed to delivering subsidised access to its IPR assets for educational and research activities;
- is committed to protecting, enhancing and realising the commercial value of its IPR;
- aims to provide the very highest quality IPR content, including definitive photography of items in its collection and authoritative captioning;
- aims to empower its staff skilfully to administer their responsibilities in respect of IPR

#### 5) Responsibilities

Chatsworth House Trust and Chatsworth Settlement Trustees are the legal entities which own Chatsworth's and other parts of the Devonshire Group's IPR and are ultimately required to ensure compliance with the Act and other legislation.

**Individual members of staff** are responsible for ensuring they act within the scope of the law. Responsibility for clearing rights with the rights holder rests with each individual manager. (Books on copyright law are held in the Photo Librarian's office.)

#### 6) Procedures

- This policy document is available to all staff and to the general public, via Chatsworth's website.
- IPR provisions are written into the Devonshire Group's contracts with staff, volunteers and freelancers.
- The Photo Library's practice in commercial and educational image licensing, and in policing Chatsworth's copyright, is regularly reviewed and kept in line with best picture library practice.

(Chatsworth, on behalf of the Devonshire Group, is a member of the Museums Copyright Group, the British Association of Picture Libraries & Agencies (BAPLA) Association of Cultural Enterprises and consults with Collections Trust, JISC, Chartered Institute of Library and Information Professionals and others.)

- The Head of Visitor Services and Marketing controls and promotes the use of Chatsworth's brand commercially, developing Chatsworth's reputation and the value of the brand.
- All records created by staff employed within the Devonshire Group in the fulfilment of their role as employees of the Devonshire Group, including writing, photographs, videos, slides and electronic data, belong to the Devonshire Group and the Devonshire Group 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.

## 7) Breach of Policy

Breach of copyright and other IPR laws may render both the Devonshire Group and individuals liable to both civil and criminal proceedings.

## 8) Review

This policy will be reviewed every three years. Next review: 2018

## 9) Date of Approval

First approved by Chatsworth July 2009

Anna Batchelor, Photo Library Administrator

31 January 2020