

NINCH COPYRIGHT TOWN MEETINGS 2003



Creating Museum IP Policy in a Digital World

Thursday May 22: Portland, Oregon

Co-sponsored by:

Canadian Heritage Information Network



**Intellectual Property Section
of the Oregon State Bar**



at the 2003 Annual Meeting of the
American Association of Museums

featuring Diane Zorich, author of
*Developing Intellectual Property Policies
A Guide for Museums*

Doubletree Hotel Portland Lloyd Center

1000 NE Multnomah St

Thursday May 22

9am-4pm

On-Site Registration (May 18-21) Required with AAM: \$75

CLE Available

Intellectual Property is arguably the museum's most valuable asset in the 21st century. Managed prudently, it can increase revenues from licensing programs while maintaining low risks in both the commercial and non-commercial/academic environments in this communication and media age. However, good management depends on good policy, as many museums are discovering.

Frequent questions on this topic include:

- Why do we need to develop policy in order to manage IP?
- What is museum IP and how do we determine what our institution owns?
- What can our institution gain from this exercise?
- Is an IP policy effective for all institutions, large and small?
- Are all disciplines covered or is this just for image-rich museum collections only?

In response to such queries, and to introduce a book on this subject by Diane Zorich, to be co-published this summer by NINCH and the Canadian Heritage Information Network (CHIN), we are co-hosting an all-day workshop on May 22, 2003, at the American Association of Museums Annual Meeting.

The Portland Town Meeting and Workshop will be part presentation, part practicum. **Rina Elster Pantalony** will open the meeting with a definition of what museum intellectual property policy is, what core values it represents and why it is important for an institution to develop. Museum legal expert **Maria Pallante-Hyun** will then analyze the key issues to consider when preparing a policy, will describe and discuss the importance of conducting an "I.P. Audit," and will also pay particular attention to international questions. The specific concerns of smaller museums will be considered by **Nicole Vallières** of Montreal's McCord Museum of Canadian History. **Diane Zorich** will then conclude the first section of the meeting with some of the key lessons learned in the research and writing of the forthcoming CHIN/NINCH publication, ***Developing Intellectual Property Policies: A Guide for Museums.***

In the second half of the meeting, two practitioners will examine policy building. **David Sturtevant** will report on his experience of the San Francisco Museum of Modern Art in developing its intellectual property policy, while **Rachelle Browne** of the Smithsonian Institution will examine the importance of understanding an institution's larger values in constructing policy. These talks will introduce the workshop component of the Meeting, at which participants will break into working groups to construct policy solutions to particular museum situations. The results of the working groups will be reviewed by a panel of all the speakers.

The focus of this meeting is designed to complement that of the NINCH Copyright Town Meeting, held November 2001 in Eugene, Oregon, on "Creating Policy: Copyright Policies in the University" (see the [Eugene Report](#)). This meeting is also based on a meeting held in Toronto at the MCN Conference on Creating Museum IP Policy.

The NINCH Copyright Town Meetings seek to balance expert opinion and audience participation on the basics of copyright law, the implications of copyright online, recent changes in copyright law and practice, and practical issues related to the networking of cultural heritage materials. The program will include plenty of time for audience questions, comments and discussion.

AGENDA

INTRODUCTIONS

9:00am Welcome & Introductions

Rina Elster Pantalony *Legal Counsel, Canadian Heritage Information Network*
David Green *Executive Director, NINCH*

WHY POLICY?

9:15am Why Museums Need I.P. Policy

Rina Elster Pantalony, *Legal Counsel, Canadian Heritage Information Network*

THE PROCESS OF POLICYMAKING

9:40am An Introduction to the I.P. Audit

Maria Pallante-Hyun *Partner, Pallante-Hyun LLC; Legal Counsel, Guggenheim Museum/Foundation*

- See accompanying handout ([MS Word Download](#))

10:05am International Implications of Policy

Maria Pallante-Hyun

- See accompanying handout ([MS Word Download](#))

10:25am: *Break*

1 0:40am Policy Issues for Smaller Museums

Nicole Vallières *Director, Collection Management and Information, McCord Museum of Canadian History*

11:05am The Art and Craft of Constructing an I.P. Policy: Just How Do You Do It?

Diane Zorich *Museum Information Management Consultant; author of Developing Museum Intellectual Property Policy.*

11:30am OPEN FORUM

A hallmark of all NINCH Town Meetings, the open forum will give all attendees the opportunity to participate in an examination of the issues through prepared queries and informal discussion.

12:15pm *Lunch*

WORKSHOP

1:15pm Putting Together a Museum's IP Policy: A Case Study

David Sturtevant *Head of Collections Information and Access, SFMOMA*

1:35pm Constructing Values: What to Put into a Policy

Rachelle Browne, *Assistant General Counsel, Smithsonian Institution*

2:05pm Policy Building Scenario

- Introduction to Workshop Process
 - Workshop Discussion of Three Scenarios (download [scenarios](#))
 - Report Outs
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3:20pm OPEN FORUM: with the entire panel

4:00pm Adjourn

PORTLAND ORGANIZING COMMITTEE

Amalyah Keshet, *Israel Museum, Jerusalem*
Rina Pantalony, *Canadian Heritage Information Network*
Diane Zorich, *Consultant*