

Report

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Report to:	Community Resources Committee
Date of Meeting:	11 October 2011
Report by:	Executive Director (Community Resources)

Subject:	Due Diligence and Intellectual Property Rights
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ Advise on the Council's intellectual rights and protection of the Council's copyright in relation to the museums' collections.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the Due Diligence and Intellectual Property Rights (DDIPR) Policy in relation to the Council's museums' collections, as detailed in Appendix A, be endorsed.
- (2) that the User Terms and Conditions: Copyright of Content to manage physical and digital access to the Council's museums' collections, as detailed in Appendix B, be endorsed.
- (3) that the Council's intellectual rights and protection of the Council's copyright in relation to the museums' collections be referred to the Executive Committee for approval.

3. Background

- 3.1. South Lanarkshire Council has, by way of the Collections Agreement, granted to South Lanarkshire Leisure and Culture Ltd (SLLC) licence to use, copy, reproduce and exploit copyright pertaining to the museums' collections.
- 3.2. The DDIPR Policy will enable SLLC and South Lanarkshire Leisure and Culture Trading Ltd, on behalf of South Lanarkshire Council, to manage intellectual property rights in respect of the museums' collections in all their formats and to negotiate shared ownership and permissions to re-use content. It will also support business development with respect to any royalty and other financial opportunities resulting from ownership or management of the collections and through collaborative projects and initiatives.
- 3.3. The Museums' Service will launch online access to the collections later this year which will extend public access to the stored objects through digitised images and accompanying descriptions.

3.4 The User Terms and Conditions: Copyright of Content will protect against potential unauthorised use of the digitised images and descriptions and will form part of the conditions of access to the digitised content.

4. Employee Implications

4.1. None

5. Financial Implications

5.1. A small income may be realised. Monitoring of income will be undertaken.

6. Other Implications

6.1. In terms of sustainable development, adoption of the DDIPR Policy and the User Terms and Conditions: Copyright of Content will assist in reducing the carbon footprint of the Council and users. Members of the public and employees will have the option to access information about items in the museums' collection digitally, reducing journeys to physically view items with a consequential positive impact on the environment.

6.2. No significant risks are envisaged. In circumstances where a person fails to comply with the terms and conditions, a number of potential remedies are available, ranging from negotiation and permissions, to legal enforcement of intellectual property rights

7. Equality Impact Assessment and Consultation Arrangements

7.1. The initial equality impact assessment is that there are no adverse impacts on any part of the community covered by equalities legislation, or on community relations.

7.2 Consultation has taken place with South Lanarkshire Council's Legal Services, Risk Management, and Information Technology Services.

Norrie Anderson
Executive Director (Community Resources)

16 September 2011

Link(s) to Council Objectives/Values/Improvement Themes

- ◆ Increase participation in arts and culture
- ◆ Increase involvement in lifelong learning

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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