Conducting a Museum IP Audit
Museums routinely create and use intellectual property (IP) as part of every functional aspect of their daily activities.
IP rights are involved in every aspect of Museum management.
Museums are:

- Content Creators
- Content Users
- Content Managers
Museum IP Audits

A basic understanding of IP concepts is necessary to –

• protect Museum-owned IP
• minimize the risks associated with using other people’s IP
• leverage the Museum’s IP assets to further the Museum’s mission and public purpose
“Understanding how to manage and exploit IP assets...should be important parts of any museum’s business model.”

Joh H. Falk and Beverly K. Sheppard, Thriving in the Knowledge Age: New Business Models for Museums and Other Cultural Institutions
Basic Forms of IP

- Patents
- Trade Secrets
- Copyrights
- Trademarks
- Content-based rights
  - Rights of privacy
  - Rights of publicity
A Few Key IP Principles:

- Ownership of IP rights can be lost through improper use
- Ownership of IP rights can be transferred
- IP rights can be licensed
- Privacy rights can be waived
- IP should be managed through written agreements –
  - Pay particular attention to representation and warranty provisions and indemnity clauses
Ideally Museum staff should be able to spot basic issues involving IP rights, including copyrights and trademarks, and know when to seek legal advice.
Museums should manage their IP assets – and those they are responsible for – using a mission-driven approach.
A Museum IP Audit can be a strategic part of managing the Museum’s IP.
What is a Museum IP Audit?

- It is an assessment of a Museum’s IP assets and management practices.
- The Audit should focus on how best to manage those assets to further Museum mission, values and goals.
- The Audit Report should recommend strategies to minimize risks and maximize the value associated with the creation, custody and care of the Museum’s IP assets.
Some areas where IP issues arise in the Museum context:

- Collections Management
- Programs and Exhibits
- Marketing and Development
- Human Resources
- Museum Shops
- Other?
A Few Museum IP Audit Takeaways:

- Register Museum trademarks
- Clear titles to programs and exhibits
- Examine rights and licensing procedures
- Address employee IP ownership (scope of employment)
- Provide guidance on use of Museum brand
- Establish procedures for use of names and likenesses
- Negotiate formal agreements with affiliated groups
- Review IP ownership provisions in grants and contracts
- Include “work for hire” language in independent contractor agreements
- Centralize contract management
- Post policies for use of Museum social media
- Adopt a comprehensive IP policy
Museum IP Audits

• Sustaining the Museum using an IP focused Development Cycle
  • Create IP
  • Manage IP
  • Market IP
  • Engage Audience
  • Capture Audience Information
  • Cultivate Audience
  • Generate Funding
  • Create More IP
Effective management of the Museum’s IP assets will reinforce the Museum’s brand, demonstrate stewardship, minimize disputes with vendors and partners, reduce risks, and enhance development opportunities.