



RIGHTS CLEARANCE FOR GLAMS

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Acronyms

CMS	Collection Management Systems
COPAC	Committee for the Promotion and Advancement of Cooperatives (
DACS	Design & Artists Copyright Society
DAM	Digital Asset Management
EU	European Union
GLAM	Galleries, Libraries, Archives, and Museums
IP	Intellectual Property
IPR	Intellectual Property Rights

1. Introduction

'Clearance', or 'rights clearance', is a vital process for GLAM (Galleries, Libraries, Archives, and Museums) institutions that work intensively with intellectual property (IP). It involves identifying, verifying, and securing the rights needed to lawfully use third-party content. Because these institutions routinely create, reproduce, digitize, display, and distribute cultural materials, they must ensure that all relevant rights are in place before carrying out these activities.

The process is often complex: a single asset can involve multiple rights holders and formats, such as an original work, its analogue reproduction, a digital version, or derivative uses. Holding rights for one format does not automatically grant permission for others, and the situation can be even more intricate for audiovisual materials, where layered rights and collective authorship frequently coexist.

For GLAM organizations, understanding which rights they hold, and which they do not, is essential. This is why this tool is best used alongside the associated IMPAC3T IP ownership tool **GUIDELINES ON IP OWNERSHIP FOR GLAM** to identify assets for which the institution holds the rights and to clarify all the information needed for proper clearance.

Clearance through a process of 'due diligence' must apply both to existing collections and newly acquired materials. Failing to clear rights appropriately can lead to legal exposure, restricted public access, and lost opportunities for lawful use, licensing, or monetization.

A systematic, well-documented clearance strategy is therefore crucial to ensure legal compliance and to support responsible and sustainable stewardship of cultural heritage.

This document is designed to support institutions throughout the clearance process by providing clear guidance on how to proceed in these situations, ensuring that the licensing of their key assets is carried out in full compliance with applicable regulations.

2. Identification of Institutional Assets

Before assessing the rights associated with any material, GLAM institutions must begin by identifying the full scope of assets under their responsibility. This includes not only their core collections but also institution-generated materials, such as publications, photographs, digital content, branding elements, software developments, and any outputs that may carry intellectual property, trademarks, patents, or related rights. In addition, institutions must account for third-party contributions, collaborative projects, licensed resources, and the databases they manage or operate.

To support this process, institutions are referred to the complementary IMPAC3T IP ownership tool '**Guidelines on Ownership in GLAM Institutions**', which provides a structured way to determine which assets they own and the extent of the rights they hold over them. A clear understanding of asset ownership is essential for conducting thorough rights clearance and ensuring compliant use, reproduction, digitization, dissemination, and management of cultural materials.

By establishing a precise inventory of all institutional assets, including those created internally, acquired externally, or obtained through partnerships, GLAM organisations can navigate IP obligations more effectively, mitigate legal risks, and uphold responsible stewardship of cultural heritage.

Asset Identification Guide

Key Questions

What do we own? What types of materials are part of our collections?

Purpose

Before any rights clearance work can begin, institutions must develop a clear understanding of the assets they hold. This includes physical collections, digital materials, institution-generated content, databases, and any forms of IP created, acquired, or managed by the organization. A precise overview of these assets is essential to determine rights ownership and to support informed, lawful decision-making.

Recommended Actions

Compile a comprehensive inventory of:

- **Collection assets:** artworks, manuscripts, photographs, books, archival materials, and born-digital items.
- **Digital assets:** scans, audiovisual recordings, digital surrogates, internal publications, websites, social media content.
- **Institution-generated IP:** trademarks, logos, branding materials, exhibition designs, educational materials, software or digital tools.
- **Third-party and collaborative assets:** materials contributed by partners, contractors, or external creators, including content under licenses or agreements.
- **Databases and metadata:** catalogues, research databases, digital asset management systems, and associated metadata created or curated by the institution.

Use tools such as:

- **Collection management systems (CMS)**¹, **Digital Asset Management (DAMs)**², or structured **Excel sheets**.
- Include fields such as: Title, Creator, Date, Type of Work, Copyright Holder, License Terms, Rights Status.

Questions to Guide Inventory

- Where did the item come from? (Acquisition source)
- Is there any documentation of rights? (Deeds of gift, licenses, contracts)
- Has the item been digitized or used before?
- Are any works under third-party ownership?

Identify Metadata and Documentation Gaps

Institutions should flag:

- Assets with incomplete records

¹ A collection management system (or CMS) is a type of software used by museums and archives to organise information about the objects stored in the organisation. It allows users to catalogue and maintain records of objects, photos, artworks and documents, all in one place.

² The process of digital asset management, or DAM, encompasses the storage, organisation, management, retrieval and distribution of digital files.

- Materials with uncertain provenance or authorship
- Items without clear rights statements
- Content digitized without established rights trails

This helps prioritize research and rights clarification.

Prioritization Criteria

Not all assets require immediate attention. Institutions should prioritize:

- High-use or high-visibility items
- Materials planned for digitization or publication
- Assets used in revenue-generating activities
- Works with expired, unclear, or high-risk rights conditions

Version Control and Updating Procedures

Institutions should ensure the inventory is:

- Updated regularly
- Reviewed when new assets are acquired
- Revised when rights status changes
- Maintained with version history for accountability

3. Building an Internal IP Governance Structure

3.1 Internal IP Audit

Once all assets have been identified, GLAM institutions must conduct a comprehensive IP audit to understand the full scope and status of their IP. This audit is not simply a legal examination; it is a structured inventory of all IP interests connected to both the institution's collections and its wider operations. It covers the rights embedded in collection objects, such as copyrights in photographs, audiovisual materials, texts, or design elements, as well as rights held by third parties that may affect use, reproduction, or digitization. At the same time, it includes institutional IP, such as trademarks, naming and branding elements, in-house software or digital tools, marketing materials, publications, and any content licensed to external partners.

To ensure consistency and accessibility, the IP audit should be integrated into the institution's existing collection management or asset management systems. In practice, the audit can be divided into two primary categories:

- **Collection-Related IP Interests:** Rights associated with artworks, artifacts, documents, audiovisual materials, and any other items in permanent, temporary, or digital collections.
- **Institutional IP Interests:** Rights related to the institution's name, logos, visual identity, digital platforms, databases, publications, educational materials, and other internally developed assets or innovations.

The audit should document essential information that supports rights assessment, risk mitigation, licensing opportunities, and long-term preservation of rights. This includes ownership details, copyright status and expiration, the scope of rights held, existing licenses, and any legal, ethical, or cultural restrictions that may limit use.

Below is a proposed structure that GLAM institutions may use to analyse each asset or object. This format can be adapted to internal systems or Excel templates and functions as a practical checklist throughout the clearance process.

IP Audit Guide

Key Questions

What are the rights associated with the assets? What can we do with them legally and ethically?
What are the rights held by the institution regarding the asset?

Purpose

An IP audit serves to systematically identify the rights status of your institutional assets. It is the basis for legal compliance, public access and risk mitigation. The audit process includes a comprehensive rights assessment, which helps you determine who owns what, what can be used and what requires further authorisation or restrictions.

What the IP Audit Should Cover

- **Existing rights status:** Are items in the public domain, copyrighted, or orphan works?
- **Ownership and permissions:** Who holds the copyright or moral rights? Has the institution obtained sufficient rights for its intended use?
- **Legal and ethical obligations:** Are there culturally sensitive materials (e.g., Indigenous materials or other works of art that may be subject to additional regulations or ethical usage considerations) that require special handling?
- **Documentation:** Are acquisition records, contracts, and licenses complete and accessible?

Types of IP Audits

- **Collection-focused:** Emphasizes rights research on collection items, especially those planned for digitization or public access.
- **Strategic/Administrative:** Broader review that includes digital infrastructure, licensing history, and content use across platforms.

When to Conduct an IP Audit

- During large commercial transactions
- Prior to major digitization, publishing, or exhibition initiatives.
- When updating IP or access policies.
- Periodically, as part of routine rights management and due diligence.

Key Team Members

- Legal counsel
- Rights manager or registrar
- Curators and collection managers
- Archivists
- Digital and IT staff

The following is a sample guide to the key information institutions should collect and monitor for each asset

Field	Description
Artist/Creator Name	Name of the author or artist associated with the work.
Title / Identification of Work	Descriptive title or inventory number.
Type of Work	E.g., painting, photograph, video, software, trademark, publication.
Type of IP Right	Copyright, trademark, design, patent, or trade secret.
Owner of Rights	Entity or individual holding the rights (may be the museum or third party).
Contact Information	If applicable, contact details for the rights-holder or administrator.
Date of Creation / Acquisition	Useful for assessing copyright terms.
Copyright Expiration Date	Indicate when the protection period ends, if known.
Public Domain Status	Yes / No / Unknown – specify if the work is free of rights.
Scope of Rights Held by Museum	Ownership, license, fair use exception, etc. In relation to licenses, what kind of right the museum holds (see public communication, reproduction etc.)
License Details	Include term, territorial scope, and permitted uses.
Restrictions on Use	Legal, cultural, or contractual limitations.
Ethical or Cultural Limitations	Restrictions based on source community or donor wishes.
Electronic / Digital Rights	Specify if rights include online display, downloads, etc.
Usage Notes	Any important contextual or interpretive notes.
Risk Assessment Level	Optional column to rank clearance complexity (e.g., Low / Medium / High).

By following this structured approach, the IP audit enables GLAM institutions to achieve several key outcomes:

- Clear classification of rights, including identification of works in the public domain, copyrighted materials, orphan works, and assets with uncertain or mixed rights status.
- Centralized documentation of restrictions, licenses, and permissions, ensuring that all relevant information is accessible and consistently recorded across systems.
- Identification of risks requiring further action, such as initiating permission requests, conducting additional rights research, or applying internal takedown or access-limitation procedures.
- A solid foundation for updating internal IP policies and for planning institutional licensing strategies that are aligned with legal obligations and organizational priorities.
- Enhanced staff awareness and training, where appropriate, to ensure that teams understand the rights status of assets and can follow internal procedures confidently and consistently.

3.2 Internal IP Policy

Once an institution has completed a thorough IP audit, the next essential step in ensuring effective clearance and long-term IP management is the development and formal adoption of a comprehensive IP Policy of a review and revision of the exiting policy. Such a policy functions as an institutional framework, articulating clear and consistent principles concerning the management, use, and protection of intellectual property assets, both those owned by the museum and those held under license.

In the context of cultural institutions, where ethical considerations, curatorial integrity, and public trust converge with administrative and commercial pressures, an IP policy is not merely a legal instrument but a strategic governance tool. It serves as the foundation upon which decisions related to rights clearance, licensing, public access, and digital dissemination are made.

A well-crafted IP policy:

- Provides a roadmap to assess business opportunities, determining whether specific uses of content align with the institution’s mission, mandate, and values.
- Offers clear procedures for resolving rights issues, especially in the context of digital exhibitions, multimedia content, and website use.
- Ensures organization-wide consistency, so that different departments operate under a unified set of standards and practices.
- Balances financial needs with ethical obligations, particularly when IP management intersects with donor agreements, source community relationships, or public education goals.
- Establishes a transparent decision-making framework, ensuring that curatorial, legal, and administrative staff approach IP issues under a shared and principled approach.

The IP policy should be developed in consultation with key institutional stakeholders and periodically reviewed to reflect technological advances, evolving ethical standards, and changes in legal framework

Below is a proposed structure outlining the essential components that GLAM institutions should consider including in their IP policy:

Section	Description
Ownership of Economic Rights	Clarifies who owns the economic rights in works created by staff, contractors, or through institutional projects.
Works Resulting from Institution-Funded Activities	Establishes policies for IP resulting from research, exhibitions, or educational programs funded by the institution.
Third-Party Agreements	Provides criteria and procedures for entering into licensing, co-ownership, and collaboration agreements with external entities.
Use for Commercial Purposes	Defines the institution’s approach to monetizing its IP, including licensing, merchandising, and partnerships, ensuring such uses align with its mission.
Use for Non-Commercial Purposes	Sets out policies for educational use, scholarly dissemination, and public interest access, including open access considerations.

Prohibited or Restricted Uses	Identifies uses that would conflict with the institution's ethical standards, curatorial obligations, or broader mission.
Copyright Responsibilities and Administration	Details who is responsible for managing copyright registrations, renewals, licensing, and enforcement across departments.
Moral Rights	Acknowledges the importance of moral rights, including attribution and integrity of works, especially when dealing with living artists or sensitive materials.
Cultural Sensitivity and Community Rights	Recognizes the need for respectful treatment of materials originating from Indigenous, local, or historically marginalized communities.
Digital and Online Use	Specifies policies for digitization, online publishing, open data initiatives, and use of digital content under Creative Commons or other licenses.
Public Access and Reuse	Encourages responsible reuse of institutional content by third parties, including academics, educators, and cultural practitioners.
Review and Governance	Outlines the process for reviewing and updating the IP policy, and identifies who within the institution has authority over its interpretation and implementation.

4. Stakeholder and Rights-Holder Engagement

Effective rights clearance depends not only on identifying the assets and auditing their rights status, but also on understanding of who owns or controls those rights and how to engage with them. GLAM institutions must therefore establish a systematic approach for identifying rights holders, mapping relevant stakeholders, and managing communication with them. This step ensures that institutions can confidently obtain permissions, negotiate licences, and address cultural or ethical considerations that may affect the use of certain materials.

A structured rights-holder engagement process also provides operational clarity: it helps institutions maintain accurate records, reduces legal and reputational risks, and supports the development of long-term relationships with creators, estates, publishers, collecting societies, and communities. The procedures outlined below build on the results of the IP audit and provide practical guidance for locating rights holders, documenting search efforts, securing permissions, and addressing sensitivities associated with specific works or cultural materials.

Stakeholder and Rights-Holders Engagement Guide

Key question

Who is the owner? Who are the stakeholders? Do you have direct contact with them?

Purpose

In order to proceed in an operational manner, you should have a list or document that serves as a guide for contacting rights holders or stakeholders, as a follow-up to the previous step. This can be used to contact and negotiate with rights holders if necessary.

Identify Owners

Use provenance records or other tools to find creators, heirs, or publishers.

Conduct a Diligent Rights-Holder Search

- **Set search parameters** (minimum sources to consult, time limits, documentation template) consistent with National Archives/Intellectual Property Office (IPO) guidance.
- **Search externally:**
 - National and regional library catalogues (WorldCat³, COPAC⁴)
 - Collecting-society databases and free consultations services (e.g., DACS (Design & Artists Copyright Society⁵) for visual art, PRS (Performing Right Society) for music⁶)
 - Publishers' and authors' associations
 - Genealogy and probate records (for estates)
- **Use tools** such as ARROW⁷ for books and the EU Orphan Works Database⁸ for published items.
- **Record every step**—dates, sources, search terms, results. This audit trail is essential if later challenged or when applying for an orphan-works licence.

Negotiate Licenses

Get written permission for the intended use (e.g., publication, digital display).

Secure Permissions and Licences

- **Make first contact:** Send a concise, respectful request describing the work, intended use, distribution scope, and proposed fee (or request for gratis licence); include a response deadline.
- **Negotiate terms:** Typical variables are territory, duration, media, exclusivity, credit line, and indemnity clause.
- **Execute written agreements** and ensure they are stored digitally with the accession records. These agreements should clearly specify the scope of the rights granted, including territory, duration, permitted uses, formats, and any restrictions.
 - In this regard, an example clause could read: *“The Rights Holder hereby grants the Institution a non-exclusive/exclusive, worldwide licence to reproduce, display, and communicate the Work to the public in the formats and for the purposes described in this Agreement, including but not limited to print publications, online platforms, exhibition materials, and promotional uses directly related to the Institution’s mission.”*
- **Record licence metadata**, such as the rights holder’s details, expiry date, permitted uses, restrictions, and any fees paid, and enter this information into the collections-management system to support future discovery and compliance.

³ See <https://search.worldcat.org/>

⁴ See <https://www.copac.coop/>

⁵ See <https://www.dacs.org.uk/>

⁶ See <https://www.prsformusic.com/>

⁷ <https://pro.europeana.eu/project/arrow>

⁸ <https://www.euipo.europa.eu/en/observatory/awareness/ip-in-culture/orphan-works-db>

Respect Cultural Concerns

Consult with communities if materials are culturally sensitive or protected.

5. Risk Management and Institutional Framework

In the context of GLAM institutions, rights clearance and rights-management processes are essential to ensuring responsible access, digital preservation, and the safe dissemination of cultural heritage. As collections become increasingly digitized and new forms of use emerge, institutions face growing challenges related to identifying rights holders, managing orphan works, and preventing potential infringements. For this reason, a systematic approach is required, one that assesses the current level of rights control and identifies any gaps in protection.

Within this framework, risk management and a clear institutional structure play a critical role. Before moving forward with dissemination, reuse, or publication, institutions must be able to answer key questions such as: *Have any gaps in protection been identified?* and *Have there been any infringements or unauthorized uses?* Early detection of such issues enables both corrective actions and the prevention of future legal or reputational risks.

The purpose of this stage is therefore to move beyond simple rights identification and toward active risk mitigation. This includes recognizing materials that remain unresolved, such as works with no known rights holder or incomplete rights status, and establishing mechanisms to address them. In this sense, implementing a registration and control system becomes essential, providing institutional traceability and ensuring the capacity to respond effectively to uncertain situations.

Key actions include managing risks and addressing gaps, particularly concerning orphan works and other materials with unclear rights. Institutions may adopt takedown policies, use disclaimers or limited-use approaches, and rely on risk-assessment matrices to support informed decision-making. Comprehensive documentation is equally indispensable: maintaining audit trails of communications, license terms, and decisions, and centralizing these records within a DAM or shared management system. Additionally, institutions should track license expirations and renewal needs to ensure ongoing compliance.

Through these measures, GLAM institutions can strengthen their rights-management practices, reducing exposure to risk while promoting responsible and sustainable access to cultural heritage.

Risk Management and Institutional Framework Guide

Key question

Have any gaps in protection been identified? Have there been any infringements?

Purpose

Previous stages may have revealed materials that are not fully under control, works with no identifiable rights holder (e.g., orphan works), or other areas vulnerable to potential infringement. The next step is therefore to establish a risk-management approach that identifies risks, detects gaps, and

builds an institutional structure capable of addressing them. This also serves as a preventive measure, ensuring that the institution maintains a minimum level of protection and the capacity to respond to issues quickly.

How to manage risks?

1. Defining and Assessing Risks

Institutions should adopt a simple and practical model for identifying and evaluating risks based on the characteristics of the object and its intended use.

Factors to Assess

- **Object type:** photographs, audiovisual materials, unpublished manuscripts, donated collections, etc.
- **Rights status:** known owner, orphan work, unclear provenance, third-party embedded content.
- **Intended reuse:** commercial vs. non-commercial, online publication, educational use, metadata enrichment, machine-learning training, etc.
- **Sensitivity:** personal data, culturally sensitive material, private collections, community-owned knowledge.
- **Data quality:** missing, inconsistent, or low-confidence metadata.

Practical Checklist

A GLAM-friendly checklist may include:

- Do we know who owns the rights?
- Is the right information documented and verifiable?
- Does the reuse expose the institution to additional visibility or scrutiny?
- Does the reuse benefit the public mission of the institution?
- Are there safeguards in place if something goes wrong?
- Is there a precedent in the institution (or the sector) for similar cases?

2. Options for Measuring or Mitigating Risk

Institutions should adopt practical, low-barrier strategies that fit their capacities:

- **Risk matrices:** Rate each case using a simple scale (e.g., low/medium/high likelihood vs. low/medium/high impact).
- **Limited-use strategies:** Restrict resolution, disable download options, or limit availability to on-site access.
- **Disclaimers:** Inform users about rights uncertainties while offering access.
- **Takedown policies:** Provide clear procedures for removing content upon request.
- **Documentation logs:** Record decisions, reasoning, and communication in a systematic way.

These measures allow GLAM institutions with limited resources to proceed responsibly while still enabling access.

3. Risk Scenarios and Recommended Actions

→ **When Rights Owners Are Unknown**

- Treat the material as a **high-uncertainty** category.
- Conduct a reasonable search for potential owners and document every step.
- Weigh the public benefit of access against the risk of potential claims.
- Apply a conservative reuse policy (e.g., low-resolution access or metadata-only publication).

→ **When Metadata Is Missing or Incomplete**

- Acknowledge that incomplete metadata increases the risk of misattribution or unidentified rights.
- Perform internal cross-checks (archivists, curators, donor records).
- Flag the item as “metadata-incomplete” and apply restricted or experimental reuse.
- Improve metadata progressively rather than blocking access indefinitely.

→ **When Reuse Involves Legacy or Uncertain Data**

- Review original acquisition agreements, donor contracts, or institutional policies.
- Identify whether expectations of reuse have changed since the material was collected.
- Prepare an internal risk note explaining the status and mitigation strategy.
- Consider phased disclosure (e.g., start with metadata, add images later).

4. Risk–Benefit Balance for GLAM Institutions

Public-benefit institutions must balance legal caution with their mission to enable access and preserve cultural memory.

Benefits to Consider

- Enhancing public knowledge and educational impact
- Supporting community access and engagement
- Unlocking underused or hidden collections
- Enabling research, scholarship, and cultural participation
- Providing digital equity and transparency

Balancing Approach

- High public value + low legal risk → **Publish**
- High public value + medium legal risk → **Publish with mitigations** (limited resolution, disclaimers, takedown policy)
- Low public value + high legal risk → **Do not publish or wait for clarification**

This model keeps decision-making practical and aligned with GLAM mandates.

5. Documentation and Institutional Control

Document Everything:

- Maintain audit trails: license terms, communications, searches, and decisions.
- Record uncertainty and reasoning — not only confirmed information.
- Document risk levels and selected mitigation strategies.

Centralize Records

- Use a DAM, CMS, or shared spreadsheet/workflow tool.
- Tag items with risk level, rights status, and review dates.
- Track license expirations and renewal requirements.

A robust documentation system reduces long-term risk and allows future staff to understand past decisions.

6. Licensing Strategy

Licensing has emerged as a central component in the financial and outreach strategies of many cultural institutions. While traditionally associated with commercial brands, licensing has proven to be a valuable tool for museums seeking to diversify their sources of funding, expand their institutional visibility, and reach new audiences beyond their immediate geographic and social contexts. In essence, licensing agreements allow institutions to authorise the use of their intellectual property by third parties in exchange for financial compensation, which may take the form of flat fees or royalties calculated as a percentage of sales revenue. However, for institutions, the significance of licensing goes well beyond commercial return. It becomes a strategic mechanism to strengthen the institution's presence in the public sphere, reinforce its mission, and support the long-term sustainability of its cultural offerings.

A well-structured licensing program must be fully integrated into the museum's overall strategy. It should complement existing fundraising, philanthropic, and sponsorship initiatives, and be overseen by personnel familiar not only with intellectual property but also with institutional development and public engagement. As exemplified by the [V&A Museum⁹](https://www.vam.ac.uk/), which has successfully developed a robust licensing portfolio, institutions that pursue licensing as part of a broader institutional vision can generate meaningful revenue streams while simultaneously enhancing their global profile. Nonetheless, the generation of income is not an end in itself. It is imperative that museums ensure that funds obtained through licensing are allocated in alignment with their core purposes, particularly those relating to the preservation of collections, public education, and access to cultural heritage.

In order to safeguard the institution's integrity and mission, several key considerations must be addressed prior to entering into any licensing arrangement. First, it is essential to conduct a comprehensive clearance of all intellectual property assets involved, including verifying copyright status, identifying any third-party claims, and confirming whether any moral rights or restrictions apply. This clearance process must be meticulous, as it forms the basis for determining whether a given work or element can be lawfully licensed.

Second, licensing strategies must be developed in close alignment with the museum's values and ethical standards. GLAM institutions must evaluate the reputational implications of any partnership, ensuring that the proposed use of their intellectual property does not distort, trivialise, or otherwise undermine the cultural significance of the collections. Contractual provisions should explicitly prohibit uses that are political, offensive, or misaligned with the institution's public mandate. Moreover, clauses should be included to regulate the scope and duration of the license, the types of products or services involved, and the conditions for termination in case of breach or reputational harm.

Third, it is critical to establish clear internal procedures for monitoring the use of licensed content and for tracking the flow of revenues. Transparency in the allocation of funds is essential, as museums must be able to demonstrate that licensing income is being reinvested in ways that support their statutory

⁹ See <https://www.vam.ac.uk/>

mission. This includes, but is not limited to, conservation efforts, educational programming, and the development of exhibitions.

Brand licensing, when responsibly managed, has the potential to significantly increase institutional visibility. It provides a means of engaging audiences who may not otherwise interact with the museum, particularly those located in different regions or countries. However, this expanded reach also increases the risk of unintended associations or uses, making it even more important that museums adopt a coherent and well-considered licensing strategy.

Finally, ethical and strategic frameworks must be consistently applied to all licensing initiatives. Museums should assess the cultural and societal impact of each partnership and consider whether the commercial value generated aligns with the institution's broader commitments to heritage preservation, academic integrity, and public trust.

In conclusion, licensing should not be viewed merely as a commercial opportunity but as a strategic extension of a museum's public mission. It requires rigorous planning, rights clearance, and ongoing oversight to ensure that the institution's intellectual property is used in ways that support its ethical values, institutional objectives, and long-term sustainability.

Licensing Strategy Guide

Purpose

To define and implement a clear, rights-compliant framework that governs how institutional assets can be legally and ethically used, shared, or monetized.

Workflow

Once rights status is known (via the IP audit and rights assessment), institutions determine the scope and type of permissions they need to grant or seek. A licensing plan ensures consistency, protects the institution's integrity, and maximizes public benefit.

Key Questions

- What uses are permitted or desirable (educational, non-commercial, open access, commercial, publicity, merchandising)?
- Are there existing licenses that need renewal or renegotiation?
- What benefits or risks are associated with different licensing models?

Core Considerations

- License Type: Will you use Creative Commons, custom contracts, commercial, brand or collective licenses?
- Scope: Clearly define what the license covers:
 - Duration (how long?)
 - Territory (where?)
 - Format (in what media?)
 - Usage (for what purpose?)
- Protection Measures:
 - Retain moral rights where possible.
 - Add clauses for culturally sensitive or Indigenous materials.
 - Align with institutional mission and reputation.

The elements that should usually be included in this type of agreement are listed below, along with examples of clauses that can be added depending on the circumstances.

Component	Description
Definition of the Licensing Context	Identify the scenario in which the license is granted (e.g., product merchandising, exhibition loan, digital reproduction, academic reuse, brand co-partnership).
Object of the License	Clearly describe the work or asset being licensed (image, text, audiovisual, trademark, collection title, etc.).
Type of License	Determine whether the license is exclusive or non-exclusive, perpetual or time-limited, worldwide or territory-specific.
Purpose and Permitted Use	Define the scope of use (e.g., educational, promotional, resale, digital platforms, exhibitions, etc.) and any expressly forbidden uses.
Start Date	Date when the license becomes effective.
Remuneration and Royalties	Specify the fee structure: flat fee, royalties (percentage-based), tiered fees for multiple uses, or pro bono for non-commercial use.
Duration and Renewal	Set the term of the license, renewal options, and termination clauses.
Quality Control Measures	Include obligations for quality assurance in reproduction, manufacturing standards, and use of branding or names/logos.
Brand Protection Clauses	Establish requirements to maintain the reputation, institutional mission, and curatorial integrity of the cultural institution.
Review and Approval Process	Require licensee to submit materials for institutional review prior to publication, sale, or distribution.
Moral and Ethical Compliance	Ensure content use respects the integrity of the original work and is not used in culturally insensitive or politically controversial contexts.
Types of IP Rights Licensed	What rights are being licensed? Examples: reproduction, public communication, distribution, adaptation. Indicate whether it is an exclusive or non-exclusive licence, as well as its territorial scope.
Merchandising Rights	Are merchandising rights included? If so, specify types (e.g., apparel, prints, toys) and any revenue splits.
Restrictions	Prohibited uses, moral rights limitations, sensitive uses, format limits.
Moral / Cultural Notes	This should include any clauses related to the ethical display of items, Indigenous consultation, religious and cultural sensitivity, and cultural heritage law, if applicable.
Trademark Use (if applicable)	Provide specific guidance on the use of the museum's name, logos, or visual identity.
Sublicenses if applicable	Specify if the licensee is authorized to grant sublicenses to third parties. Indicate if this requires prior written approval from the licensor. Define what rights can be sublicensed (e.g., reproduction only, merchandising, digital use).
Reporting Obligations	Set up reporting requirements for usage data, revenue, production quantities, and marketing efforts.

Digitization	Indicate if digitization is allowed, in what formats, and whether rights to digital copies remain with the licensor.
Termination and Breach	Define what constitutes breach of contract and the conditions for early termination by either party.
Dispute Resolution	Include arbitration, mediation, or jurisdiction clauses appropriate to the nature of the relationship and territory.
Reversion of Rights	Ensure that at the end of the term, all rights revert back to the institution unless explicitly renewed.
Internal Contact Person	Assigned staff for follow-up and compliance monitoring.

Example of clauses

Clause: Permitted Use and Prohibited Uses

a) Suggested Clause 1:

1. Proper Use of the Licensed Material

The Licensee agrees to use the Licensed Material in accordance with applicable law, good faith, public order, and the public mission of the Institution. The Licensee shall use the Licensed Material solely within the scope, purpose, manner, and duration expressly authorised under this Agreement.

2. Prohibited Uses

The following uses are strictly prohibited:

- a) Political uses, including but not limited to electoral messaging, partisan content, ideological campaigns, or any use that may be interpreted as endorsement, promotion, or association with a political cause.*
- b) Uses that are offensive or contrary to public order, including defamatory, discriminatory, violent, obscene, misleading, or otherwise unlawful purposes, or uses that infringe fundamental rights.*
- c) Any actions that may harm, diminish, or jeopardize the Institution's reputation, dignity, institutional integrity, or public mission, including uses that distort, trivialise, or decontextualise the cultural, historical, or artistic meaning of the Licensed Material.*
- d) Products, services, or commercial environments not authorised by the Institution, particularly those incompatible with the Institution's values, statutes, or public mandate.*
- e) Any use exceeding the licensed scope, or any alteration, manipulation, or modification of the Licensed Material that may mislead the public regarding its nature, source, or significance.*

b) Suggested Clause 2:

The institution strictly prohibits the use of its name, logos, or other brand elements in any context that may compromise its reputation or conflict with its mission. This includes, but is not limited to, reproduction in connection with culturally insensitive content, political or ideological messaging, derogatory or defamatory materials, and sexually explicit content. Any such use shall constitute a material breach of the licensing agreement and may result in immediate termination of rights granted under the agreement.

Clause: Non-Commercial Use Licence for Digitised Materials

Suggested Clause:

The download and use of digitised materials from the Institution's website is authorised exclusively for non-commercial purposes and under the following conditions:

- 1. Personal or Private Use: Users may download and use images for strictly personal, private, or non-public purposes.*
- 2. Scientific, Academic, and Research Use: Images may be used for scholarly, academic, research, teaching, or private study purposes. This includes internal circulation within a formal educational institution (such as a school, college, or university), provided that the material is not commercially distributed.*
- 3. Non-Profit Publications and Personal Online Use: Images may be reproduced in non-profit publications, personal websites, blogs, or social media accounts, provided no commercial advantage is sought or obtained.*
- 4. Self-Publishing for Academic or Non-Profit Purposes: Self-funded academic publications may reproduce images without restrictions on print run. Non-profit or general audience publishers may reproduce images in print runs of up to 500 copies, provided that no commercial exploitation occurs.*

The grant of reproduction rights for images held by the Institution is limited exclusively to non-commercial humanities or academic projects in which the researcher, educator, or student is personally responsible for the reproduction fees. These materials may not be licensed, transferred, or made available to commercial organisations or commercial publishers under any circumstances.

In addition to standard non-commercial permissions, many GLAM institutions routinely provide customised agreements for cases that require more specific authorisation. These agreements are typically processed through a formal request form¹⁰, which allows the institution to evaluate the proposed use, determine applicable fees, and grant the appropriate rights in a controlled and transparent manner.

Such forms are particularly useful when the requested use involves:

- **Commercial exploitation** of digitised or newly created materials;
- **Extended rights** such as long-term licences, sublicensing, or use by commercial partners;
- **Access to institutional premises** for filming, photography, research, or special projects;
- **High-resolution files** or materials not publicly available online;
- **Reproductions for merchandise** or product development;
- **Any use that may impact preservation, reputation, or institutional values.**

This approach ensures consistency in decision-making while allowing tailored agreements that reflect the institution's mission, legal obligations, and operational needs. It also provides a clear record of permissions granted, restrictions imposed, and responsibilities assumed by the user.

Below is a template clause and request form that institutions may adopt or adapt for issuing special agreements.

¹⁰ See the following useful example, which shows how to do this: <https://www.nytransitmuseum.org/wp-content/uploads/2017/07/NYTM-Reproduction-License-Request-Form.pdf>

Request Form

Applicant Information:

- Full Name / Legal Representative:
- Organisation / Company (if applicable):
- Email Address:
- Postal Address:
- VAT / Tax ID (for commercial entities):

Material or Access Requested

Please select all that apply:

- Digitised material
- High-resolution image
- Audio / audiovisual material
- Archival documents
- Newly created institutional content
- Physical access to premises (filming / photography / research)
- Other (please specify): _____

Description of requested material or access:

Reference Number(s) (if known):

Purpose of Use (Commercial and Special Uses)

- Commercial publication
- Advertising / marketing
- Documentary / film / broadcast
- Merchandise or product development
- Exhibition catalogue (commercial edition)
- Corporate communication
- Educational product (commercial distribution)
- Digital platform or app
- Other (please specify): _____

Detailed description of the intended use:

Licence Terms Requested

1. Territory

- National
- European
- Worldwide

2. Duration

- One-time use
- 1 year
- 3 years
- 5 years
- Life of the Project

3. Media / Formats

- Print
- Digital / online
- Broadcast
- Products / merchandising
- All media
- Other: _____

4. Exclusivity

- Non-exclusive licence
- Exclusive licence (requires additional justification and approval)

Justification for exclusivity (if requested):

Proposed Distribution Details

- Print run (if applicable):
- Estimated circulation / audience:
- Markets:
- Planned release date:

Template Licence Clause

“Upon approval of this request and payment of any applicable fees, the Institution grants the Applicant a [non-exclusive/exclusive] licence to reproduce, distribute, display, and communicate the specified material(s) for the purpose(s) indicated in this Agreement, within the defined territory and duration. This licence is strictly limited to the media and formats selected above and does not permit sublicensing, modification, or any additional uses without prior written consent from the Institution. The Applicant agrees to comply with all crediting requirements, preservation protocols, and institutional guidelines, and acknowledges that any use beyond the scope of this licence constitutes an infringement of the Institution’s rights.”

Declaration and Signature

I certify that all information provided in this request is accurate and that the material will be used strictly in accordance with the licence terms granted by the Institution.

Signature: _____
Date: _____

7. Internal Training and Awareness

An essential element of rights clearance, beyond identifying assets and safeguarding the institution's intellectual property, is ensuring that staff and collaborators are adequately prepared to manage IP-related responsibilities. Effective clearance depends not only on policies and procedures, but also on the capacity of the people who apply them. For this reason, GLAM institutions must invest in internal training and awareness initiatives that equip staff to recognise rights-sensitive situations, follow established workflows, and act in accordance with the institution's internal IP policy.

Internal training serves to build organisational knowledge, promote consistent interpretation of licensing terms, and reduce legal and ethical risks associated with the handling of cultural materials. By incorporating IP guidance into on-boarding processes, policy rollouts, and ongoing professional development, institutions can create a culture of compliance and responsible stewardship. The following section outlines key considerations, training topics, and recommended practices to support effective and sustainable staff awareness.

Internal Training and Awareness Guide

Purpose

To build institutional capacity and ensure staff at all levels understand how to handle IP-sensitive materials ethically and legally.

Workflow

Training runs parallel to implementation and should be part of on-boarding, policy rollout, and ongoing updates.

Key Questions

- Do staff understand how to check or flag rights?
- Is there a clear internal escalation process for rights-related concerns?
- How can we ensure consistent interpretation of licensing terms?

Training Topics to Include

- Copyright and moral rights basics
- Public domain and fair use exceptions
- Cultural protocols and ethical sourcing
- Use of DAM systems and reporting workflows

Suggested Practices

- Regular IP briefings or workshops
- Written guidance and internal FAQs
- Rights issue log or reporting form

8. Ongoing Review and Improvement

Rights clearance is not a one-time exercise but an ongoing responsibility that requires continuous attention and adaptation. As collections evolve, technologies advance, and legal frameworks change, GLAM institutions must periodically revisit and update their practices to ensure continued compliance and effective rights management. This includes conducting regular IP audits, reviewing and refining internal policies, and adjusting procedures to reflect new forms of creation, reproduction, and dissemination.

A commitment to ongoing review enables institutions to remain responsive to emerging risks, incorporate lessons learned from previous clearance activities, and align their workflows with current technological and legal realities. By integrating regular evaluation into their operational approach, institutions strengthen their capacity for long-term stewardship, reduce exposure to rights-related complications, and maintain a sustainable, forward-looking IP management strategy.

Ongoing Review and Improvement Guide

Purpose

To ensure the IP clearance process evolves with institutional goals, legal landscapes, and technological changes.

Workflow

At regular intervals (annually, biannually), conduct structured reviews to assess what's working, what's not, and what needs updating.

Key Questions

- Are licensing or rights errors recurring?
- Are laws or institutional practices changing?
- What feedback are users or staff providing?

Evaluation Steps

- Review changes in copyright law, data privacy, and cultural heritage policy.
- Update:
 - Internal policies and licensing templates
 - Staff training modules
 - Tools and databases
- Document lessons learned from new digitization or access initiatives.

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