



INTELLECTUAL PROPERTY POLICY

1.0 About this policy

1.1

The Royal Academy of Music ("the Academy") has been training musicians to the highest professional standards since its foundation in 1822. It achieves this through wide ranging programmes of study, research and performance, as well as developing an expanding archive of high-quality audio and video recordings featuring student performances. The Academy also houses a museum and extensive collections. As Britain's senior conservatoire, its impact on musical life, both in the UK and abroad, is inestimable. Within the high academic and professional standards in which it operates, the Academy is committed to behaving responsibly towards third party rights, respecting and rewarding creativity, whilst retaining the freedom to publish, share and use its own intellectual content in the future.

1.2

The aim of this policy is to create a balanced and enabling framework, supported and embedded within the Academy's governance, whereby the Academy can continue to provide performance and creative opportunities, study programmes, education and research of the highest quality, whilst protecting its own and third parties' intellectual property, economic and moral rights.

1.3

This policy provides a general overview of intellectual property rights and protection at the Academy, and employees, students, contractors and visitors to the Academy must familiarise themselves with the contents of this policy. Those who require more detailed guidance should refer to the Copyright and IPR area of the Intranet or consult with their Head of Department.

2.0 Governance

2.1

The Governing Body and the Principal delegate the following authorities and responsibilities:

2.2

This policy applies to all Academy employees, students, volunteers, visiting staff, formal visitors, contractors, public (including online) visitors. Compliance with the terms of this policy is a condition of employment, study and access to the Academy and use of its services.

2.3

The Head of Department in each department, assisted and advised by relevant professional services colleagues, including those of the Academic Secretariat, shall be responsible for:

- (i) identifying and evaluating opportunities and risks relating to the Academy's (including staff, student, contractor and visitor) use of third party intellectual property rights;
- (ii) identifying and evaluating opportunities and risks relating to ownership and protection of the Academy's (including staff, student, contractor and visitor) intellectual property rights;
- (iii) determining and maintaining a record, where appropriate, of ownership of rights in works and research outcomes produced by Academy staff, students, contractors and visitors;
- (iv) ensuring that all relevant rights clearances are obtained and forms and contracts are completed as required in relation to performances and recordings in good time beforehand;
- (v) ensuring that copies of all permissions, contracts and consents are held by the Department and a record of intellectual property rights ownership and licences obtained and granted by the Department is maintained;
- (vi) reporting cases of suspected abuse of the Academy's intellectual property rights, and situations where the Academy's name could be brought into disrepute, to the Senior Management Team;
- (vii) ensuring that Department staff, students, contractors and visitors are aware of this policy and of their own individual responsibilities in relation to ownership and protection of the Academy's and their own intellectual property rights.

2.4

The Academy reserves the right to actively pursue any unauthorised uses of its intellectual property; and to deal promptly with any unauthorised uses that are brought to its attention.

2.5

Disputes and grievances on matters included in this policy will be dealt with under the Academy's formal grievance procedure which is available to staff and students in the Human Resources section of the Intranet; contractors and visitors should contact their point of contact at the Academy

2.6

Employees, students, volunteers, visiting staff and contractors who wilfully disregard the Academy's IP Policy do so at their own risk and assume all liability. Failure to comply may result in disciplinary action under the Academy's disciplinary code and/or withdrawal of visiting rights, access to facilities for visitors and a review of a student's status and/or termination of studies.

3.0 Ownership of intellectual property

3.1

Under the Copyright Designs and Patents Act 1988, the principal statutory instrument governing copyright and intellectual property law in the United Kingdom, there is a presumption that all intellectual property in all content generated by employees during the normal course of their work is automatically owned by their employer. On the other hand, freelancers and contractors working under a service contract, are presumed under UK copyright law to retain ownership of intellectual property that they create in the content produced in the course of providing the services. Both presumptions can be reversed in the employment or services contract, and the Academy has therefore developed the following policies and procedures in relation to staff, freelancer and contractor intellectual property.

3.2 Employee intellectual property

The Academy's policy for employees is to claim ownership of intellectual property in routine content generated in the course of employees' work. A non-exhaustive list of such content, for example only, would include emails, website content, internal documents and reports, policy documents, registers, databases and marketing materials. Employees nevertheless retain ownership of the intellectual property in their creative output (such as musical performances, recordings, compositions, lyrics, teaching methods) and academic and research output. This is subject to the employee granting to the Academy (where possible)¹ a perpetual, worldwide, non-exclusive right to use such content for the Academy's non-commercial purposes relating to promotion, publicity, fundraising, education and archive retention. A range of standard intellectual property clauses for inclusion in employment contracts relating to different categories of employment are held by the Human Resources Department.

¹ The Academy recognises that in some cases, the intellectual property of an employee, contractor or student may be subject to separate ownership or control by a third party.

3.3 Contractor and Freelancer intellectual property

The Academy's policy for contractors is for Heads of Department to assess on a case-by-case basis whether the Academy needs to claim ownership of intellectual property in the content generated by the contractor's services; or whether to allow the contractor to retain ownership, subject (where possible)¹ to perpetual, worldwide, non-exclusive, royalty-free right to use such content for the Academy's non-commercial purposes relating to promotion, publicity, fundraising, education and archive retention. A range of standard intellectual property clauses for inclusion in service contracts are held by the Human Resources Department.

3.4

Students on performance and composition courses retain ownership of the intellectual property created by them during the course of their studies at the Academy, subject (where possible)¹ to the student granting a perpetual, worldwide, non-exclusive, royalty-free right to use such content for the Academy's non-commercial purposes relating to promotion, publicity, fundraising, education and archive retention in relation to photos, filmed footage, recordings and compositions. The Academy obtains this permission from students during the enrolment process.

3.5

Generally speaking academic and research students retain ownership of the intellectual property created by them during the course of their studies at the Academy, and grant (where possible)¹ to the Academy a perpetual, worldwide, non-exclusive, royalty-free right to use such content for the Academy's non-commercial purposes relating to promotion, publicity, fundraising, education and archive retention. The Academy reserves the right, on a case-by-case basis, to claim ownership in the intellectual property generated in the course of academic and research study, for instance where the research was commissioned and/or funded by the Academy. The relevant Head of Department will be responsible for this assessment, under 2.3 (ii).

3.6

Visiting artists, lecturers, creative contractors (such as production teams) and other formal visitors (such as visiting artists invited/contracted to offer masterclasses etc) to the Academy shall retain intellectual property ownership in their creative, academic or other content generated during their visit, subject to the Academy negotiating the grant of a perpetual, worldwide, non-exclusive, royalty-free right to use such content for the Academy's non-commercial purposes relating to promotion, publicity, fundraising, education and archive retention.

3.7

The Academy reserves the right, on a case-by-case basis, to seek to negotiate full or shared ownership of intellectual property generated by employees, students, contractors or visitors; and where appropriate, to secure royalty payments in relation to any such content.

3.8

When working with external bodies, such as in the course of collaborative projects and initiatives and externally funded research and other projects, the Academy reserves the right to negotiate shared ownership, permission to reuse content and to explore royalty opportunities.

3.9

For the avoidance of doubt, all employees, students, contractors and visitors shall own the intellectual property generated in their activities or work conducted outside their Academy employment, study, services provision or other involvement.

4.0 Use of intellectual property and confidential information

4.1 Use of confidential information

Employees, students, volunteers, contractors and formal visitors must respect and honour the Academy's confidential information and should not disclose to any third party (unless to professional advisors or as required by law) information relating to the Academy, its staff or other students and third parties that they have acquired, during the course of their work, study or other involvement at the Academy, in circumstances, where it was inferred or made clear to them that it was confidential information.

Any use of personal data must be made in accordance with the Academy's Data Protection Policy (available on the Intranet) and Privacy Notices (on the Academy's website).

4.2 Use of third-party rights

4.3 Museum and Collections

High resolution copies may be provided of published or unpublished works from the collections subject to the Academy's internal procedures, the relevant legislation and licensing agreements. See the [Copyright Guide for Academic Staff: Photocopying, Scanning and Digital Re-use](#) in the Copyright and IPR area of the Intranet, or contact the Museum and Collections staff for further information and guidance at museum@ram.ac.uk

4.4 Use of third party works

Employees, students, volunteers, contractors, formal and public visitors who wish to make copies, use or perform, third party works, performances, data, databases, software, trademarks and designs for any purposes should first find out whether such use is authorised by either the Academy's policies and regulations, relevant legislation and/or licensing agreements. Otherwise they must seek appropriate permission directly from the rights holders. See the Copyright and IPR area of the Intranet for further information and guidance.

4.5 Orphan works

In cases where ownership of rights cannot be established or where rights cannot be traced (Orphan Works), employees, students, volunteers, contractors and formal visitors must follow internal procedures. See the [Orphan Works Guide](#) available in the Copyright and IPR area on the Intranet.

4.6

The Academy will endeavour to secure third party permissions for funding bodies, sponsors and other partners in accordance with contractual obligations.

4.7

Use of third party digital materials, software, services and databases will be subject to the appropriate commercial and open source licensing agreements and [IT Acceptable Usage Guidelines](#) available in the Copyright and IPR area on the Intranet.

4.8 Use of Academy intellectual property

4.9

Copying, distributing, adapting, arranging, making available or otherwise using Academy intellectual property without authorisation is prohibited. Authorisation may be provided under your employment, course of studies, service contract or by a licensing scheme or through the appropriate request or release form. Staff, students, contractors and visitors who wish to make use of Academy recordings, films, website content, trade marks, designs, logos, databases, software, academic materials and research must therefore first ascertain whether the use is authorised, and otherwise must seek permission from their Head of Department or directly from the rights holder. Please see the Copyright and IPR area of the Intranet for further information, guidance, procedures and forms.

4.10

Public visitors on site may make copies of works in the Academy's collection and museum, by drawing, painting, photography and/or moving images or other means, provided that the copy or copies made will be purely and solely used for non-commercial research or private study. If these copies are to be used for other purposes than the ones stated above, a written declaration of use must be obtained. All copies should be credited when used, credit lines shall be requested from the Museum and Collections staff at museum@ram.ac.uk

5.0 Crediting

5.1

Employees, students and formal visitors will be credited, wherever possible, in association with any musical, teaching and research related works and performances created by them during their association with the Academy.

5.2

All use of Academy works and performances shall require the use of the appropriate credit line and/or digital watermark.

5.3

Use of third party content shall require the use of the appropriate credit line and/or digital watermark

6.0 Access

6.1

The Academy aims to provide free online public access to works in its collections in medium resolution images (800 pixels longest side) where possible subject to copyright restrictions and the contractual obligations of funding bodies, sponsors and other partners. In some cases access to works in Academy collections is managed through a third party to which a usage fee may be payable. Please contact Museums and Collections staff for further information and guidance at museum@ram.ac.uk

6.2

Academic and research staff are required to arrange open access for work that falls within the scope of the UK RI Open Access Policy. See [Open Access Policy \(April 2022\)](#) on the Intranet.