

Intellectual Property - Procedures

1. Guidelines

1. These Procedures recognise:
 - a) The fully commercial mandate of the RCM while balancing the RCM commercial interests with its public policy role.
 - b) The need to protect the intellectual property of the RCM (coin, designs, photographs, film footage, advertising, etc.)
 - c) The need to recover the costs of processing requests.
 - d) The need to recover the cost of administering the usage fee structure, including the cost of clerical support to deal with clients.
 - e) The need to balance the cost of processing, administering (including additional clerical support), monitoring compliance, prosecution of offenders with potential fees to be recovered from users.
 - f) The benefits in terms of publicity/exposure (credit to be given).
 - g) The need to protect the image of the RCM so that when the RCM's products are used, it is done with good taste and it is compatible with the public policy objectives of the federal government.
 - h) The need to adapt procedures to a fast-changing digital environment.

2. Fee Structure

1. The Administration Fee shall not be less than three hundred fifty dollars (\$350). In some cases, the Intellectual Property Committee (hereinafter the Committee) may require the party applying to use RCM property to pay royalties in addition to the Administration Fee.
2. Applications shall be analyzed on a case-by-case basis; such analyses may vary between applications.

3. Definitions

“*RCM property*” means and includes but is not limited to the images, photographs, drawings, designs, items, paintings, wrappings, expressions, emblems, advertisements, Web sites, press releases and work produced by RCM employees and of which the RCM owns the rights.

“*Intellectual Property*” means any invention or protected information of any kind which may be protected by law, and includes:

- Patents under the Patents Act.

- Copyright vesting by virtue of the Copyright Act in literary works, artistic works, films, sound recordings, etc.

- Trade-marks and Official Marks registered under the Trade-Marks Act.

- Designs registered under the Industrial Design Act; “design” or “industrial design” means features of shape, configuration, pattern or ornament and any combination of those features that, in a finished article, appeal to and are judged solely by the eye.

- Trade secrets, know-how, product plans and other confidential information.

“*Application*” means an offer submitted by a third party seeking authorization to use RCM property.

“*Applicant*” means the party seeking to obtain rights pertaining to RCM property.

“*Administration Fee*” means the amount an applicant must pay to obtain RCM property.

“*Government*” means departments, Crown corporations and public authority.

“*Final Product*” means a product proposed by the applicant seeking authorization to use RCM property.

“*Royalties*” means an amount or service received by the author on the sale or reproduction of a work.

4. Royalties

1. When analyzing the application and determining the amount of Royalties to be paid to the RCM, the Committee shall take into specific consideration the factors listed under point A and B below. Each factor must be considered in light of the others.

A. For new applications to reproduce RCM property

- I. Has the Application to use RCM property been submitted by an individual, a company or the Government?
 - II. Does the Application relate to the use of property for a commercial, educational, educational/commercial or charitable purpose (e.g., use of a logo for publicity purposes and not educational purposes)?
 - III. If the Application is for use of property for educational purposes, how large is the target audience?
 - IV. How many items will be reproduced (Final Product)? What will be their retail value?
 - V. How many RCM property items are included in the Final Product?
 - VI. For whom is the Final Product intended? Who is targeted?
 - VII. During which period will the Final Product be offered to the public?
 - VIII. For which market is the Final Product intended (e.g., provincial, national, international)? See section 6 of this agreement.
1. Applications shall be filed in the manner set out in Annex 1, by completing the set of questions. Applicants must send their answers to the address provided for this purpose within 10 days of receiving the set of questions if they want their application to be processed.
 2. The Committee will analyze the answers to the questions once they are received.
 3. The Committee will inform the Applicant of its considerations and decision.
 4. The Committee will send a statement indicating the fees to be paid by the applicant.

5. The Applicant agrees to pay the Committee within 30 days of being so notified.

5.(1) For the purposes of section 4(B), the Applicant agrees to pay to the Committee within 10 days of being so notified. If for any reason payment is not received before the deadline, the Committee reserves the right to undertake suitable measures of recourse in order to correct the situation.

6. Payments shall be made to:

Royal Canadian Mint
320 Sussex Drive
Ottawa, Ontario
K1A 0G8

7. The transfer of rights to the Applicant shall take place once the Administration Fee has been paid in full. The RCM will not transfer any right prior to receiving full payment from the Applicant.

8. If for any reason, the Committee becomes aware that the Applicant is using RCM property prior to having paid the Administration Fee, the Applicant shall be subject to the provisions of section 5 of this Procedure.

B. For products already on the market without prior RCM authorization

1. In all cases, the Committee must give its approval before any other party may use RCM property.

2. If an RCM employee or anyone else informs the Committee of unauthorized use of RCM property by a third party, the wrongdoer, whether an individual or an organization, shall be required to pay the Administration Fee and the Royalties, if any, and comply with this Procedure.

3. Should there be failure to comply with this procedure, regardless of when this failure occurs, the Committee will inform the Applicant that it intends to undertake corrective measures in order to remedy the situation.

4. The articles in Part A apply to this section with the necessary modifications.

5. Consequences

1. The Committee may adopt corrective measures at any time.

6. Internet

1. The Committee shall obtain an independent evaluation of RCM property and/or an Application expected to be published on the Internet.
2. RCM property published on the Internet shall be deemed to have no territorial limits as regards accessibility.

7. Form of payment of Royalties

1. The Committee may choose to calculate Royalties as a percentage or as a lump sum. Consult the Grid for additional information.
2. In making its choice, the RCM shall specifically consider the number of Final Products put on the market, the duration, the retail price, the targeted clientele, and the territory, among other things.

Annexe 1

APPLICATION FOR PERMISSION TO USE ROYAL CANADIAN MINT INTELLECTUAL PROPERTY

Please complete and sign this form with as much information as possible. Include clear visual references (i.e. visual layout) as to how you plan on using our coins or coin designs even if some visual and copy elements are not final .

N.B. Failure to provide sufficient substantiating material may lead to delay in processing your application.

Mail or fax your completed application form and relevant documents to the following address:

Royal Canadian Mint
Att: Intellectual Property Committee
320 Sussex Drive
Ottawa Ontario
K1A 0G8
Fax: 613-990-4665

1. APPLICANT'S INFORMATION

- **Name:** _____
(Please print)
- **Name of Company:** _____
- If the application is made on behalf of a company or other body, please indicate the type of body
- Corporation registered under the Canadian Business Corporations Act
 - Foreign Company
 - Incorporated Association
 - Unincorporated Association
 - Educational Institution
 - Charitable (i.e. Non-profit)

<input type="checkbox"/> Government:	Federal Provincial Ministry
➤ Registration No:	_____
➤ Street Address:	_____
➤ City:	_____ Province/State: _____
➤ Country:	_____ Postal Code/Zip Code _____
Telephone:_()	_____ Fax:_() _____
Email Address:	_____

2. PROPOSED USE

❖ What Intellectual Property do you wish to use?

- Explain how it will be used (e.g. in a brochure, on TV, as a monument, on a T-Shirt, etc.)
- If the coin or coin design is to be copied (e.g. a text book, a poster, a brochure, product for sale, etc) then indicate how many will be available for distribution and if applicable, the retail price.
- Identify the geographical markets in which it will be seen
- Indicate the period of time in which it will be used (i.e start to finish)
- Include both visual and copy reference for the way in which you will use the Intellectual Property, in the form of a layout.

❖ Will the final use be for:

- Commercial sale
- Educational purposes
- Exhibition
- Other (please specify) _____

SIGNATURE: _____ **DATE:** ____/____/____

NAME: _____

TITLE: _____

**Please be aware that the Intellectual Property Committee shall give you an answer within two weeks upon receipt of the Application Form.*