

Intellectual Property - Procedures

1. Guidelines

1.1 These procedures recognise:

- 1.1.1 The fully commercial mandate of the RCM while balancing the RCM commercial interests with its public policy role.
- 1.1.2 The need to protect the Intellectual Property of the RCM (coin images, photographs, film footage, online and offline advertising, themes, slogans, etc.)
- 1.1.3 The need to recover the costs of processing requests by charging administration and royalty fees.
- 1.1.4 The need to balance the cost of processing, administering and monitoring compliance.
- 1.1.5 The benefits to the RCM in terms of publicity online and offline (i.e., public relations, promotions, event marketing) and visibility.
- 1.1.6 The need to protect the image of the RCM to ensure that products and brands, used online or offline, are used in good taste to ensure that they are not an embarrassment to the RCM or to the government.

2. Definitions

“RCM Intellectual Property” means the coin images, drawings, creative designs, concepts, photography designed for online and offline advertising campaigns, promotions, event marketing and public relations, items, paintings, wrappings, expressions, emblems, advertisements, creative copy, themes, slogans, websites, 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 material (literary works, artistic works, films, sound recordings, photographs, themes, slogans, 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.

“**Government**” means federal, provincial and municipal departments, Crown corporations, agencies and public authorities that fall under federal, provincial or municipal departments.

“**Commercial Use**” means the use of RCM Intellectual Property for online or offline advertising to bring awareness to the organization with the end result being to generate a profit.

“**Non-Commercial Use**” means the use of RCM Intellectual Property where it is for information purposes only, i.e., editorial article.

“**Final product**” means a product proposed by the applicant using RCM Intellectual Property.

3. **Fees**

3.1. **Government (as defined in Section 2):**

- 3.1.1. All levels of government as defined in Section 2 requesting the use of RCM Intellectual Property for **non-commercial** purposes shall receive it at no cost.

3.2. **Charitable Organizations:**

- 3.2.1. Registered charitable organizations shall receive RCM Intellectual Property at no cost.

3.3. **Educational Use:**

- 3.3.1. RCM Intellectual Property such as coin images for use in educational material shall be charged an administration fee only.

3.4. **General:**

- 3.4.1. The administration fee shall be a minimum of \$350.00.
- 3.4.2. In some cases, the Intellectual Property Committee (hereinafter the "Committee") may require the applicant to pay royalties in addition to the administration fee.
- 3.4.3. The Committee may choose to calculate royalties as a percentage or as a lump sum. In making its decision, among other things, the RCM shall specifically consider how the coin image is being used, i.e., the number of products put on the market, the duration the products will be on the market, the retail price of each product (if applicable), the targeted clientele, and the territory in which the product will be seen.
- 3.4.4. Royalty fees will be based on the total value of the media plan at a rate between 1% to 2.5% depending on the Canadian market coverage (regional versus national campaigns). In the absence of a media plan/buy, regional markets versus national media placements and/or distribution of advertising/promotional material will be evaluated to determine the royalty fee.

Examples of media vehicles include but are not limited to the following:

- T.V. advertising
- radio
- print
- outdoor advertising
- web advertising
- collateral materials
- point of sale materials
- electronic advertising

- 3.5. Applications shall be analyzed on a case-by-case basis.

4. Applying for RCM Intellectual Property

- 4.1. All requests for the use of RCM Intellectual Property must be made in writing by using the application form (attached as Annex 1).
- 4.2. The Committee will analyze the information provided in the application form.
- 4.3. The Committee will inform the applicant of its considerations and decision. A letter outlining the terms and conditions of use of RCM Intellectual Property

accompanied by an invoice, if applicable, will be sent to the applicant within 10-20 working days.

- 4.4. In all cases, authorization granted is non-exclusive and non-divisible and shall not be transferable without the prior written consent of the Royal Canadian Mint. The Royal Canadian Mint assumes no liability and makes no representation to the applicant or to third parties with respect to the use of RCM Intellectual Property.

5. Payment

- 5.1. The applicant agrees to pay the invoice within 30 days of receipt.
- 5.2. Payment shall be made to the Royal Canadian Mint and sent to:

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

Attn: Intellectual Property Committee

6. Considerations

- 6.1. When analyzing the application and determining the fees to be paid to the RCM, the Committee shall take into consideration the factors listed below.

6.1.1. For New Applications Requesting RCM Intellectual Property

- 6.1.1.1. Is the application to use RCM Intellectual Property being submitted by an individual, a company or a government entity?
- 6.1.1.2. Does the application relate to the use of Intellectual Property for a commercial, educational, educational/commercial or charitable purpose (e.g., use of a logo, brand image for publicity purposes and not educational purposes)?
- 6.1.1.3. Is the property requested to appear on a product and, if so, how many of each would be produced and, if applicable, the retail price of each?
- 6.1.1.4. How many RCM Intellectual Property aspects, i.e., RCM logo and coin image would be included in the final product or advertisement?

6.1.1.5. Who is the target audience and market (e.g., provincial, national, international, etc.) to which the final product or advertisement would be focused.

6.1.1.6. For how long will the Intellectual Property be used?

6.1.2. **For Items on the Market without RCM Authorization**

6.1.2.1. The RCM holds all rights to its Intellectual Property and legal action will be taken against any parties found to be using unauthorized RCM Intellectual Property.

7. For Items to be used on the Internet

7.1. The Committee shall obtain an independent evaluation of RCM Intellectual Property and/or an application expected to be published on the Internet.

7.2. RCM Intellectual Property published on the internet shall be deemed to have no territorial limits as regards accessibility.