



Musée national
des beaux-arts
du Québec
Québec

MUSÉE DES
BEAUX-ARTS
MONTRÉAL



MAC



AGREEMENT ON A FEE SCHEDULE RELATED TO COPYRIGHT ROYALTIES IN VISUAL ARTS QUEBEC CULTURAL DIGITAL PLAN

The Society of Quebec Museums (QMS) and Regroupement des artistes en arts visuels du Québec set up in December 2015 a fee schedule regarding copyright royalties in visual arts in the context of measure 24 of the Quebec Cultural Digital Plan. As stated by the Ministry of Culture and Communication (MCC), this measure is only for recognized museums.

The Quebec Cultural Digital Plan also includes measures to allow major museums, namely the Musée national des beaux-arts du Québec, the Musée d'art contemporain de Montréal, the Museum of Civilization of Québec and the Quebec Museum of Fine arts in Montreal, to realize various projects related to digital deployment of their activities.

Based on the will of the MCC to improve the socioeconomic conditions of artists, the Musée national des beaux-arts du Québec, the Musée d'art contemporain de Montréal, the Museum of Civilization and the Quebec Museum of Fine Arts of Montreal contributed to the making of the fee schedule established by the QMS and RAAV, particularly the description of the various uses made of digital reproductions of artistic works.

The Musée national des beaux-arts du Québec, the Musée d'art contemporain de Montréal, the Museum of Civilization in Quebec and the Montreal Museum of Fine Arts have reached an agreement with the Regroupement des artistes en arts visuels du Québec (RAAV) to establish a fee schedule that is their own and that museums undertake to respect.

The agreement has a term of 5 years with effect from 22 June 2016.

22 juin 2016

Terms and conditions of the agreement

- The agreement with the Musée national des beaux-arts du Québec, the Musée d'art contemporain de Montréal, the Museum of Civilization in Quebec and the Montreal Museum of Fine Arts on digital royalties and packages for exhibitions is valid for a period of 5 years from the date of publication.
- The agreement binds the Museums for the works of professional artists within the meaning of the Act respecting the professional status of artists in the visual arts, crafts and literature, and their contracts with promoters, c. S-32.01.
- The agreement provides for the application of RAAV-CARFAC rates by museums, according to the current year, for the Exhibition royalty (for works created after June 7, 1988), for temporary exhibitions of works which are not part of a collection of one of the four museums.
- For works in the permanent collections of these four museums, the agreement provides for the application of a single tariff per work as Exhibition royalty (for works created after June 7, 1988). This rate will increase by 3% per year from the second year of the agreement.
- The agreement provides for the application of RAAV-CARFAC rates by museums for the Exhibition catalogues (printed and digital).
- The agreement provides for the introduction of packages for royalties to be paid for regular or digital reproductions and telecommunications for promotional and archival purposes around exhibitions. These packages apply to all the works on display, including works created before 1988 and for which no Exhibition royalties will be paid. The price of each package will increase by 3% per year from the second year of the agreement.
- Each of the packages described in this agreement includes the right to upload the work in the museum database (accessible on the website), for a period of ten (10) years and dissemination for the same period on the sites of the RPCQ of the QMS and CHIN; this dissemination in databases is not considered as one of the uses of the package.
- Each of the packages includes archiving the micro site of the exhibition on the museum's website for a period of ten years following the end of the exhibition.
- These packages are applicable at a fixed amount for the duration of the exhibition (temporary or permanent), and uses for promotional purposes may be started 12 months prior to the exhibition.
- RAAV respects the terms of the agreements already made between museums and artists. Moreover, the agreement does not apply to future acquisition contracts between museums and artists in case of purchase or donation.
- The agreed fee schedule between RAAV and QMS in December 2015 is applicable for digital uses of a work outside the framework of an exhibition, except as regards the dissemination of works of a national collection in a data bank accessible on the website of each museum as well as on the websites of the RPCQ, of QMS and of CHIN. For such uses, the Parties agree that museums are not bound by the SMQ-RAAV fee schedule and retain the right, if they wish, to agree directly with artists on different dissemination conditions for their work (s) in the databases of each museum. Other tariffs of the SMQ-RAAV fee schedule apply to fixed works and works in motion. The resolution for any webcast reproduction should be 72 pixels per inch (72 dpi).
- Artists retain the right to negotiate an increase to the minimum rates proposed.
- This agreement does not apply to works of artists who have entrusted the management of their rights to a management company as CARCC - Copyright visual arts or SODRAC.

Types of uses covered by the packages:

The four different packages cover digital and regular uses. The various types of uses that have been discussed can be detailed as follows:

- Posting on social networks (unlimited networks or broadcasts)
- Occasional broadcasts of the work
- Press release, newsletter, email, intranet, internal newsletter, blog, article, note, or news commentary
- Museum website (image that can be presented on more than one section of the site)
- Mobile app
- Telematic terminal, interactive media or media-guide
- Virtual Exhibition
- Immersive devices, multimedia games
- Banners
- Printed invitation card
- Digital invitation
- Posters
- Leaflets and brochures
- Advertisements in newspapers and periodicals
- Other promotional tools (calendar of events and exhibitions, bookmarks etc.)
- Dissemination of video clips (on a work) on the Museum website.
- Signage tools (map of the museum and / or facilities, and signage panels)

- Other uses

Additional note:

In the event that a work has been licensed with a package for a number of uses and that during the exhibition the work is finally used more than what had been originally planned, the Museum will pay the artist the difference between the amount received and the amount the artist should have received for the uses actually done.

RAAV / MNBAQ – MACM – MBAM – MCQ 2016-2021 Copyright Fees Schedule Agreement

RAAV-CARFAC 2016 minimum royalties for the Exhibition Right, Category II

The 4 packages apply if full payment of the minimum Exhibition royalty for the current year is made

<u>Solo exhibition</u>	2534,00	Duration of exhibition : 3 months / 845\$ per extra month					
<u>Group exhibition</u>	2	3	4	5	6 to 10	11 or more	
<u>Per artist</u>	1268,00	846,00	633,00	507,00	482,00	431,00	

Exhibitions of works in the permanent collections of the four museums

The 4 packages apply to Works in the permanent collections only if full payment of the agreed upon minimum Exhibition royalty is made.

Application of a single tariff per work by museums as exhibition royalty (for works created after June 7, 1988) for any work of a permanent collection of one of the four museums, an exhibition royalty of \$ 60 per work annually for a period of three years or less, and a maximum of \$ 507 for an exhibition between four and ten years. As for all the rates from the RAAV-CARFAC minimum royalties schedule, these rates will increase by 3% per year from the second year of the agreement: 2017-2018 : 62\$ 522\$ / 2018-2019 : 64\$ 538\$ / 2019-2020 : 66\$ 554\$ / 2020-2021 : 68\$ 570\$

Minimum Reproduction Package for temporary exhibition of less than 1 year duration - 2016-2017 : 25\$ / image

2017-2018 : 25,75\$ / 2018-2019 : 26,50\$ / 2019-2020 : 27,30\$ / 2020-2021 : 28,15\$

1 type of use allowed (except catalogue), as many time as necessary, digital or regular uses.

Duration of uses: Internet promotion = 1 year before + duration of exhibition. / Database and archiving : 10 years

Basic Reproduction Package for temporary exhibition of less than 1 year duration - 2016-2017 : 65\$ / image

2017-2018 : 67\$ / 2018-2019 : 68\$ / 2019-2020 : 69\$ / 2020-2021 : 71\$

3 types of uses allowed (except catalogue), as many time as necessary, digital or regular uses

Duration of uses: Internet promotion = 1 year before + duration of exhibition. / Database and archiving : 10 years

Medium Reproduction Package for temporary exhibition of less than 1 year duration - 2016-2017 : 100\$ /image

2017-2018 : 103\$ / 2018-2019 : 106\$ / 2019-2020 : 109\$ / 2020-2021 : 112,50\$

5 types of uses allowed (except catalogue), as many time as necessary, digital or regular uses

Duration of uses: Internet promotion = 1 year before + duration of exhibition. / Database and archiving : 10 years

All Included Reproduction Package for temporary exhibition of less than 1 year duration - 2016-2017 :200\$ / image

2017-2018 : 206\$ / 2018-2019 : 212\$ / 2019-2020 : 218,50\$ / 2020-2021 : 225\$

All types of uses allowed (except catalogue), as many time as necessary, digital or regular uses

Duration of uses: Internet promotion = 1 year before + duration of exhibition. / Database and archiving : 10 years

Digital Uses	Tariffs	Conditions
Data bases accessible on Internet - microsites	<ul style="list-style-type: none"> → For the dissemination of works from the national collection in data banks, the conditions of use may be agreed between the museum and the artist. → In the absence of such an agreement, the recommended rates are as follow: 10\$ per work per year. → If more than 5 works by the same artist : 5\$ per work per year. 	<ul style="list-style-type: none"> → Digitization of the work is included.
Mobile Applications and other derivatives involving a scan for public communication either within the museum or to be downloaded	<ul style="list-style-type: none"> → 45 \$ per work per year. → If the work is in foreground : 90 \$ per work per year. → If more than 50 works by different artists: 40 \$ per work per year. 	<ul style="list-style-type: none"> → Digitization of the work is included. → No limit in the number of media.
Museum Intranet terminals, interactive installations, media-guide and other derivatives involving a scan for public communication within the museum	<ul style="list-style-type: none"> → 30 \$ per work per year. → If the work is in foreground : 60 \$ per work per year. → If more than 20 works by different artists: 25 \$ per work per year. 	<ul style="list-style-type: none"> → Digitization of the work is included. → No limit in the number of media.
Museum's website – several possible sections	<ul style="list-style-type: none"> → 45 \$ per work per year. → If the work is in foreground : 90 \$ per work per year. → If more than 50 works by different artists: 40 \$ per work per year. 	<ul style="list-style-type: none"> → Digitization and archiving of the work are included.
Virtual Exhibitions	<ul style="list-style-type: none"> → 45 \$ per work per year. → If the work is in foreground : 90 \$ per work per year. → If more than 50 works by different artists: 40 \$ per work per year. 	<ul style="list-style-type: none"> → Digitization of the work is included.
Social Medias (Facebook, Twitter, YouTube, Google+, Instagram, Pinterest, Linkedin, Snapchat, etc.)	<ul style="list-style-type: none"> → 12 \$ per work, per month, per media 	<ul style="list-style-type: none"> → Digitization of the work is included.
Newsletter, intranet, internal newsletter, blog, post, comment or news, press release that can be used on site and archived after a short delay.	<ul style="list-style-type: none"> → 12 \$ per work, per posting or mailing. 	<ul style="list-style-type: none"> → No limit in the number of recipients.

Digital Uses	Tariffs	Conditions
Digital Publications Catalogue, magazine, book...	<p>Publication distributed for free</p> <p>If downloads are counted:</p> <ul style="list-style-type: none"> → Inside Reproduction: 35 \$ per work → Reproduction on cover: 120 \$ per work <p>New license required beyond 1 000 downloads.</p> <p>If downloads are not counted:</p> <ul style="list-style-type: none"> → Inside Reproduction: 40 \$ per work → Reproduction on cover: 160 \$ per work <p>Publication for sale</p> <ul style="list-style-type: none"> → Inside Reproduction: 70 \$ per work → Reproduction on cover: 280 \$ per work <p>New license required beyond 1 000 downloads.</p>	<ul style="list-style-type: none"> → Digitization of the work is included. → No limit in duration. <p>Whatever the format of the reproduction and the selected support.</p>
Immersive devices, multimedia games...	Case by case negotiation	

	Regular Uses Types	Tariffs if not included in packages	Conditions
7	Banners	24 000 to 60 000 square cm Within Canada 250\$ per banner / per image	<ul style="list-style-type: none"> → Maximum of 2 banners within packages → Extra copies according to RAAV-CARFAC Copyright fees schedule
8	Printed invitation cards	1000 to 3000 copies Up to full page Within Canada If Exhibition royalty paid : 25\$, if not : 0,16\$/card	<ul style="list-style-type: none"> → Maximum of 2 000 copies within packages → Extra copies according to RAAV-CARFAC Copyright fees schedule
9	Posters (distributed for free)	251 to 500 copies 600 to 2400 square cm Within Canada 328\$ / image	<ul style="list-style-type: none"> → Maximum of 500 copies within packages → Extra copies according to RAAV-CARFAC Copyright fees schedule

10	Exhibition promotional leaflets (distributed for free)	1000 to 3000 copies Up to full page Within Canada Inside 104.\$ / Cover 172.\$	<ul style="list-style-type: none"> → Maximum of 2 000 copies within packages → Extra copies according to RAAV-CARFAC Copyright fees schedule
11	Others (free calendars, bookmarks, etc.)	1000 to 3000 copies Within Canada Up to full page Inside 125.\$ / Cover 169.\$	<ul style="list-style-type: none"> → Maximum of 2 000 copies within packages → Extra copies according to RAAV-CARFAC Copyright fees schedule