Application template - Exceptions to Marginal Cost Pricing

Public sector bodies wishing to apply for permission to licence Crown copyright information as an exception to marginal cost pricing must complete this application form and send it along with any annexed reference documents to the Standards team at The National Archives (either by saving this form and sending it once completed to the named individual with whom they have been in discussion about this application, or by sending it to the Standards team in-box).

Applicant public sector bodies are strongly advised to refer to the “How to apply” guidance and to discuss the detail of their potential application with a member of staff in the Standards team before attempting to complete and submit this application form.

August 2010

Name of Public Sector Body: The Trustees of the Imperial War Museum

Information applied for: All Crown copyright material in the IWM collection and future deposits

Applicant contact name: Jon Card, Director of Business and Governance

Applicant contact e-mail address: jcard@iwm.org.uk

Applicant contact phone number: 0207 416 5240

1 Context and setting of information

<table>
<thead>
<tr>
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<th>Is it essential to produce the information as part of government’s core duties and therefore vital to the workings of government?</th>
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<tbody>
<tr>
<td>1.1</td>
<td>Not applicable.</td>
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</table>

The Imperial War Museum is a non-departmental public body (NDPB), not a government department. The IWM holds an archive of Crown copyright Materials originated or commissioned by various government departments, and acts as a custodian for this material.

In addition to its conventional museum role, the IWM is therefore a major national art gallery, a major national archive of written and audio-visual records, and a research centre. Its activities include display, education, publishing, research and conferences, as well as the acquisition, documentation, study and conservation of collections.

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<tr>
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<th>Does the information explain government policy or set out how the law, in both UK and EU, must be complied with? Information is essential to the relationship between citizen and state.</th>
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<tbody>
<tr>
<td>1.2</td>
<td>Not applicable (see qu. 1.1 above).</td>
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</table>
1.3 Is the information integral to and embedded within a commercial product – with legitimate commercial or other interests of government (bearing in mind, however, that it is generally not the business of government to commercialise its information, data or copyright works)?

No, the information itself (including images, film, documents and audio files) stands alone and is available in a raw form.

The information in its raw form is made available free of charge by the IWM wherever possible, for example images are available as free low-resolution downloads from the Museum’s website (please see qu. 1.4 below and also the IFTS application for more information).

1.4 If so, is the information available in a raw form separate to the commercialised product?

Yes, the IWM offers a number of mechanisms for the public to access the Material in Museum’s collections for free:

1. The Museum’s Collections Online database is accessible via [www.iwmcollections.org.uk](http://www.iwmcollections.org.uk). The Museum is in the process of developing a new version of this database, due to launch in September 2011, which will increase accessibility, provide access to newly digitized records, provide access to streamed film and sound, and provide the option of free image downloads. The new service will provide access to around 700,000 records from the Museum’s collections.

2. The Explore History Centre at Imperial War Museum London offers the public a place to find out more about the IWM collection; search our databases; browse our library, newspapers and digital resources; view art, photographs and film; listen to original sound recordings; and ask questions about our collection to knowledgeable staff.

3. It is also possible to make an appointment to consult specialist staff or to use our research rooms which offer access to our collections of private papers, books and catalogue resources, including digitised sound, film, photos and art.

Full details about different ways to access the collections are available online: [http://collections.iwm.org.uk/server/show/nav.24490](http://collections.iwm.org.uk/server/show/nav.24490)  |  [http://collections.iwm.org.uk/server/show/ConWebDoc.6850](http://collections.iwm.org.uk/server/show/ConWebDoc.6850)

2 Funding / costs of production

2.1 Is the information directly funded by the taxpayer, either through its being collected for purposes of government or produced with the objective of informing the public?

Some of the Crown copyright material in the IWM collections may have been funded by the taxpayer at time of production. However the Museum’s role is to act as a custodian of this material, not as a producer.
As an NDPB, the IWM itself receives partial public funding and relies heavily upon earned income. This funding enables the Museum to continue its programme of preserving, researching and displaying the information in its collections, on behalf of the nation.

2.2 Is the information produced under a statutory duty or by command of Parliament? If so, are there any provisions for access or re-use charges in legislation?

The IWM is an NDPB and in accordance with the terms of the Imperial War Museum Act of 1920, materials given or bequeathed to the IWM are vested in the Trustees of the Imperial War Museum. The IWM’s role is therefore as a custodian of the Crown copyright information in its collections, not as a producer of this information.

The IWM’s vision, as set out in the organisation’s Corporate Plan, is to “enrich people’s understanding of the causes, course and consequences of war”. This vision is delivered through the Museum’s collections and programmes.

The IWM’s approach to its collections is that:
- They are the building blocks for the delivery of our remit
- They need to be accessible and understood in their depth, range and complexity
- They need to be valued and cared for appropriately.

2.3 Is the information made available at a low cost for dissemination, for example, an online supply in a digital format?

Yes, information is made available online via the IWM’s collections online facility ([http://www.iwmcollections.org.uk/](http://www.iwmcollections.org.uk/)). From September 2011, it will be possible to stream non-broadcast quality film and audio files from the online collections for free and also to download low-resolution copies of images for free under an IWM open licence which is based on the OGL and developed in partnership with TNA.

2.4 Would charging for re-use above marginal cost fund the production and availability of the information?

Yes. Revenue generated by the fees charged for the supply and licensing of film and sound files and high-resolution copies of images helps to directly fund the cataloguing, curation, storage, preservation, digitization and dissemination of this information.

The IWM is a not-for-profit organisation and a registered charity under the Charities Act 1993. As an NDPB, the IWM receives some funding from government, but is responsible for self-generating other forms of income, in order to preserve its collections for the nation, to facilitate learning and research and to sustain its series of ambitious public programmes. In 2011-12, the IWM self-generated approximately 53% of its income.

2.5 Is the Department or Agency currently adding value to the information? If so:
- would this activity be maintained if charges for re-use were not allowed?
- could this activity be carried out by others?
The Imperial War Museum adds value to the Crown copyright material in its care through its programmes of collections management and public access which include, but are not limited to:

- Cataloguing and storing the material, in such a way that allows the cross-referencing of material with related items from the wider collection
- Adding to the material in the form of contextual metadata
- Digitizing the material where required, and ensuring that the digital formats used are updated to keep pace with technological changes
- Researching the material and adding information about its historical context, significance etc.
- Presenting information, which is often sensitive in its nature, to the public in such a way as to encourage both discussion of, and engagement with, the subject matter.

Revenue generated by the fees charged for the supply and licensing of film and sound files and high-resolution copies of images helps to directly fund this activity.

The IWM is recognized as the world’s leading authority on conflict and its impact, focusing on Britain, its former Empire and the Commonwealth, from the First World War to the present. The Museum’s curators and collections management teams are specialists in their fields, and their expertise is highly sought-after. It would therefore be extremely difficult for the value-adding activities carried out by the Museum to be carried out by others.

### 3 Availability from other sources

<table>
<thead>
<tr>
<th>3.1</th>
<th>Is the Department or Agency the sole producer of the information or can the information be obtained from other sources? If the Department or Agency is the sole producer, please explain the circumstances of this position.</th>
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<tbody>
<tr>
<td></td>
<td>The IWM is not the producer of the information, it is only the custodian (see above), therefore this may vary depending on the source of the information.</td>
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<tr>
<th>3.2</th>
<th>Does the information derive special status and authority because it has been issued by government?</th>
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<tr>
<td></td>
<td>The status of its being issued by government is not felt to give the information special status or authority.</td>
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<tr>
<td></td>
<td>The Museum does not give Crown copyright material special status within its collections: it is treated in the same way as other material through its cataloguing, storage and public access.</td>
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</table>

### 4 Market conditions

<table>
<thead>
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<th>4.1</th>
<th>Is the information, or a commercial product derived from it, available in competition with other similar information products in the market place?</th>
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</table>
The supply of images from the IWM collections is in competition with both international commercial picture libraries, which act as aggregators of content (e.g. Getty Images, Corbis and Bridgeman Art Libraries) plus the picture libraries of other national museums:

- Science and Society (http://www.scienceandsociety.co.uk)
- National Maritime Museum Picture Library (www.nmmimages.com)
- British Museum Images (bmimages.com)
- V&A Images (www.vandaimages.com)
- Natural History Museum Picture Library (piclib.nhm.ac.uk)
- National Gallery Picture Library (www.nationalgalleryimages.co.uk)

The IWM Film Archive is one of 86 footage companies operating in the UK. Companies operating in this market can be broadly split into three main types:

a. Large commercial aggregators of content (e.g. AP archive, BBC motion, Clip canvas, Footage.net, Getty, ITN source, Thought Equity Motion)
b. Independent archives (e.g. British Pathe, BFI, Images of War, Footage Farm)
c. Not-for-profits with film collections (e.g. Imperial War Museum, National Maritime Museum, Wellcome Trust)

4.2 Has the information been, or will the information be, made available in the marketplace by a private sector agent or publisher following a competitive tendering exercise? If so, please give details of the arrangements, including how long the contract has left to run?

- The companies Cambridge Imaging Systems and Cabinet UK both act as facilitators to the IWM in making information products available online, through the film sales website http://film.iwmcollections.org.uk and the IWM Prints website www.iwmprints.org.uk respectively. Neither of these organisations is granted exclusive access to the information which is provided via these websites.

- Our publishing department works with publishing houses on the production of books and other products. As part of our 2014 programme, publishers have been invited to submit ideas for in-association deals as part of a competitive tendering process. The information provided to these companies is offered on a non-exclusive basis.

5 Effects of charging

5.1 What effect in your view would charging for information have on the level of re-use? Please include supporting evidence for your view, such as feedback from stakeholders.

The IWM does not charge for private or non-commercial academic re-use of information.

The IWM has been charging for high-quality prints and high-resolution digital copies of the material in its collections, and for the commercial re-use of this material, since the 1920s. In 2010/11 the Museum issued approximately 650 licenses for commercial use of images, 5 licenses for commercial use of sound and 250 licenses for commercial use of film.

In September 2011, the Museum will launch a model in which low-resolution images, streamed film and audio are made available for free via the IWM website and the
expectation is that this will increase the levels of re-use amongst the general public. Levels of commercial re-use are expected to be unaffected.

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<tr>
<th>5.2</th>
<th>What would be the licensing mechanism for charging for the re-use of this information, and what would be the administrative impact of this mechanism for the Department or Agency and for the re-user?</th>
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</table>

The IWM has dedicated sales and licensing teams who handle the administration of image, film and sound sales and licensing.

Licenses can be arranged by contacting one of our sales and licensing teams, using the contact details available online: [http://collections.iwm.org.uk/server/show/nav.23121](http://collections.iwm.org.uk/server/show/nav.23121)

Usage fees are calculated on a model which considers the following criteria:
- Intended usage of the material
- Duration of licence requested
- Territories of usage required
- Amount of material being licensed for this project

Please see the IFTS application for more information on supply and licensing mechanisms.

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<th>5.3</th>
<th>Will charging for re-use run counter to the spirit or intention of other government objectives?</th>
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As an NDPB, the IWM receives some funding from government, but is responsible for self-generating other forms of income, in order to fulfil its public remit.

The Imperial War Museum is committed to providing public access to the information in its collections. The IWM has demonstrated this commitment through the provision of various different mechanisms for the public to access material from the collections (see answer to question 1.4 above), through its ambitious series of educational and public programmes, and also through continued investment in a digitization programme which aims to increase the amount of collections material available online for free.

Revenue generated by charging for the commercial re-use of collections material helps to support these programmes, therefore it is not felt to run counter to the spirit or intention of other government objectives.

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<th>5.4</th>
<th>What are the resource costs to the Department or Agency of charging for the reuse of the information in terms of licensing activity, legal support and credit control?</th>
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</table>

The IWM currently employs 8 members of staff to support the commercial sale and licensing of IWM collections. This has a projected annual cost to the Museum of £268K in 2011/12.

Revenue predictions for the sale and licensing of material in the IWM collections over the same period are £668K.
Please note that these figures are for the entire IWM collection. Crown copyright material in the Museum’s archives for film, images and sound represents between 3% (sound archive) and 20% (film archive) of all content held.

### 6 Business tests

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<tr>
<td><strong>6.1</strong></td>
<td><strong>Is the Department or Agency able to provide a statement of commitment to Information Fair Trader principles signed by its Permanent Secretary or Chief Executive?</strong></td>
</tr>
<tr>
<td></td>
<td>The IWM has recently received IFTS online accreditation from TNA and is in the process of producing a signed statement of commitment to Information Fair Trader principles.</td>
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<tr>
<td><strong>6.2</strong></td>
<td>What is the relationship between the development costs and licensing fees? Is the return on investment reasonable and compliant with HM Treasury standards?</td>
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</table>
|   | The IWM is subject to fixed costs relating to the conservation, cataloguing, storage, digitization and curation of the information in its care. In 2010 – 11 these costs accounted for approximately £7.2 million of the IWM’s annual budget. The IWM sets costs for supply and licensing of the material in its collections based on:
  - Recovery of the costs associated with the supply of the material in the format requested by the customer - for the supply of digital files, prints and copies.
  - Market rates for similar commercial products - for the licensing of information for commercial usage.

In compliance with the Managing Public Money guidelines on charging for information, different charges are calculated on the basis of type of product supplied (e.g. low resolution or high resolution) and the method of supply (e.g. electronic download or file sent by post). Discounts on services apply to certain user types. Please see the IWM’s IFTS application for more information on this charging structure.

The IWM strives to ensure that its collections budgets are focussed upon providing access to as much of its information as possible for free (or at a minimal cost) to the largest possible public audience (e.g. through the provision of free low-resolution digital downloads).