

HOW TO OBTAIN PHOTOGRAPHIC IMAGES OF WORKS OF ART IN THE GOVERNMENT ART COLLECTION

GUIDANCE NOTES

Key to the various forms referred to in the paragraphs below:

- Form PS* *Order Form for Purchase of Black and White Photographs/Colour Photographs/35mm slides for Private Study/Personal Purposes*
Form CH *Charges for Photographic Material and Reproduction*
Form RA *Reproduction Application Form*

1. Except where otherwise stated, all communications connected with the obtaining of photographs, transparencies or 35mm slides of works of art in the Government Art Collection (GAC) should be made in writing and sent to the Government Art Collection, The Department for Culture, Media and Sport, 2/4 Cockspur Street, London SW1Y 5DH.
2. The GAC will not generally permit people to take their own photographs of the works of art in the care of the GAC. However the GAC may make available black and white photographs or colour transparencies from which, in some circumstances, reproductions may be made.
3. The GAC will not normally allow 35mm slides to be reproduced, although the GAC may be prepared to make colour photographs from 35mm slides for the purposes of private study.
4. The procedure for obtaining photographic material is as follows:
 - 4.1 If you **DO NOT** wish to make reproductions from the photographic material to be provided,
 - 4.1.1 Complete the Order Form PS in full and return it to the GAC.

Refer to Form CH for list of charges and, in the case of overseas orders, to paragraph 6.2 below.

Please note very carefully that the Order Form contains conditions and an indemnity. By completing the form you will be bound by these if the GAC accepts your order.
 - 4.1.2 On receipt of the completed form, the GAC will send you an invoice for the appropriate amount. On receipt of the remittance, the photographic material will be despatched to you.
 - 4.1.3 If the form is incorrectly completed or there is an error in the amount remitted or your order cannot otherwise be accepted, the GAC will notify you.
 - 4.2 If you **DO** wish to make reproductions from the photographic material to be provided,
 - 4.2.1 Complete Form RA (Reproduction Application), but not until you have carefully read paragraph 5.1 below, and return the form to the GAC.
 - 4.2.2 On receipt of the completed form, the GAC will send you an invoice for the appropriate amount.

Refer to Form CH for list of charges and also to paragraph 6 below.
 - 4.2.3 If the work of art which is the subject matter of the transparency or photograph is still in copyright, the GAC will normally advise you, although final responsibility for verifying the position rests with the applicant. Should the GAC fail to advise you that the work is still in copyright, you have an obligation to draw this to the attention of the GAC. Before the GAC can issue a reproduction agreement, you will need to produce written evidence that you have the current copyright holder's permission to reproduce the work in the way you intend. (See also paragraph 5.5)

- 4.2.4 If your application is acceptable, and the correct remittance has been received, we will send you a reproduction agreement for signature. A copy of the standard agreement is enclosed for your information. Please only embark on the application process if you are prepared to be bound by its terms.
- 4.2.5 Once you have received this copy, please read the agreement carefully and check that it is correct. If you are still prepared to be bound by it, sign it and return it to us. Only once we have received back this signed version of the document, and signed it on behalf of the Secretary of State will the agreement be made between us. Only then will we be able to despatch the photographs/transparencies to you in accordance with the terms of the agreement.
- 4.2.6 We reserve the right to refuse any application for reproduction where reasonably necessary, including by reason of law or existing third party rights or where reproduction images are not readily available, we will notify you and return any fees paid.
5. Here are some particular points of detail to note on the reproduction agreement and the reproduction application form:
- 5.1 The Reproduction Application Form (Form RA) will become an essential part of the reproduction agreement. You should complete the application form by specifying the purpose for which you wish to make use of the reproduction. It is important that you complete this form fully and accurately. For example, if you want to reproduce the work of art in a book you should specify the edition of the book, the intended title, the name of the publisher, the intended date of publication, the print run, the subject matter of the book, the countries in which the book will be distributed and the languages in which it will be printed.
- 5.2 If the GAC does not have a photograph or transparency of a work in its collection it may be able to have the work specially photographed. There is an additional fee for this service and you will need to advise the GAC if you wish to be provided with a quotation.
- 5.3 If you are applying for transparencies, please note that they must be handled with care, as they are easily damaged by fingerprints and from exposure to light and heat. Transparencies must be returned in the polyester pocket provided and in the condition in which they were received. If they are returned in a damaged condition you will be responsible for the cost of replacement, which could be as much as £200.
- 5.4 The GAC's primary function is to collect and look after works of art for the Government. It is not a commercial organisation and is not able to compensate for any loss, beyond the amount of any consideration paid, which you may suffer if the GAC fails to provide a photograph or transparency to the standard required, or at the time required, or at all.
- 5.5 Whilst the GAC owns the copyright in the photographs/transparencies to be supplied, it does not normally own the copyright in the underlying work of art which is the subject matter of the photograph/transparency. In those cases where a work is still in copyright, then, in order to make reproductions from the photograph/transparency, you will need not only the GAC's permission (which is contained in the Reproduction Agreement) but also the permission of the artist of the original work (or, if different, the artist's successor in title). Paragraph 4.2.3 above explains the procedures involved. (Please note, if you have to pay a fee to the copyright holder for permission to copy the work of art, this will be additional to any fees payable to the GAC.)
- 5.6 In general the GAC would expect to receive a complimentary copy of the publication, or, in the case of TV/video/film, a VHS video tape of the programme.
6. The fees charged are set out in Form CH.
- 6.1 Discount eligibility: Any use by a non-commercial organisation, which includes individuals, educational establishments and other not-for-profit organisations such as charities and social clubs, other than use for a purpose which comprises or includes any profit or revenue raising are entitled to a flat fee which is the equivalent to 50% of the highest priced single image requested.
- 6.2 All fees must be paid in Sterling to the Department for Culture, Media and Sport. In the case of overseas orders, payment must be drawn on a London bank, by International Money Order, Eurocheque or our online debit/credit card payment facility. The applicant is responsible for all bank charges when submitting any remittance.
- 6.3 No money should be remitted to the Department for Culture, Media and Sport before the GAC has raised an invoice.