



MEASURE 24 OF THE PLAN CULTUREL NUMÉRIQUE DU QUÉBEC FEE SCHEDULE AFFECTING COPYRIGHT ROYALTIES IN THE VISUAL ARTS

The Société des musées du Québec (SMQ) has instituted a fee schedule for copyright royalties in the visual arts as part of measure 24 of the Plan culturel numérique du Québec (the Québec government's digital cultural plan). As prescribed by the Ministère de la Culture et des Communications (MCC), this measure is addressed exclusively to recognized museum institutions.

Based on the MCC's desire to improve the socioeconomic conditions of artists, the SMQ, already a delegated authority for measure 24, agreed to attach a fee schedule to the measure. This will facilitate the work of museum institutions in the formulation of their digital projects and will ensure fair copyright payments to artists. A committee composed of representatives from various museum institutions displaying contemporary art was responsible for the formulation of a schedule for types of use, fees, and related conditions.

The Regroupement des artistes en arts visuels du Québec (RAAV) joined the SMQ to continue this work, leading to a consensual version that was approved by both organizations. It was a notable achievement for the two Québec associations following the production, in 2014, of the set of boilerplate contracts that was also produced by the SMQ and RAAV.

The schedule will enable museum institutions wishing to place projects in one of the two sections of [measure 24](#) to have access to a common frame of reference that is fair to both parties. Thus, when projects involve the digital use of copyright-protected works of visual art, managers will be able to calculate the royalties to pay to rights-holders.

The SMQ would like to thank the Minister of Culture and Communications and Minister Responsible for the Protection and Promotion of the French Language, Hélène David, who supported the production of this project.

Instructions and Reminders

- The payment of royalties, when applicable, is an eligibility condition for any project submitted under measure 24.
- The royalties apply to fixed works and moving works.
- The amount of royalties paid must correspond to at least the fees in the present schedule. Artists reserve the right to negotiate upward the minimum royalties proposed in the schedule.
- The resolution for any reproduction distributed on the Internet must be 72 pixels per inch (72 PPI).
- This schedule concerns only non-commercial uses of artworks and thus excludes uses for advertising.
- Any new digitization produced under measure 24 leads to the obligation to deposit data in the Répertoire du patrimoine culturel du Québec (RPCQ).
- The SMQ encourages museum institutions to contribute to the SMQ's Info-Muse database and to CHIN's Artefacts Canada.
- All fees include the deposit of data in the RPCQ, the SMQ's Info-Muse database, and CHIN's Artefacts Canada.
- The present schedule does not apply to artists who have entrusted management of their rights to a collective society such as CARCC or SODRAC.

Use	Rate	Conditions
Database distributed on the Internet	<ul style="list-style-type: none"> → \$15 per work, per year → If more than 10 works by a single artist: \$13 per work, per year 	<ul style="list-style-type: none"> → Digitization of the work is included → Duration: 5 years
Mobile applications and other derivatives involving digitization for the purpose of public communication either inside the museum or for	<ul style="list-style-type: none"> → \$45 per work, per year → If the work is in the foreground: \$90 per work, per year → If more than 50 works by various artists: \$40 per work, per year 	<ul style="list-style-type: none"> → Digitization of the work is included. → Unlimited number of supports → Duration: 5 years
Signposts, interactive installations, media guides, and other derivatives involving digitization for the purpose of public communication inside	<ul style="list-style-type: none"> → \$30 per work, per year → If the work is in the foreground: \$60 per work, per year → If more than 20 works by various artists: \$25 per work, per year 	<ul style="list-style-type: none"> → Digitization of the work is included. → Unlimited number of supports → Duration: 5 years
Museum website	<ul style="list-style-type: none"> → \$45 per work, per year → If the work is in the foreground: \$90 per work, per year → If more than 50 works by various artists: \$40 per work, per year 	<ul style="list-style-type: none"> → Digitization and archiving of the work are included. → Duration: 5 years
Virtual exhibitions, microsites, etc.	<ul style="list-style-type: none"> → \$45 per work, per year → If the work is in the foreground: \$90 per work, per year → If more than 50 works by various artists: \$40 per work, per year 	<ul style="list-style-type: none"> → Digitization of the work is included → Duration: 5 years
Social media (Facebook, Twitter, YouTube, etc.)	<ul style="list-style-type: none"> → \$12 per work, per month, per media outlet 	<ul style="list-style-type: none"> → Digitization of the work is included → Duration: 5 years

Use	Rate	Conditions
E-newsletter	→ \$12 per work, per issue	→ Unlimited number of addressees → Duration: 5 years
Digital publications Catalogue, magazine, book, etc.	<u>Free publication</u> → If downloads are counted: → Reproduction inside: \$35 per work → Reproduction on cover page: \$120 per work → New licence necessary above 1,000 downloads → If downloads are not counted: → Reproduction inside: \$40 per work → Reproduction on cover page: \$160 per work <u>Sold publication</u> → Reproduction inside: \$70 per work → Reproduction on cover page: \$280 → New licence necessary above 1,000 downloads	→ Digitization of the work is included. → No duration limit → Without regard to reproduction format and support chosen
Immersive devices, multimedia games, etc.	→ Negotiated case by case	