

## MASF IMAGE USAGE POLICY REGULATION

### COMMON PROCEDURES

#### 1 - SCOPE OF APPLICATION

1.1 – This Regulation applies to any use of images relating to the building and collection of the MASF, regardless of their format or support. It is referenced to the regulation adopted by the Directorate-General of Cultural Heritage (DGPC) for the monuments and museums under its tutelage.

1.2 - The use of images presupposes prior knowledge of the provisions of this Regulation.

#### 2 - IMAGE REQUESTS

2.1 – Requests for the concession of images, capture of images and footage shall be made at least 15 days in advance.

2.1.1 – Requests for the concession of images from the MASF Imaging Bank shall be addressed to [anaantunes@masf.pt](mailto:anaantunes@masf.pt) briefly identifying the purposes for which they are intended to be used and by filling out and signing the term of responsibility (or printed budget form) made available for this purpose.

2.1.2 – Requests for the capture of images (photography or filming) for strictly non-commercial dissemination purposes shall be addressed to the direction of the MASF via email [secretariado@masf.pt](mailto:secretariado@masf.pt) or [diretor@masf.pt](mailto:diretor@masf.pt) .

2.2 – Applications that do not comply with paragraph 2.1 shall not be considered eligible for approval, unless there is the possibility of analysis and decision in a shorter period.

2.3 – Pursuant to the opinion of the technical team, the MASF reserves the right to not authorise the making or use of images, whenever such use conflicts with the dignity of the MASF, proves to be incompatible with the programming or raises conservation and security issues.

#### 3 - GENERAL LIMITS ON THE USE OF IMAGES

3.1 – Any and all use of images presupposes prior authorization by the MASF in accordance with this Regulation and is restricted **to the specific purpose for which it was requested**.

3.2 – Under no circumstances may copies of the images be made or assigned to third parties.

3.3 – All reproductions must be an accurate copy of the original image.

3.4 – The publication of images in low resolution is not allowed unless they are to be used on a website or multimedia production, and in this case they must have a minimum resolution of 72 dpi.

3.5 — The integration of images provided in any image bank or archive without express permission from MASF is not authorized.

3.6 - Any use of images, other than that provided for in this Regulation, constitutes non-compliance with the framework legislation, namely the Copyright and Related Rights Code, and is subject to civil action by the MASF.

#### **4 - IMAGE CREDITS**

All images must include a reference to the respective credits, and be identified in the caption or technical data sheet, regardless of the medium or physical support of its dissemination:

- a) MASF Archive or Sacred Art Museum of Funchal Archive
- b) Designation of the photographed work and identification of the respective author (when known) and dating;
- c) Year of image capture;
- d) Photographer.

#### **5 - INHERENT COSTS OF USING IMAGES**

5.1 - With the exception of the situations identified in this Regulation (paragraphs 8.3 and 9), any use of images shall be subject to the payment of the respective applicable fees, as per the attached rate schedule.

5.1.1 - The payment of fees relating to photographs shall be made in cash/ATM at the MASF reception or by bank transfer:

IBAN PT50 0018 000353146569020 28  
BIC/SWIFT: TOTAPTPL  
Banco Santander Totta S.A.  
Country Portugal  
Holder: Museu de Arte Sacra do Funchal-MASFUNCHAL  
Taxpayer Number: 591 001 543

5.2 - Payments will be accepted in euro only. All expenses, banking or other, relating to payments shall be borne by the applicant/payer.

5.3 - The payment of the expenses and fees applicable to the use of images and footage shall be made in advance, and this **payment and the respective sending of proof, indispensable for the use of the intended images**, whether it is the concession of archive images or the capture of new images by MASF, or the capture of images using the applicant's own means.

5.4 – Where the use of images involves their capture using the applicant's own means, for purposes other than strict disclosure, any special logistical measures that must be taken for that use may result in additional costs to the applicant.

5.5 — Only the Directorate of the MASF may grant, as an exception, the exemption from the fee(s) referred to in paragraph 5.1.

5.6 – The use of images for merchandising purposes, including the production of postcards, presupposes the application of specific fees to be determined by the Directorate of the MASF, depending on the characteristics and print runs of the corresponding final products.

## **II ARCHIVE PHOTOS**

### **6 - PHOTOGRAPHIC DOCUMENTATION**

6.1 – Using its own or external means, the MASF is the only entity responsible for the photographic register of the cultural goods in its custody, in order to ensure strict compliance with the technical quality criteria and the conditions for the conservation and security of cultural assets.

6.2 – The MASF photographic inventory is an exclusive responsibility of the MASF technical team. Without prejudice to the exceptions provided for in this Regulation, the reproduction, alteration, distribution, marketing or dissemination of that asset is prohibited, except by prior written permission from the MASF.

### **7 – PROPERTY AND COPYRIGHT**

7.1 - Images relating to cultural assets that are part of the MASF collections are protected by copyright and are made available in accordance with applicable law (Law No. 16/2008 of April 1).

7.2 – Where the cultural asset to be photographed – or for which the MASF holds a photographic image – belongs to an individual or is not under the supervision of the MASF, the applicant shall obtain written authorisation from the entity that owns or holds that asset and shall submit it to the MASF, accompanying their request for concession of the image. Assets deposited in the Museum constitute an exception, unless otherwise provided for in the deposit document.

### **8 - PRODUCTION AND IMAGE USE FEES**

8.1 – As referred to in Article 5(2), the authorisation to use images from the MASF Imaging Bank presupposes the advance payment of the applicable fees:

(a) Fixed Costs:

- Production Fee: related to the costs of production/image concession;
- Use Fee: related to the use of images in the context of their publication, enlargement for display, online availability, etc.

b) Variable Costs:

- Costs of shipping the images.

8.2 – The concession of reproduction rights for the use of images is restricted to the first edition of the work. If the print runs of the work to be edited exceed 5000 copies, this must be entered on the image request form and an additional fee shall apply.

8.3 – The use of images taken directly from the MASF or Matriznet website solely for academic and study purposes is permitted.

### **9 - EXEMPTION FROM THE USE FEE**

9.1 - Exemptions from the use fee are granted for:

- a) images intended for work of a strictly academic and scientific nature.

b) images requested by entities of the Diocese of Funchal, Local or Regional, for their own edition or in partnership with other entities, for non-commercial purposes.

c) other situations determined by the Museum's Management because it understands that such use is beneficial/desirable for the Museum and for its dissemination or in which other considerations may be negotiated for the Museum.

9.2 - The exemption from the use fee is dependent on the number of photographic species requested for the same purpose. A Special Use Fee shall be applied, which varies according to the number, according to a case-by-case analysis of applications.

9.3 – The exemption from the use fee does not waive payment of the image production fee, regardless of the support on which it is provided.

#### **10 – OTHER CONDITIONS OF USE OF IMAGES THAT ARE PART OF THE MASF INVENTORY**

10.1 – The images provided shall be used exclusively for the purposes for which they were requested and consequently authorised. Their use other than as requested, unless expressly authorized in advance, shall be sanctioned in accordance with the law.

10.2 – The applicant shall send a copy of the work where the images requested from the MASF were used, regardless of the support used.

#### **11 - DELIVERY TIMES**

11.1 – Images that are part of the MASF image bank will be transferred within a maximum of 5 (five) business days after the respective fees are paid. If the order exceeds 20 images, they will be delivered within a maximum period of 15 (fifteen) days.

11.2 – Images of cultural assets not yet part of the MASF Image Bank shall be ceded up to 180 working days after the respective application is made, unless there is an impossibility motivated by conservation reasons or for a legitimate period of scientific reserve, in particular in the case of archival assets.

### **III FILMING**

#### **12 - SCOPE AND GENERAL CONDITIONS**

12.1 – Filming means the collection of moving images, regardless of their means of capture and the support of the final product, and regardless of the objectives and extent of the use of those images. 12.2 – Filming for dissemination purposes or commercial purposes is prohibited inside the Museum without the prior authorization of the Directorate of the MASF.

12.3 – With the exception of footage to be carried out by the media, requests for filming at the Museum shall include the following information:

- a) Synopsis, Script or the Project Brief;
- b) Technical/scientific heads of the Project;
- c) promoters and funders of the project;
- d) number of members of the film crew and their identification;

- e) listing of the equipment to be used;
- f) schedule (dates and time) proposed for filming;
- g) Means(s) of diffusion foreseen for the final product of the images (television broadcast, publishing, etc.).

12.4 – Filming for dissemination or commercial purposes shall be carried out with the accompaniment of officials designated by the Management, to ensure respect for the appropriate technical conditions for access to museum spaces, content and activities.

12.5 – The Directorate of the MASF reserves the right to not authorise filming where it considers that the dignity of the cultural assets is not respected, or for reasons of security and/or conservation of buildings or collections.

### **13 — FILMING FOR DISSEMINATION PURPOSES**

13.1 – The authorization for the making of films strictly for purposes of dissemination is the responsibility of the Directorate of the MASF, to which the corresponding requests must be submitted. This includes requests for the production of films of an informative nature.

13.2 - Images taken as authorised under the preceding paragraph shall be used exclusively for the purposes for which they were requested and consequently authorised. Use other than that provided for, unless otherwise authorized expressly and unequivocally, shall be sanctioned in accordance with the law.

13.3 - With the exception of the footage to be carried out by the media, the applicant undertakes to:

13.3.1 - refer to the support granted by the MASF, in accordance with the credits referred to in paragraph 4 of this Regulation, in the Generic and/or in the Final Product Data Sheet;

13.3.2 — send at least one copy of the final product to MASF.

### **14 — COMMERCIAL FILMING**

14.1 — Filming for commercial purposes (in particular, fictional, advertising or<sup>1</sup> other genre) and individualised filming of cultural assets,

Whether or not it is part of commercial projects, it depends on the consent of the Directorate of MASF after the respective requests have been made.

14.2 — Authorisation to film for commercial purposes shall depend on the advance payment of the applicable fees:

(a) Fixed Costs: Use fee of museum spaces, monuments, depending on the time required for filming;

b) Variable Costs: Special costs of maintenance and surveillance of spaces, arising from the filming.

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<sup>1</sup> Under terms of Article 3(a)(b) of the Advertising Code, advertising shall be considered as any form of communication made by public or private entities in the context of a commercial, industrial, artisanal or liberal activity, with the direct or indirect purpose of promoting, with a view to its marketing or disposal, goods or services, as well as promoting ideas, principles, initiatives or institutions.

Note: Fee calculated for a technical team composed of six elements. Additional fees will be charged, depending on the size of that team and the type of equipment used.

14.3 — The filming of the buildings and or cultural property referred to in paragraph 14.1. is dependent on the full compliance by the requesting entity with the conditions of security and conservation that are stipulated by the Directorate of the Museum, as well as the presentation by them of an insurance policy against all risks for any damage caused by the film crew, in accordance with the global value to be defined by the Directorate.

14.4 – The assignment of the rights to the images is restricted to the end use for which they were requested, with the MASF having no responsibility for the development of the final product to be broadcast or marketed.

14.5 - Images taken shall be used exclusively for the purposes for which they were requested and consequently authorised. Use other than that provided for, unless otherwise authorized expressly and unequivocally, shall be sanctioned in accordance with the law.

#### **IV TAKING OF PHOTOS FOR PRIVATE USE**

##### **15 - SCOPE AND GENERAL CONDITIONS**

15.1 – Photographic images of general environments are permitted solely for private use – the use of tripod, flash or any other type of artificial light in indoor spaces not being permitted – provided that taking the photographs does not conflict:

15.1.1 — with any provisions to the contrary, as posted in the signage;

15.1.2 — with any indications to the contrary by the receptionists, guards and other museum officials;

15.1.3 - with special security and preventive conservation needs and where there may be a danger to the security of the buildings and movable cultural assets integrated in them;

15.2 – The use of images for purposes other than those considered lawful in the context of private use shall be prohibited.

## Annex I

### PRICE SCHEDULE

Prices subject to VAT at the legal rate in force in the Autonomous Region of Madeira.

Use fees for dissemination in a single country. Use in more than one country entails a 10% increase in the list price.

#### Production fees

##### Images in digital format

High resolution	15 €
Low resolution	5 €

More than 10 images: 20% discount

#### Image use fees

<b>1- Printed books - print run</b>	Up to 5000 copies/digital publications	Between 5 000 and 10 000 copies	More than 10 000 copies
- 1/4 page or less	25.00€	50.00€	75.00€
- 1/2 page	35.00€	60.00€	85.00€
- Full page	50.00€	100.00€	150.00€
- Cover	100.00€	125.00€	200.00€

<b>2- Commercial press- print run</b>	Up to 5000 copies/digital publications	Between 5 000 and 10 000 copies	More than 10 000 copies
- 1/4 page or less	5.00€	8.00€	12.00€
- 1/2 page	8.00€	12.00€	15.00€
- Full page	15.00€	16.00€	20.00€
- Cover	20.00€	22.00€	25.00€

<b>3- CD/DVD</b>	Up to 5000 copies	Between 5 000 and 10 000 copies	More than 10 000 copies
- CD-ROMs, DVD for educational and/or didactic purposes	50.00€	100.00€	150.00€
- Covers and/or printed content	25.00€	50.00€	75.00€

<b>4- Multimedia</b>	Temporary	Permanent
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– Didactic multimedia	75.00€	100.00€
– Commercial multimedia	125.00€	200.00€

<b>5- Online sites</b>	Annual cost
	140.00€

<b>6- Print advertising</b>	Building (National Monument) and Museum Collection
– Exterior/Facades	750.00 €
– Interior	500.00 €

## **7- Footage**

### **Advertising**

– Exterior/Facades	3500.00 €
– Interior	2500.00 €

### **Film and Television**

– Feature films	1000.00€/day
– Short films and television series	500.00€/day
– Others (not scientific, not for dissemination or education)	250.00€/day