

DIRECTIVE NO. 5/2014
of the **DIRECTOR OF THE FRYDERYK CHOPIN INSTITUTE**
of 27 March 2014

Re: Protection of the Name and Image of Fryderyk Chopin

On the basis of art. 17 of the law of 25 October 1991 on the organization and conduct of cultural activity (i.e. Journal of Laws from 2012, item 406 with amendments) and §7 sec. 2 of the Statute of The Fryderyk Chopin Institute, I ordain as follows:

Preamble

Whereas:

- The name of Chopin goes far beyond the personage of Fryderyk Chopin the composer and pianist, and is a symbol of national identity and of the most important elements of Polish culture;
- In accordance with the law of 3 February 2001 on the protection of the legacy of Fryderyk Chopin, as well as the plenipotentiary powers granted to it by the Minister of Culture and National Heritage on 4 October 2001, The Fryderyk Chopin Institute is obligated to protect the legacy of Fryderyk Chopin, including his name and image;
- Making use of the opportunities created by the law, The Fryderyk Chopin Institute has made application for and received patent or trademark rights covering the name of Chopin;
- Discerning a need for the presence of Fryderyk Chopin's name and image in public space, as well as, simultaneously, for the building of positive associations with the person of Fryderyk Chopin and his *œuvre*, and also for highlighting of the connections between Fryderyk Chopin and Poland, The Fryderyk Chopin Institute intends to create an opportunity to exercise the Institute's patent or trademark rights, by granting licenses in this area;
- The aforementioned use of patent or trademark rights should remain in agreement with the purpose of obtaining these rights, and may not bring any discredit upon the legacy of Fryderyk Chopin;

I ordain as follows:

§ 1

Rules and Regulations concerning the protection of the name and image of Fryderyk Chopin, representing Appendix 1 to the present directive, shall be introduced.

§ 2

The Directive shall take effect on the date of signature.

RULES AND REGULATIONS FOR THE PROTECTION OF THE NAME AND IMAGE OF FRYDERYK CHOPIN

§1

Wherever in the present Rules and Regulations, the following expressions are used:

- 1) Institute - this shall be understood to mean The Fryderyk Chopin Institute;
- 2) Chopin designation - this shall be understood to mean the name and/or image of Fryderyk Chopin, and where the Institute holds patents or rights in trademarks constituting the name and/or image of Fryderyk Chopin, these exclusive rights as well;
- 3) Rules and Regulations - this shall be understood to mean the present Rules and Regulations for the Protection of the Name and Image of Fryderyk Chopin;
- 4) Committee - this signifies the Committee for the Protection of the Name and Image of Fryderyk Chopin;
- 5) region - this shall be understood to mean an area the size of a province or country, respectively;
- 6) supraregional scope - this shall be understood to mean the fact of an endeavor's influence or reach exceeding the administrative area corresponding to the size of a province.

§2

1. The Chopin designation shall be used exclusively in a manner that does not bring discredit upon the legacy of Fryderyk Chopin.
2. The aim of the Institute's activities shall be to engender a situation in which the Chopin designation is associated only with endeavors of superlative quality, in particular with superlative-quality endeavors in the broadly-conceived sphere of culture.
3. The Institute considers the connection of the Chopin designation with at least one of the following areas to be in agreement with the established aim:
 - 1) Art music of national character;
 - 2) Polish national and folk culture;
 - 3) Patriotic symbolism;
 - 4) European high culture;
 - 5) Piano playing and artistic mastery;
 - 6) The enhancement of Poland's worldwide reputation via art, including functional art;
 - 7) High ethical value and/or artistic quality;
 - 8) Mastery or superlative quality in a particular area.

§3

1. Use of the Chopin designation in the area in which it represents a trademark registered or pending on behalf of the Institute shall require the obtaining of a license from the Institute.
2. Any person may apply for a license from the Institute to use the Chopin designation mentioned in sec. 1 of the present paragraph, or for the Institute's consent to the use of the Chopin designation in the areas described in §2 sec. 3, according to the rules described in §4.
3. License fees obtained by the Institute shall be allocated for the coverage of costs of protecting the Chopin designation, as well as for the purpose of promoting the person, name, image and *œuvre* of Fryderyk Chopin.

§4

1. The application for license or consent shall fulfill at least one of the following conditions, and shall concern:
 - 1) An endeavor of academic or didactic character directly connected with the life, *œuvre* or legacy of Fryderyk Chopin;
 - 2) The naming of Fryderyk Chopin as the patron of musical didactic and concert institutions; in this case, during consideration of the application, account shall be taken of the circumstance of whether too many such institutions in a specific region will lead to the devaluation of such patronage;
 - 3) An artistic endeavor falling into the category of high culture, having reference to the cultural circle of Fryderyk Chopin;
 - 4) An educational and/or tourist endeavor of supraregional significance, alluding to at least one of the areas described in §2 sec. 3;
 - 5) Exclusive products or services alluding to at least one of the areas described in §2 sec. 3.
2. In justified cases, the application may concern an endeavor of a character not mentioned in sec. 1 pts. 1-5 of the present paragraph, on the condition that it alludes to at least one of the areas described in §2 sec. 3, and is distinguished by supraregional scope.

The application to conclude a licensing agreement represents Appendix 1 to the present Rules and Regulations.

3. The license shall be concluded for a period of 5 years, with the possibility of automatic extension if there is no opposition to same on the part of the Institute and the licensee.
4. The licensee shall undertake to fulfill the conditions of the license granted, and consent to periodical analysis and inspection of their realization.

§5

1. Applications for license or consent shall be considered by the Director of the Institute.
2. The Institute shall not receive any fee for consideration of the application.
3. In cases that raise doubts or require consultation, the Director of the Institute may forward the application to the Committee for the Protection of the Name and Image of Fryderyk Chopin for evaluation

4. Should a license application be approved, the Institute shall address an offer to conclude a licensing agreement to the applicant.
5. Should an application for consent be approved, the Institute shall send information concerning same to the applicant. Consent may be rescinded by the Institute in case of infringement of the provisions of the Rules and Regulations or of the conditions upon which consent was granted, by the entity which has acquired said consent.

§6

1. The Committee shall be formed for the purpose of evaluating applications addressed to the Committee by the Director of the Institute.
2. The Committee shall be comprised of 5-7 members appointed and dismissed by the Director of the Institute for the period of a joint 4-year term. The appointees to the Committee shall be independent experts, in particular from the following fields: Law, marketing, cultural studies, management (business) and Chopinology.
3. The Director of the Institute shall be a member and the chairperson of the Committee.
4. Membership in the Committee shall be honorary.
5. The decision as to whether an application or other matter requires evaluation by the Committee shall be made by the Director of the Institute.
6. The Committee shall issue its evaluation by majority vote of present and voting Committee members. The Director shall not take part in voting.
7. A Committee member is obligated to report to the Committee chairperson of the basis for his/her recusal from voting, before the voting takes place, in any case where the vote result could in any way affect his/her situation or the situation of any entity or person with whom s/he is in a legal, personal or social relationship, or otherwise result in a conflict of interest. The Committee chairperson shall make the decision concerning exclusion of a Committee member from voting.
8. In issuing their evaluation, Committee members shall be guided by the principles contained in the Rules and Regulations.
9. The Director of the Institute shall not be bound by the Committee's evaluation.
10. Committee sessions shall take place at Institute headquarters as needed, and be called by the Director of the Institute.
11. Detailed rules for the Committee's operation may be described in Committee Rules and Regulations introduced by the Director of the Institute.