

Rules of Access to Photographs

The terms used in these Rules shall have the following meanings:

- a. **Wawel Royal Castle:** Wawel Royal Castle – State Art Collection, Wawel 5, 31-001 Kraków, entered into the Register of Cultural Institutions kept by the Minister of Culture and National Heritage under no. 21/92, NIP (Tax Identification Number): 675-000-44-59, REGON (National Business Registry Number): 000276009.
- b. **Applicant:** a person or entity submitting an order in the form of an application (natural person, legal entity, organisational unit without legal personality).
- c. **Reuse:** the use of photographs by the Applicant for commercial or non-commercial purposes other than the primary public purpose for which the photograph was taken, according to the rules specified in the Act of 25th February 2016 on the Reuse of Public Sector Information (Journal of Laws 2016, item 352). Reuse does not encompass the provision of access to or transfer of photographs to other entities performing public tasks only for the purpose of fulfilling such tasks. The provision of access to photographs or their transfer between cultural and scientific institutions is also not regarded as Reuse.

I Procedure

1. **Wawel Royal Castle provides access to photographs free of charge for Reuse on the basis of the application form enclosed as Appendix 1 to these Rules.** The Applicant is obliged to fill in all the boxes in the application. The signed application must be sent in paper form to the correspondence address of Wawel Royal Castle: Wawel 5, 31-001 Kraków, or e-mailed as a scan to: zamek@wawelzamek.pl. The application number will be the file list number assigned by the Wawel Royal Castle administrative office.
2. **Wawel Royal Castle provides access to photographs free of charge in the form of digital TIFF or JPG files.** The photographs are transferred in the manner and form set out in the application.
3. In the event that the application does not comply with the formal requirements (required fields are not filled in), Wawel Royal Castle shall send the Applicant a notice asking that the formal deficiencies of the application be remedied and advise the Applicant that failure to remedy such defects within 7 days from receipt of the notice shall result in the application not being considered.
4. The application shall be considered not later than within 14 working days from the date of its receipt. If the application cannot be considered within this time limit, Wawel Royal Castle shall notify, within 14 working days from the date of receipt of the application, the reasons for the delay and the timeframe within which the application shall be considered, which must not be longer than 2 months from the date of submission of that application.
5. Wawel Royal Castle does not provide access to the following files:
 - raw files
 - files in formats other than TIFF or JPG
 - interpolated (magnified – scaled) files
 - masked files (removed from the background)

II General Provisions

1. 1. Wawel Royal Castle may restrict the right to reuse photographs in cases specified in the Act on the Reuse of Public Sector Information, e.g.:

- a. photographs combined with deposit images held by Wawel Royal Castle, if their owners have contractually excluded the possibility of providing access to them or transferring them as a whole or to a specific extent;
 - b. photographs for which the copyright and related rights within the meaning of the Act of 4th February 1994 on Copyright and Related Rights (Journal of Laws 2006, item 631, as amended) are held by entities other than Wawel Royal Castle;
 - c. photographs held by Wawel Royal Castle, if other than the obliged entities were the primary owner of the economic rights or related rights and the validity of these rights has not expired.
2. The conditions for reuse of photographs are set out separately for each application. Wawel Royal Castle may specify other conditions of Reuse restricting the use of photographs:
 - a. in commercial activity or in specific fields of use, if they are part of martyrological collections or contain the emblem, colours and national anthem of the Republic of Poland, as well as coats of arms, replicas of orders, distinctions or honorary badges, military badges or signs or other distinctions;
 - b. for non-commercial activity, if they are connected with objects covered by third party claims or not owned by Wawel Royal Castle.
 3. Wawel Royal Castle may refuse to provide access to photographs for Reuse if their taking, preparation or transfer in a manner consistent with the application makes it necessary to take disproportionate actions exceeding the scope of simple activities.
 4. The Applicant does not have the right to use photographs made available by Wawel Royal Castle other than as specified in the application and must not cede this right to third parties free of charge or in return for payment.
 5. When disseminating a photograph made available for Reuse, the Applicant is obliged to:
 - a. provide information about the source from which the photograph was obtained (Wawel Royal Castle);
 - b. provide information about the authors of the photograph in accordance with the information given by Wawel Royal Castle.

III Pricelist and Fees

1. Photographs are made available free of charge, subject to pts 2 and 3 of this Chapter.
2. Wawel Royal Castle may impose a fee for Reuse if the preparation or transfer of a photograph in the manner or form set out in the application involves additional costs to be borne. The amount of the fee shall include the costs of the preparation and transfer of the photographs in a specific manner and form and other factors that shall be taken into account in the consideration of non-standard applications for Reuse that may affect, in particular, the cost or time of the preparation or transfer of the photograph. The total amount of the fee shall not exceed the total costs incurred directly for the purpose of preparing and transferring the photographs.
3. Photographs for other than non-commercial purposes with a research, scientific or educational function are made available in return for payment according to the pricelist comprising Appendix 2 to these Rules.
4. When providing access to photographs in return for payment, Wawel Royal Castle shall issue a pro forma invoice to the Applicant. Once the fee has been received in the account of Wawel Royal Castle, the photographs and invoices shall be sent to the Applicant.

IV Final provisions

1. If the application refers to photographs not held by Wawel Royal Castle, the Castle may offer to take such photographs for the Applicant in return for payment.
2. The costs of taking a new photograph shall include:
 - preparation of the object to be photographed (e.g. transport, unframing, conservation measures)
 - the taking and processing of a digital photograph
 - the potential determination of rights to deposit images and copyright
 - potential costs of shipping and data carriers
 - extra costs in cases of other than non-commercial use

Image Request Form

I. IMAGE PROVIDER

Wawel Royal Castle – State Art Collection, Wawel 5, 31-001 Kraków, Poland

II. CONTACT INFORMATION

Full name / organization, Tax Identification Number:

Postal and e-mail addresses:

Telephone number (optional):

III. IMAGE DETAILS

Please enter the details of the image(s) requested including, for images of artworks in the collection: inventory number, artist or maker, and title.

IV. DO YOU ALREADY HAVE THE IMAGE IN QUESTION?

Yes please specify image source
e.g. Wawel Royal Castle or website address

No

V. CEL WYKORZYSTANIA FOTOGRAFII

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Please describe the purpose for which the image will be used. If the requested image is for publication, please provide: author's name, title of book or article and journal, print run.

VI. FORM OF IMAGE PREPARATION AND METHOD OF DELIVERY

VI.A. Form of preparation

digital (CD/DVD) electronic – in an ICT system

VI.B. Method of delivery

postal delivery on-site pick-up via a File Transfer Service, using the e-mail address provided

I have read and agree to the Rules of Access to Photographs which can be found on the Wawel Royal Castle website:

<https://wawel.krakow.pl/en/rules-of-access-to-photographs>

I have read the General information clause on personal data protection: <https://wawel.krakow.pl/en/gdpr>

Place and date of the application

place

date

Signature of the applicant/representative

Table of fees for commercial purposes

Fees are waived for non-commercial research, academic, or educational use, new photography excepted.

Service	Base fee (PLN)		
	exclusive of VAT	VAT	inclusive of VAT
Image delivered via an ICT system for commercial use	121.14	27.86	149.00
Image delivered on a digital medium for commercial use	168.29	38.71	207.00
<i>Fees for re-use of images may be reduced by 50% of the base fee. However, a new Image Request Form must be submitted.</i>			
New digital photography	146.34	33.66	180.00
<i>Where applicable, the Wawel Royal Castle may impose additional charges based on the costs incurred.</i>			