

PT06 ITEM 42

From: Emma Oldham
Sent: 20 July 2009 17:17
To: Rye Town Council
Cc: Graham Burgess
Subject: RE: Signage in Rye

Hi Richard

I would envisage the funding for any additional finger posts to be paid for by RDC. However it would be useful to have the TC's input to help with the arrangement and installation if you have the company's details you have previously used.

I would be grateful if you could take this matter to the Planning and Townscape Committee on the 3rd August and ask for a decision to be made so that we can get the necessary arrangements made as close to the beginning of August as possible.

Kind regards

Emma
Ext 7838

From: Rye Town Council [mailto:ryetowncouncil@btconnect.com]
Sent: 20 July 2009 16:40
To: Emma Oldham
Cc: Graham Burgess
Subject: Re: Signage in Rye

Hello Emma

I was waiting for David Edwards' view on the legal status of the 'i' before running the requests past the Council. I need also to assess the capacity of each finger post.
As street furniture, the fingerposts fall under the remit of the Planning & Townscape Committee and I anticipate that it will consider the matter on 3 August.

Prior to then it would be helpful to know if TSE/RDC would arrange, fund and install the additional/replacement fingers.

For the avoidance of doubt: for the time being, the Town Council is not prepared to authorise RDC to paint over - or otherwise remove - the 'i' symbol displayed currently on its finger posts.

Best wishes

Richard

----- Original Message -----

From: Emma Oldham
To: Richard Farhall ; townhall@ryetowncouncil.gov.uk ; richardfarhall@tiscali.co.uk
Cc: Graham Burgess
Sent: Monday, July 20, 2009 3:56 PM
Subject: FW: Signage in Rye

Dear Richard,

I wondered if you had had time to consider my request for additional finger posts in Rye to signpost the new TIC and the removal of the 'i' on the existing finger posts?

As you can appreciate this matter is now becoming increasingly important as with the limited time available

I look forward to hearing from you

Kind regards

Emma
Ext 7838

From: Emma Oldham
Sent: 09 July 2009 18:20
To: 'Richard Farhall'
Cc: Graham Burgess; Julie Willard
Subject: Signage in Rye

Hi Richard,

I have been through and reviewed all of the signage within Rye that features the tourist information centre and the official 'i' sign in preparation for the opening of the new TIC in Lion Street on the 7th August.

In addition to the requirements set out in the letter from David Edwards dated 3rd July 2009 with regards to the use of tourist information centre branding within and around the Heritage Centre, I now need to discuss the issue of signage with you; in particular the finger posts situated in the town that I understand are now owned by the Town Council. All of the existing finger posts that have the 'i' symbol featured next to the wording 'Heritage Centre & Town Model' will by the close of play on the 6th August 2009 need to have the 'i' symbol removed from these posts.

I would suggest that as a temporary solution these could be painted over in black. If you are unable to undertake the work before the 6th August please let me know and if you are happy to allow it I will liaise with RDC contractors to undertake the work on your behalf.

Also I would like to discuss with you the erection of additional finger posts for the tourist information centre with the text - 'tourist information 'i'' - at the following locations:-

- 1) Top of Station Approach on Cinque Ports Street
- 2) Top of Conduit Hill leading onto the High Street
- 3) Hilders Cliff – on the right hand side leading down to the Landgate
- 4) Junction of Wish Street and Ferry Road
- 5) Corner of Church Square near the toilets
- 6) Bottom of Mermaid Street/the Strand on the corner opposite red telephone box
- 7) Watchbell Street / Traders passage – near the bench by Hope Anchor Hotel

From our previous discussions I understand that you have other parties interested in erecting finger posts for their own businesses but hope that you support our view that it is of fundamental importance in terms of visitor management that the Networked Tourist Information Centre is well signed throughout the town.

I look forward to hearing from you
Kind regards

Emma

Emma Oldham
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TOWN CLERK BRIEFING NOTE

42 TIC SIGNAGE

RDC has recently asked RTC to:

- a) remove the 'I' symbol from signage
- b) allow it to add an additional finger, signposting the new TIC, to each of the seven black & gold finger posts owned by the Town Council

In relation to a) it has been established that the 'i' symbol is not copyrighted and can be used freely in various colours (whether italicized or not). It is therefore proposed to continue to use the symbol in connection with the Heritage Centre because, after the loss of the TIC function, it will continue to provide visitor information.

b) Black & Gold Finger Posts

(Excluding the wall-mounted finger on Flushing House – 'Ypres Tower & Museum') there are seven posts. It appears that originally each had a maximum of 5 single (s) fingers (typically a combination of 3 singles and one double (d)).

The existing fingers are as follows:

Landgate	Railway and bus stations (s) St Mary's Church (s) Heritage Centre & Town Model 'I' (d) Ypres Tower & Museum (s)
Conduit Hill	Rye Art Galley (s) Heritage Centre & Town Model 'I' (d) Ypres Tower & Museum (s) Railway and bus stations (s) Community Centre (s)
Methodist Church	Gungarden [& toilets] (s) Heritage Centre & Town Model 'I' (d) Landgate (s) Lamb House (s)
Watchbell Street	St Mary's Church (s) Heritage Centre & Town Model 'I' (d) Lamb House (s) Ypres Tower & Museum (s)
Old Borough Arms	St Mary's Church & Lamb House (d) Heritage Centre & Town Model 'I' (d) Landgate (s)
Crown Inn	Heritage Centre & Town Model 'I' (d) <i>Missing (believed to have included The Landgate) (d)</i>

Cinque Ports Hotel Ypres Tower & cobbled streets **(d)**
Heritage Centre & Town Model 'I' **(d)**
Landgate [& toilets] **(s)**

A visual assessment of the posts suggests that their capacity is the equivalent of 5 single fingers; however, the Community Centre has managed recently to add a single finger to the Conduit Hill post – making it the sixth on the column.

The only work the Town Council has commissioned since accepting responsibility for the posts from ESCC has been asking Colas to rebolt/stabilise the base of two.

27.7.09

PTOG ITEM 42

Rye Town Council

From: "David Edwards" <David.Edwards@rother.gov.uk>
To: "Rye Town Council" <townhall@ryetowncouncil.gov.uk>
Cc: "Peter Cosstick" <peterrcosstick@btinternet.com>; "Emma Oldham" <Emma.Oldham@rother.gov.uk>
Sent: 20 July 2009 15:25
Subject: RE: Management Services for Rye TIC

Dear Richard,

Please accept my apologies for not responding to you earlier. As I understand it, the "i" sign is an internationally recognised symbol for the availability of information which is not protected by copyright. That is not, however, the case with certain other signage and logos, for instance the "red rose" sign. These signs are copyright and if the Town Council continued to display them it would be vulnerable without more to legal action for breach of the copyright in those signs, in order to secure that the unauthorised use ceased, and damages were paid.

The law also recognises a civil wrong of "passing off" which may lead to a claim for damages and/or an injunction to restrain further breach. If the Town Council were to "pass off" its own information facility as the "official" site, legal action could be taken. Whether or not the Town Council was behaving in such a manner would essentially be a question of fact, and the use of the "i" symbol might be a component of the passing off, even though it was not in itself a breach of copyright. At the end of the day, much would depend upon the basis upon which the Town Council was continuing to provide an information service under the "i" sign, and the representations that were being made about it. If visitors to Rye were being directed away from the official TIC, and thereby being caused inconvenience and having their visits spoilt, this Council might come under pressure to intervene.

Either form of legal proceedings would result in substantial legal costs being payable.

I am sorry if the foregoing comes across as somewhat threatening; that really wasn't my intention. Please accept that you asked a legal question, which I have researched, and I am providing an answer to your question in the terms in which it was asked. You haven't indicated whether the Town Council even intends to continue to provide an information service to the public, but if it did I would hope that mutually acceptable understandings could be reached before the matter was referred to me to resolve.

Regards,

David.

David Edwards

Solicitor to the Council, Rother D.C.

Town Hall, Bexhill TN39 3JX Tel: 01424-787840

www.rother.gov.uk



From: Rye Town Council [mailto:ryetowncouncil@btconnect.com]
Sent: 13 July 2009 16:55
To: David Edwards

20/07/2009

Cc: Peter Cosstick; Emma Oldham
Subject: Management Services for Rye TIC

Dear David

Thank you for your letter of 3 July 2009. We have noted that the final day of the extended interim Rye TIC Agreement between RDC and RTC is close of business on 6 August.

I confirm that we are happy to remove Official Partner branding and will commence this w/c 3 August.

In relation to the removal of the 'i' symbol from signage and other materials by 6 August I should be grateful if you could explain the legal basis of this instruction.

Yours sincerely

Richard Farhall
Rye Town Clerk

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