

What Business Managers Need to Know

Guidelines for Contracting with Creative Services Vendors

Andrea Martin, MA, Assistant Dean, Digital & Brand Communications

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Vendor Guidelines, Creative Services

When contracting with a vendor for creative services (such as writing, photography, videography, web development, graphic design, etc.), Duke University School of Medicine Office of Strategic Communications strongly recommends the following guidelines be followed.

These guidelines are provided in partnership with Duke's Procurement Office, and are intended to protect your unit and the creative assets that are property of Duke obtained through your vendor.

Vendor Guidelines, Creative Services

A Scope of Work (SOW) document is strongly recommended for every project.

Why? The SOW is an agreement of the work to be completed. SOW includes project details, deadlines, a cost estimate, payment schedule, etc. [Sample SOW](#)

Vendor Guidelines, Creative Services

An Outside Services Agreement (OSA) is strongly recommended for every project.

Why? Duke's OSA contains language stating that Duke owns the rights to the materials created by the vendor.

SECTION 31: OWNERSHIP

Subject to Section 32 below, ownership and other proprietary rights for materials produced by or for Contractor pursuant to this Purchase Order/Agreement shall vest in Duke. "Material" means title to all inventions, discoveries, improvements, works of authorship, writings, formulas, processes, compositions of matter, data and related documentation, computer programs, code databases, mask works, trade secrets, designs, notes, drawings, marketing plans, product plans, business strategies, financial information, forecasts, copyrights, patent rights, pictorial reproductions, graphic representations, software developments, specifications, calculations, tables, reports and documents. Contractor agrees, upon Duke's request at any time, to execute assignments and other documents and to cooperate with Duke to validate, preserve and enforce such ownership by Duke.

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A Purchase Order (PO) is strongly recommended for every project.

Why? A PO adds an extra layer of legal protection for Duke's rights to the assets and enforces the OSA and SOW. The PO states that Duke will not pay more than the quoted amount unless the PO is amended.

Vendor Guidelines, Creative Services

**These recommendations are regardless of cost.
It's the ownership rights that are critical to our work.
(And it protects your financial investment.)**

Without ownership vesting in Duke:

- The vendor owns the copyright for the materials they created.
- The vendor can charge additional licensing fees.
- The vendor can use the materials created for their own gain.
- The vendor can withhold materials created.
- The vendor can shop the materials created to another group at Duke.

Vendor Guidelines, Creative Services

medschool.duke.edu/communications-resources

- Newsroom
- Communications Resources**
- For News and Press Releases
- School of Medicine Communicators Network
- Branding & Identity Guide >
- School of Medicine Style & Usage Guide
- Website Development >
- Contact Us

Communications Resources

Guidelines and Policies

- + Accessibility Guidelines (ADA Compliance)
- + Authorization to Use and/or Disclose Protected Health Information (HIPAA Form)
- + Branding Guidelines - Logos
- + Creative Services Vendor Guidelines
- + Death Notice Policy

Vendor Guidelines, Creative Services

Office of Strategic Communications Contacts

Andrea Martin, Assistant Dean, Digital & Brand Communications
andrea.s.martin@duke.edu

Eamon Queeney, Assistant Director, Multimedia & Creative
eamon.queeney@duke.edu

Ann Davis, Strategic Communications Project Manager
ann.davis@duke.edu