Art Museum Images in Scholarly Publishing

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C O N N E X I O N S

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Chapter 1

Executive Summary[1]

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During the past twenty years, technology has dramatically changed the way museums document and manage information about their collections internally, and provide access to object information and images externally. Art museum photography studios that have gone completely digital report significant increases in productivity. High-end digital photography now produces images of comparable or better quality than does analog photography. Improved color management routines are beginning to ensure that digital images can faithfully reproduce the original art object in print. The expansion of art history graduate programs and incorporation of art images into interdisciplinary studies have increased readership for scholarly publications that include images of art and architecture.

Yet scholars and publishers perceive a mounting crisis in art book publishing. Christopher Lyon, Executive Director of Prestel Publishing, explains:

> *Government figures for hardcover sales of illustrated books indicate that serious illustration-driven art books...amount to no more than one to two percent of annual U.S. trade book sales. Anecdotal evidence suggests that this small segment of the market is dead in the water.... This gloomy situation is ironic because we are living in what ought to be a golden age for the production and consumption of art books. Never has the potential quality of art printing been higher than it is today.... Unfortunately, as technical possibilities proliferate so too do permission regulations and fees.... Among the changes negatively affecting art book production since the 1980s, the most significant appear to be the sharp rise in picture costs and increasing restrictions on reproduction rights.*[2]

This paper explores some of the reasons art museums cite for charging licensing fees for scholarly publications and examines the validity of the following arguments:

- **Loss of income**: Museums face diminishing revenue and rising costs. Licensing images is viewed by many museums as one way to generate much-needed income. Research indicates, however, that many museums cite gross rather than net revenue, lacking the detailed analysis of the operational and staff costs of service provision.

- **Costs of collections information management and digital imaging**: Planning, implanting, and maintaining the technical infrastructure to create, deliver, and store digital images and manage

[1] This content is available online at <http://cnx.org/content/m27794/1.2/>.
[2] Christopher Lyon, "The Art Book's Last Stand?" *Art in America* (September 2006), 48-51.

collections online is a costly, ongoing expense. Some museums seek to underwrite a portion of these technology costs through rights and licensing income. Experience shows, however, that the investment in technology supports collaboration across the museum and results in better collections care and handling. Museums also find that providing access to images of their collections online aids educational outreach. Thus, automated collections management systems and digital imaging initiatives provide mission-critical benefits that many museums feel justify the investment in technology.

- **Concern about the security of high-resolution files:** Rights and licensing staff have traditionally served as gatekeepers of museum images, trying to ensure that images of the collection are reproduced with a high degree of fidelity to the original object and include proper descriptive and credit-line information. Today, people easily obtain images by using their digital cameras while visiting the museum, by scanning images from books, and by downloading images from the web. Recognizing that these unauthorized images poorly represent their collections, some museums now make higher-resolution images available to the public for educational use and scholarly publishing.

- **Copyright and public domain:** Museums often claim copyright over the photographic copies of art objects that are in the public domain. The basis of this assertion is that photographing an art object is in itself a creative act and justifies the charge of permission fees. However, some legal opinion, supported by recent case law, suggests that, when the aim of the photographic surrogate is to accurately document the underlying work of art, the resulting photograph lacks sufficient originality to qualify for protection under U.S. copyright law.[3]

The paper also presents case studies of three museums that have begun to make high-resolution, fee-free images available for scholarly publication. The Metropolitan Museum of Art, Victoria & Albert Museum, and Smithsonian Institution all had high-level administrative support for sharing images on the web and making high-resolution images available for scholarly publishing.[4] They each determined that supporting scholarly publishing was a mission-driven imperative that outweighed the questionable proposition of net income generation through licensing; however, each museum has taken a different route to delivering images:

- **The Metropolitan Museum of Art** partnered with ARTstor, a nonprofit digital library serving an educational community that launched Images for Academic Publishing in 2007.

- **The Victoria & Albert Museum** expanded the museum's website and began delivering high-resolution images for scholarly publishing in 2007.

- **The Smithsonian Institution** began an experiment in June 2008 with the commercial photo-sharing site Flickr in its public collections area called The Commons.

Ultimately, the goal of this paper is to generate discussion within and among museums and explore the elimination of image fees for scholarly publication of works in their collection.

[3] *Meshwerks, Inc. v. Toyota Motor Sales U.S.A., Inc.*, No. 06-4222 (10th Cir., June 17, 2008), available at http://www.ca10.uscourts.gov/opinions/06/06-4222.pdf (<http://www.ca10.uscourts.gov/opinions/06/06-4222.pdf>). *Bridgeman Art Library, Ltd. v. Corel Corp.*, 36 F. Supp.2d 191 (S.D.N.Y. 1999), available at http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm (<http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm>); see also *Bridgeman Art Library, Ltd. v. Corel Corp.*, 25 F. Supp.2d 421 (S.D.N.Y. 1998), available at http://www.law.harvard.edu/faculty/martin/art_law/bridgeman1.pdf (<http://www.law.harvard.edu/faculty/martin/art_law/bridgeman1.pdf>).

[4] The British Museum has also launched a free image service. Information is available at http://www.britishmuseum.org/about_this_site/terms_of_use/free_image_service.aspx (<http://www.britishmuseum.org/about_this_site/terms_of_use/free_image_service.aspx>).

Chapter 2

Introduction[1]

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Over the past two decades, digital technology has transformed the creation, management, and distribution of images of museum objects. The transition from catalog cards and analog photography to electronic recordkeeping and digital images has offered dramatic opportunities for museums to improve collection care and documentation and to support greater staff collaboration. Museums began embracing technology in the dissemination of information about their collections by mounting collections information and educational modules on their websites in the mid-1990s. Today, virtual visitors enjoy unprecedented access to images of the most prized art objects in galleries as well as the hidden treasures in storage that are infrequently displayed, studied, or published. Digital technology has begun to change the world of art publishing by lowering the cost of new photography.[2] Expensive proofing exchanges between museums and printers can be reduced when working in a quality, color-managed digital publishing environment.[3] Yet there is a downward trend

[1] This content is available online at <http://cnx.org/content/m27796/1.2/>.

[2] Barbara Bridgers, Metropolitan Museum General Manager for Imaging and Photography, writes, "There have been tremendous savings realized with digital photography since we no longer purchase film and pay for processing.... A hidden cost savings in publication photography is the photographer's labor. Digital photography is far more expedient than analog photography was, and we almost always finish photography well ahead of Editorial's deadlines. It probably takes us a third of the time to photograph a full color catalog from start to finish than it would have in the days when we shot film." Email message to the author, October 30, 2008.

[3] In 2005, co-investigators Roy S. Berns and Franziska S. Frey published research, supported by a grant from The Andrew W. Mellon Foundation, on the direct digital capture practices of American museums. Among the key findings, the authors reported that:

- museum imaging was output-driven (e.g., printed publications);
- digital workflows varied widely and were not well documented;
- visual editing still prevailed, with aesthetics deemed more important than scientific rigor and reproducibility.

See Roy S. Berns and Franziska S. Frey, Principal Investigators, *Direct Digital Capture of Cultural Heritage—Benchmarking American Museum Practices and Defining Future Needs* (Rochester: Rochester Institute of Technology, 2005), 1. Today, some museums have implemented digital workflows that include a scientific calibration procedure for all the imaging components (e.g., lighting, camera settings, color management, file format, and metadata) to conform to a defined set of conditions. David Mathews, previously Digital Imaging Studios Manager, Museum of Fine Arts, Boston, and currently Director of Digital Services, Northeast Document Conservation Center, writes, "it is...possible (...in major museums) that professionally managed color management allows synchronization of color fidelity from original to print medium. It is understood that viewing conditions vary between display and print (ink on paper is reflective, displays are transmissive). Modern digital printing works with profiling numerics mediating between devices producing results typically exceeding expectations. Art reproductions compared to originals produced through electronic publishing are quite accurate if done properly" (October 30, 2008, email to the author). Barbara Bridgers, Metropolitan Museum of Art, reiterates the point. "At the Met, we have a fairly closed color management system in the Studio with which the Production staff in Editorial, and our primary separator...have become familiar. Because we have standardized our capture methods and apply color management consistently, they are able to rely upon our files and get good, dependable results. But this has been an effort that took a few years to get right" (October 30, 2008, email to the

in the number of scholarly art history books published yearly. Some distinguished presses have significantly reduced their art publication programs and others have ceased publishing art monographs entirely.

Museum licensing fees are frequently cited as one—if not *the*—factor in this decline. In standard museum practice, these fees are charged to partially underwrite the expense of new photography, the reproduction of analog film, and the staff overhead associated with processing the order. Additional fees are levied for permission to reproduce the photograph and are calculated according to the intended use and size of the print run.

This report reviews the debate in the scholarly community about the effects on publishing of fees for the use of museum images. It examines the rationale for charging fees, the costs museums incur in creating images, the changing landscape regarding image production and access, and the solutions three museums have found to provide fee-free images for scholarly publication.

author).

Chapter 3

Museum Licensing Fees: Practice and Rationale[1]

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Museums hold their collections in trust for present and future generations, a fiduciary responsibility that helps shape their mission and inform their policies and practices. One such practice involves the licensing of images of objects in the collection. Museums have traditionally maintained that licensing helps ensure accurate and appropriate reproduction of works in their collection. They regularly charge external clients an asset fee, the cost of the physical photograph or digital image; and a licensing fee, the cost associated with permission to license the photograph or digital image for a particular use. The permission fee is based on a claim to the intellectual property rights associated with the photograph or image of the work of art.

3.1 Photographic Asset Fee

In the pre-digital days, there was a tangible expense associated with copying a color transparency or printing a black-and-white negative. Analog films and black-and-white prints were rented to the client, and, if they were returned at all, scratches frequently marred their delicate surfaces. Thus, the rationale for charging clients an asset fee was direct cost recovery for film that was more often than not damaged beyond reuse.

Some museums also seek to be reimbursed for picture research necessary to identify the object(s) that would fill the order, and for handling and shipping the film. Today, however, external clients are frequently able to identify the specific image required by searching a museum's online collections database, thereby obviating the need for picture research by the rights and licensing staff. The high-resolution digital file can easily be copied, thereby eliminating the time and money for printing black-and-white negatives or sending color transparency masters out for duplication. Depending on the number and size of the images, the order can be instantly "delivered" as an email attachment or by posting the digital files to an FTP server. As more existing transparencies are scanned and new photography created by direct digital capture, many of the actual costs of supplying images have thus been eliminated, leaving staff salaries to form the major expenditure in rights and licensing services.[2]

[1] This content is available online at <http://cnx.org/content/m27802/1.3/>.

[2] Simon Tanner, "Reproduction charging models & rights policy for digital images in American art museums. A Mellon Foundation study," King's Digital Consultancy Services, King's College London, 2004), http://www.kdcs.kcl.ac.uk/pubs/USMuseum_SimonTanner.pdf (<http://www.kdcs.kcl.ac.uk/pubs/USMuseum_SimonTanner.pdf>) (accessed October 12, 2008).

3.2 License Fee

The permission fees charged by museums to license images for a particular use are generally based on an implicit or explicit claim of copyright over the photographic reproduction, regardless of whether the underlying work is in the public domain or copyrighted by the artist or artist's estate, and regardless of any claim of originality in the photographic work.[3]

[3]Sometimes, museums have also relied on limited access to works in their collections, and contracts regarding how that access will be provided, as the basis for fees.

Chapter 4

Changing Landscape[1]

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In recent years, there has been increasing debate in the academic and publishing communities about the negative effect of fees—which some believe are excessive—for the use of museum images in scholarly publication. The *Burlington Magazine* devoted an editorial to the topic, stating, "For major museums, charges are supposedly a vital source of income but are also becoming the cause of much ill-will and antagonism. This is because of the often scandalously high costs for permission to reproduce rather than the charge for supplying the image itself."[2] In 2005, the renowned publisher John Nicoll charged that one cause of the crisis in scholarly art publishing is "the rapacious and unwarranted reproduction fees charged by museums corrupted by commerce."[3] Both articles questioned the validity of museums' assertions of intellectual property rights over photographs of works in the public domain—typically the basis for charging licensing fees.

In Hilary Ballon and Mariët Westermann's study, *Art History and Its Publications in the Electronic Age*, the authors "found that the efforts of owners of works of art in the public domain to claim copyright over plainly reproductive images of them is meeting with growing criticism and with legal and practical attempts at remediation."[4] A significant influence in the controversy is the 1999 *Bridgeman Art Library v. Corel Corporation* case in which a U.S. District Court judge ruled that photographic reproduction of two-dimensional works of art that are in the public domain constitutes slavish copying, not copyright infringement.[5] A symposium of legal experts, rights holders, photographers and their representatives, publishers, artists, scholars, and staff from museums and archives was held in April 2008 to explore "both the legal foundation for *Bridgeman*, as well as the implications of assertions of copyright in works in the public domain."[6] Although there was no consensus on whether *Bridgeman* was correctly decided, copyright scholar Rebecca Tushnet notes in her synopsis and review of the proceedings that "image permissions aren't great revenue generators and there is no real prospect that they will become so. Given that, it seems that restrictive licensing is a mistake, unless we decide that a non-copyright owner is for some reason especially entitled to decide what 'bad' uses

[1] This content is available online at <http://cnx.org/content/m27792/1.2/>.

[2] "Editorial: Copyright: fair or foul?" *The Burlington Magazine* 148 (2006): 659.

[3] John Nicoll, "Why art publishing is in crisis," *Apollo* 161, no. 519 (2005): 72.

[4] Hilary Ballon and Mariët Westermann, *Art History and Its Publications in the Electronic Age* (Houston: Rice University Press and Washington D.C.: Council on Library and Information Resources, 2006), http://cnx.org/content/col10376/1.1/ (<http://cnx.org/content/col10376/1.1/>), 34.

[5] The 1999 ruling is available at http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm (<http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm>).

[6] Gretchen Wagner, "Who owns this image? Art, access in the public domain after Bridgeman v. Corel," *Images, the newsletter of the VRA* 5, no.3 (2008), http://vraweb.org/publications/imagestuff/vol5no4.htm (<http://vraweb.org/publications/imagestuff/vol5no4.htm>).

are."[7]

In January 2008, the Max Planck Institute of the History of Science convened an international group of scholars and representatives of leading museums, libraries, visual archives, and publishers to discuss the barriers to publishing cultural heritage objects. The resulting recommendations, published in January 2009, call upon museums to meet the needs of scholars by providing reasonably priced or freely accessible high-resolution images for both print and web-based uses. They also call upon scholars to act responsibly by using correct attributions and obtaining rights to reproduce copyrighted material when necessary.[8]

Perhaps the most eloquent and compelling voice in the discussion comes from within the museum profession itself. In 2005, Kenneth Hamma, the now-retired Executive Director for Digital Policy at the J. Paul Getty Museum in Los Angeles, suggested that the nonprofit status enjoyed by museums binds them to purposes that serve the good of the public—not individuals, not specific classes, but the public at large. Without public policy that is committed to the premise of broad access and long-term preservation, collecting institutions may not enjoy the benefit of nonprofit status.[9] Hamma applied this thinking to the matter of "public domain art in an age of easier mechanical reproducibility":

> *Nearly every art museum today asserts intellectual property rights in reproduction images of public domain works in its collection. It is argued here that placing these visual reproductions in the public domain and clearly removing all questions about their availability for use and reuse would likely cause no harm to the finances or reputation of any collecting institution, and would demonstrably contribute to the public good.... Indeed, restricting access seems all the more inappropriate when measured against a museum's mission—a responsibility to provide public access. Their charitable, financial, and tax-exempt status demands such... .Because museums...are part of the private non-profit sector, [they have an] obligation to treat assets as held in public trust.... To do otherwise undermines the very nature of what such institutions are created to do.*[10]

[7] Rebecca Tushnet, Rebecca Tushnet's 43(B)log, comment posted April 30, 2008, http://tushnet.blogspot.com/ (<http://tushnet.blogspot.com/>).

[8] Max Planck Institute for the History of Science, "Best Practices for Access to Images: Recommendations for Scholarly Use and Publishing," Berlin, January 9, 2009, http://www.mpiwg-berlin.mpg.de/PDF/MPIWGBestPracticesRecommendations.pdf (<http://www.mpiwg-berlin.mpg.de/PDF/MPIWGBestPracticesRecommendations.pdf>).

[9] Kenneth Hamma, "Persistence of Memory" (paper presented at Northeast Document Conservation Center conference, 2005).

[10] Kenneth Hamma, "Public domain art in an age of easier mechanical reproducibility," *D-Lib Magazine* 11, no. 11 (2005), http://www.dlib.org/dlib/november05/hamma/11hamma.html (<http://www.dlib.org/dlib/november05/hamma/11hamma.html>), 2-3.

Chapter 5

Factors in Providing Fee-Free Images for Scholarly Publication[1]

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5.1 Loss of Income

Simon Tanner explored the impact of digital technology on pricing models and policies in a 2004 study that surveyed one hundred American art museums. In spite of lowered production and distribution costs, he found that "most museums interviewed assume their [imaging and rights services'] operating costs will be higher than their revenue."[2]

The study found that few museums have tracked actual costs in the digital age, but many cite the extensive resources and staff involved in creating and delivering images. These include equipment to capture, manage, and store digital images; preparators to move objects; highly trained photographers to shoot and correct the digital files; and rights and licensing staff to service clients. Although most museums have assumed that the cost of creating photography was higher than the revenue derived from image licensing, Tanner found that "there is pressure from senior museum management on all aspects of the museum to make more money."[3] Internal requests for photography, which are often uncharged, account for 50–75 percent of the service activity. This places the burden of cost recovery on external transactions, thus making museums averse to waiving fees for scholarly publication.

5.2 Costs of Collection Information Management and Digital Imaging

In 1997, the Getty Foundation began a six-year electronic cataloging initiative among twenty-one Los Angeles museums. The final report on the project discusses the dramatic improvement in the way the participating museums now document and access collections, reach new and existing audiences, and support teaching and learning.[4] These benefits can be difficult to quantify, but the costs are real. Staff freed from more mun-

[1] This content is available online at <http://cnx.org/content/m27795/1.6/>.

[2] See note 1 (http://www.kdcs.kcl.ac.uk/pubs/USMuseum_SimonTanner.pdf), Museum Licensing Fees: Practice and Rationale. (Chapter 3)

[3] Ibid.

[4] Ann Schneider, "L. A. Art Online: Learning from Getty's Electronic Cataloguing Initiative. A Report from the Getty Foundation, Los Angeles, California," Getty Foundation, 2007, http://www.getty.edu/grants/pdfs/LA_Art_Online_Report.pdf (<http://www.getty.edu/grants/pdfs/LA_Art_Online_Report.pdf>) .

dane clerical tasks can focus on collections research, conservation, and interpretation, and enjoy streamlined workflow museum-wide. However, effective technology use requires initial training and an ongoing commitment to staff development. As staff members acquire higher technical skills, they understandably expect appropriate compensation. Also requiring new expenditures: building secure networks, storage, and backup systems; implementing and maintaining collections databases; acquiring imaging equipment and continuing photographic documentation projects; and improving online collections access through new user interface.[5]

Although startup projects are frequently funded by grants and contributions from private donors, technology requires sustainable funding. In short, no one sells technology in museums by claiming to reduce the overall operating or capital budgets, although it can reduce the cost of tasks that were previously labor-intensive. Digital sustainability is jeopardized if museums fail to understand and integrate ongoing technology costs into the operating budget.

5.3 Concern about the Security of High-Resolution Files

Rights and licensing departments serve the museum's core mission by promoting and publicizing collections through the dissemination of high-quality object photography. Historically they have also functioned as gatekeepers endeavoring to ensure that the museum's object photography is appropriately credited and reproduced with a high fidelity to the original. They also direct their clients to seek permissions from third-party copyright holders. During the early days of digital imaging, museums feared that the distribution of high-resolution digital files would undermine their control of image use and result in misuse.

Increasingly, however, new technologies "are radically altering the ways in which information is disseminated."[6] People can completely circumvent the museum in quickly obtaining object images without paying any fee. Anyone can use an inexpensive scanner to capture images from museum publications. Visitors to the museum photograph objects in galleries using digital cameras and cell phones, and students frequently start their picture research on Google Images, easily locating scores of museum object images.

However, the quality of these unauthorized images is inferior to those produced by the museum's photography studio, and they also typically lack accurate, updated descriptive information about the object such as credit lines and copyright information. Today, many museums recognize that providing better access to high-resolution, carefully color-calibrated images and accompanying text written by their curators and educators is superior to the alternative—namely, having their collections poorly represented by images the public makes, or finds, on the web.

5.4 Exclusive versus Non-Exclusive Image Distribution

The 1989 launch of Bill Gates's privately owned Interactive Home Systems, later to become Corbis Corporation, is almost legend. Gates believed a market would emerge for high-resolution images of works of art that could "hang" in private homes and be displayed through digital picture frames.[7] The company started approaching museums in the early 1990s with a proposition: Corbis would scan color transparencies of the masterpieces in the collection and provide duplicate files to the museum in exchange for the right to license the images. In those early days of digital technology, museums lacked the facilities to scan images internally, which made the proposal attractive. Yet no one could predict the long-term demand for images, let alone the monetary value of the right to reproduce them. Ultimately, several museums did partner with Corbis, but most agreed only to non-exclusive licensing arrangements.

[5] Schneider, "L.A. Art Online," 32.

[6] Shyam Oberoi, "Doing the DAM: Digital Asset Management at the Metropolitan Museum of Art," *American Society for Information Science and Technology Bulletin* (April-May 2008), http://www.asis.org/Bulletin/Apr-08/AprMay08_Oberoi.html (<http://www.asis.org/Bulletin/Apr-08/AprMay08_Oberoi.html>).

[7] Katie Hafner, (<http://en.wikipedia.org/wiki/Katie_Hafner>)"A Photo Trove, a Mounting Challenge," *New York Times*, April 10, 2007, http://ww.nytimes.com/2007/04/business/10Corbis.html (<http://ww.nytimes.com/2007/04/business/10Corbis.html>).

The Corbis discussions left museums with the impression that digital images of objects in their collection—or at least of the masterpieces—were indeed valuable. After all, Bill Gates's company was eager to obtain the license to distribute them. This new realm of licensing presented opportunities to museums; yet, as nonprofit entities, many institutions were wary of entering into agreements with a for-profit company—particularly one that might require an exclusive right to distribute images.

More than a decade later, few museums have agreed to give exclusive distribution rights to outside vendors. In 2004, Tanner found that seventy percent of the one hundred American museums studied managed rights and licensing in-house. Twenty-seven percent used one or more commercial distributors in conjunction with in-house efforts, and only two percent had exclusive distributor agreements with outside agents. It seems that museums have learned that there are multiple ways to work with outside distributors and alternatives to exclusive licensing arrangements.[8]

5.5 Difficulty of Preparing Data

5.5.1 Background

Long before the birth of shared bibliographic utilities such as OCLC and RLG, librarians, understanding that consistency would aid access and retrieval, applied standards to the work of describing and classifying books. The retrospective conversion of library-printed catalog cards to electronic format was made possible because the underlying information utilized controlled vocabularies for names, places, and subject terminology.

5.5.1.1 Museum Databases

By comparison, the development of online databases for museum objects has been greatly hampered by the lack of consistency in the source records. Art objects seldom self-identify the way books do, proclaiming author, title, place of publication, and dates on their title pages. Objects of different ages, cultures, and media are all described differently within a single museum, and there is even less consistency across museums. Not surprisingly, museums have struggled with record conversion over the last thirty years, trying to capture the richness of some of the original cataloging records and enhance the minimal information found in other object records.

5.5.1.2 Standards for Vocabulary, Cataloging, and Data Exchange

Recent developments in the museum community address the historic lacunae of terminology, a concise set of data elements, and cataloging guidelines for documenting works of art and their image surrogates. The J. Paul Getty Trust has provided valuable leadership, developing thesauri for names, places, and subject terminology, and publishing guides to digital imaging and art image access.[9] Getty Research Institute staff have worked with ARTstor and RLG Programs/OCLC to develop a data content standard designed for the description of unique cultural objects and a technical format for expressing this information in a machine-readable format called Categories for the Description of Works of Art Lite (CDWA-Lite).[10] In addition, the Getty and the Visual Resources Association have collaborated on the development and promulgation of guidelines for selecting, ordering, and formatting art object information in a project called Cataloging Cultural Objects (CCO).[11]

[8] Tanner, "Reproduction charging models & rights policy for digital images in American art museums," 16-17.

[9] The Getty vocabularies are compliant with ISO and NISO standards for thesaurus construction. They can assist in cataloging cultural heritage objects, serve as knowledge bases for researchers, and offer terminology to enhance discovery in online resources. For information about and access to these databases, see http://www.getty.edu/research/conducting_research/vocabularies/ (<http://www.getty.edu/research/conducting_research/vocabularies/>).

[10] CDWA-Lite: http://www.getty.edu/research/conducting_research/standards/cdwa/cdwalite.html (<http://www.getty.edu/research/conducting_research/standards/cdwa/cdwalite.html>).

[11] Cataloging Cultural Objects: http://vraweb.org/ccoweb/cco/index.html (<http://vraweb.org/ccoweb/cco/index.html>).

5.5.1.3 Data Harvesting

Interest in sharing collections information and images has increased in recent years.[12] However, the process of exporting records from disparate systems and merging records that lack consistency remains challenging. OCLC, the international library service and research organization,[13] was awarded a grant in early 2008 by The Andrew W. Mellon Foundation to address this challenge. Partnering with seven art museums, OCLC Programs and Research created a "low-barrier/no-cost batch export capability out of the collections management system used by the participating museums, Gallery Systems TMS,[14] as well as a test of data exchange processes using the Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH)."[15] After the initial work with Gallery Systems' TMS software, focus will shift to other vendors and museums with custom-built, in-house systems. OCLC collected data for analysis from the participating museums and released the software suite under a fee-free license in May 2009. [16]

5.5.2 Difficulty in Preparing Images

5.5.2.1 Background

Ever since digital cameras were first employed in museums, professionals have debated the merits and costs of rapid image capture for photographic documentation versus time-consuming studio photography that produces carefully lit, color-calibrated, high-resolution files. Today most museums do a combination of both, but the gold standard for direct digital capture remains an image that supplies an accurate, fine arts–printed reproduction. The question is how to define and ensure imaging quality and delivery standards.

5.5.2.2 Imaging Guidelines

Fortunately, imaging and publishing professionals from more than twenty museums have recently formed ImageMuse, a nonprofit organization "dedicated to defining guidelines for the creation and use of digital files for reproduction." They are working with Universal Photographic Digital Imaging Guidelines (UPDIG),[17] an ad-hoc industry consortium of nonprofit associations dedicated to promoting worldwide standards in the commercial application of digital imaging. In addition to defining best practices for digital capture, ImageMuse and UPDIG seek to demonstrate the economic benefits of implementing standards that apply to fine arts reproduction.[18]

5.5.2.3 Ambiguity about the Definition of "Scholarly Publication"

In 1995, the Isabella Stewart Gardner Museum conducted a survey of museum rights and licensing policies to compare its own fee structure to that of other museums. The results were deemed so useful by the museum community that the Rights and Reproductions (RARIN) and the Registrar's Committee of the American Association of Museums updated the survey in 2003-2004.[19] Several prevailing practices can be noted by the responses of more than one hundred museums:

[12] Collaboration between museums, libraries, and archives is explored in a recent report by OCLC. Possibilities include digital initiatives that can be advanced by the application of cataloging and imaging standards: Zorich, Diane, Günter Waibel and Ricky Erway, *Beyond the Silos of the LAMs: Collaboration Among Libraries, Archives and Museums* (Dublin, Ohio: OCLC Programs and Research, 2008), www.oclc.org/programs/publications/reports/2008-05.pdf (<http://www.oclc.org/programs/publications/reports/2008-05.pdf>). Published online at: www.oclc.org/programs/reports/2008-05.pdf.

[13] OCLC: http://www.oclc.org/us/en/default.htm (<http://www.oclc.org/us/en/default.htm>).

[14] Gallery Systems: http://www.gallerysystems.com/ (<http://www.gallerysystems.com/>).

[15] OCLC news release: http://www.oclc.org/us/en/news/releases/200695.htm (<http://www.oclc.org/us/en/news/releases/200695.htm>).

[16] OCLC news release: http://www.oclc.org/us/en/news/releases/200932.htm.

[17] Universal Photographic Digital Imaging Guidelines: http://www.updig.org/ (<http://www.updig.org/>).

[18] ImageMuse: http://imagemuse.org/ (<http://imagemuse.org/>).

[19] 2003-2004 RARIN Rights and Reproductions Survey: http://www.panix.com/~squigle/rarin?RARINSurveyannounce.html (<http://www.panix.com/~squigle/rarin?RARINSurveyannounce.html>).

- There is great complexity in the fee structures, with different material costs for slides, black-and-white prints, color transparencies, color prints or digital files, and reproduction fees. These are based on varied uses, including book interior, book cover, magazine interior, magazine cover, feature film, website, television broadcast, video tape, CD/DVD, poster, postcard, calendar, documentary, brochure, *catalogue raisonné*, thesis, exhibition panel, etc.

- Ninety-nine percent of the museums had differential pricing in the above categories for commercial, nonprofit, and scholarly clients.

- Nonprofit or scholarly status was frequently defined by the print run, but across the museums surveyed the actual number used in that determination varied.

- In spite of elaborate rate schedules, most museums reported flexibility in setting the fees based on the skill of the client at negotiation, professional relationships between museum colleagues and the client, and the perceived worthiness of the organization or cause.

Clearly, museums have established pricing structures that favor nonprofit and scholarly use, but the criteria used to identify the client's eligibility vary case by case. The handful of museums that have begun to make fee-free images available are defining a scholarly publication by the size of the print run, but they are using different numbers in that determination, ranging from a maximum run of two thousand to as high as four thousand. They have also adopted varying terms and conditions for electronic use.[20]

5.5.3 Complexity of Rights Landscape

5.5.3.1 Copyright Basics in the Visual Arts

The copyright laws of the United States are designed to protect original works of authorship, whether published or unpublished, while at the same time encouraging creative expression and promoting development of the collective knowledge. Copyright ownership is time-limited, and in recent years the term of protection has been extended from date of creation to creator's death plus seventy years. The law gives the copyright owner the right to reproduce or authorize others to reproduce the work in copies. However, this right is limited by the doctrine of fair use, which permits copyrighted material to be used without permission, as well as other copyright exceptions. Moreover, in the United States, works published before 1923 are in the public domain and therefore no longer subject to copyright laws.[21]

5.5.3.2 Public Domain

Historically, museums have asserted copyright in photographs of works in their collection even when the underlying work of art is in the public domain and therefore not protected by copyright.[22] Their reasons included controlling how the images would be used, trying to ensure the quality of reproduction, and recouping

[20] In September 2008, Creative Commons (http://creativecommons.org/ (<http://creativecommons.org/>)) announced a research study funded by The Andrew W. Mellon Foundation, Scholarly Communication Program that will explore commercial versus non-commercial use of content. Virginia Rutledge, Creative Commons Special Counsel, who is leading the study, explained in the press release that "developments in technology, social practices, and business models are pressing the question of what should count as a commercial use. The answer to that question should come from creators, who should be able to specify what uses they want to permit, subject to the limitations and exceptions to copyright or other applicable law." The research is scheduled for completion in early 2009. Press release available at: http://creativecommons.org/press-releases/entry/9554 (<http://creativecommons.org/press-releases/entry/9554>).

[21] For an excellent survey on copyright and public domain, see: Susan M. Bielstein, *Permissions, A Survival Guide: Blunt Talk about Art as Intellectual Property* (Chicago and London: University of Chicago Press, 2006).

[22] Deborah Gerhardt, Director of Intellectual Property Initiative and Adjunct Professor of Law, University of North Carolina School of Law, Chapel Hill, is undertaking empirical research on one specific but ambiguous area of copyright law: how courts interpret the issue of publication to decide whether a work is in the public domain. The work is funded by the Scholarly Communications Program of The Andrew W. Mellon Foundation. Preliminary results are expected in fall 2009. Ms. Gerhardt

partial production costs to support more photography. However, in the 1999 *The Bridgeman Art Library v. Corel Corporation* case, the judge ruled that exact photographic copies of public domain works could not be protected by copyright because the copies lacked sufficient originality. This holding was recently supported in a decision of the Federal Court of Appeals for the Eighth Circuit. Today, many museums are still claiming copyright over images of works in the public domain, but other museums are questioning this policy.[23]

5.5.3.3 Third-Party Rights

Museums with contemporary art collections are faced with an additional licensing challenge. Although they may own the actual work of contemporary art, the artist generally retains the copyright. To publish an image of such an object, the owning museum must seek permission from the artist, artist's estate, or a copyright licensing agency representing the artist, such as the Artist Rights Society (ARS), unless fair use or another exception to copyright applies.[24] In reproducing the work, the museum often is required to agree to the artist's terms and conditions of use, which are generally non-exclusive, and specify a given timeframe, set number of copies, and the territory of distribution. Outside clients seeking to publish a contemporary work in a museum's collection acquire the image from the museum and are reminded to obtain permission from the copyright owner of the work depicted in the image before publishing the image. Some museums fear that relinquishing this gatekeeper function may jeopardize their relationships with artists and their heirs, although museums typically do not facilitate permissions between artists and publishers.

provided the following information on the grant: "The [project] is premised on the theory that *de facto* practices regarding the use of many pre-1989 works are generally more conservative and permit less use than copyright law allows. [The] research would be especially useful with respect to images. Currently, the time and effort required to determine who owns rights to an image are overwhelming. Many scholars, publishers, libraries, and museums avoid using images for which the copyright status is unclear, even though that use might be a "fair use" or the work may be in the public domain. Clarification of these questions will enable much broader and more effective use of images on the part of scholars, institutions, students, and artists. This [project] seeks...to create several resources to facilitate the use of images and other works for which the copyright status may be unclear."

[23] The College Art Association, the New York City Bar Association Art Law Committee, ARTstor, Creative Commons, and Art Resource co-sponsored a symposium entitled "Who owns this image?" A report on the event can be found at: Gretchen Wagner, "Art, access in the public domain after Bridgeman v. Corel," *Images, the newsletter of the VRA* 5, no. 3 (2008), http://vraweb.org/publications/imagestuff/vol5no3.html (<http://vraweb.org/publications/imagestuff/vol5no3.html>).

[24] Artist Rights Society: http://www.arsny.com/index.html (<http://www.arsny.com/index.html>).

Chapter 6

Approaches to Distribution of Fee-Free Images: Case Studies of Three Museums[1]

External Image
Please see:
http://rup.rice.edu/image/amisp-buybutton.jpg

6.1 Metropolitan Museum of Art: Working in Collaboration with ARTstor

[NOTE: This section is based on interviews with the following staff members at the Metropolitan Museum of Art on July 14-15, 2008: Doralynn Pines, Associate Director for Administration; Barbara Bridgers, General Manager for Imaging and Photography; Andrew Gessner, Chief Librarian of the Image Library; Peggy Hebard, Senior Financial Manager for Images and Publications; Billy Kwan, Associate Museum Librarian in the Image Library; Shyam Oberoi, Manager of Met Images; Julie Zeftel, Museum Librarian in the Image Library.]

In March 2007, the Metropolitan Museum of Art announced a "pioneering initiative to provide digital images to scholars at no charge."[2] What background research, infrastructure enhancements, financial analysis, and internal discussions led to this decision?

6.1.1 Collections Management

The Metropolitan Museum was one of the first major museums to recognize and embrace the potential of electronic management of collections information. Working with Gallery Systems, the commercial vendor of The Museum System (TMS) software,[3] the museum created a fully automated inventory of objects in the textile collection that was launched simultaneously with the 1995 opening of the Antonio Ratti Textile Center. The records, many of which were accompanied by images, provided the staff and public with virtual access to all the textiles, including those rarely on view due to their fragility. With this momentum, the remaining curatorial departments were brought online one by one as separate TMS databases. While

[1] This content is available online at <http://cnx.org/content/m27791/1.4/>.

[2] Metropolitan Museum of Art, "Metropolitan Museum and ARTstor Announce Pioneering Initiative to Provide Digital Images to Scholars at No Charge," press release, March 12, 2007, available at http://www.metmuseum.org/press_room/full_release.asp? prid=%7BA113E0AD-AA4E-471B-8F04-736A21F1A70A%7D (<http://www.metmuseum.org/press_room/full_release.asp?prid=%7BA113E0AD-AA4E- 471B-8F04-736A21F1A70A%7D>).

[3] Gallery Systems: http://www.gallerysystems.com/de fault.htm (<http://www.gallerysystems.com/default.htm>).

this aided management of the individual curatorial collections, the goal of a museum-wide database was unfulfilled. Rather than attempting to merge all the rich but non-standardized information from the separate curatorial TMS databases, the Met ultimately created one additional database and mapped into it only basic descriptive information from the sixteen TMS databases. This centralized collections database represents the collections information that the respective curatorial departments have approved for public access.

6.1.2 Digital Imaging

6.1.2.1 Investment in Digital Technology

At the same time the museum was investing in collections management, it was also developing its capacity for digital imaging, thereby transforming the capture, management, and storage of object, event, education, installation, construction, and renovation photography. For over twelve years the museum has employed digital imaging consultants to steer planning and equipment purchase and to train and support staff.[4] This investment in outside expertise has helped alert the staff to industry trends and developments that may have an impact on imaging operations.

Outfitting each of twelve photographers with a digital studio requires a capital expenditure of $150,000–$165,000, but museum staff members are convinced about the return on investment. Using a film camera formerly took up to four days to photograph a three-dimensional object. Today, using a digital camera, the same work can be shot in less than one day.[5]

6.1.2.2 Increased Photographic Documentation of the Collection

It is not uncommon for less than 20 percent of any museum collection to be photographed, although museum professionals agree that object photography is a critical means of documenting and publishing the collection. The photographers at the Metropolitan Museum are now producing six to ten photographs of three-dimensional objects per day and an even greater number of photographs of two-dimensional works. This dramatic rise in efficiency helps balance the cost of digital equipment and results in increased photographic documentation of the museum's treasures.

6.1.2.3 Reduced Production Costs

The price of film and processing for analog photography continues to rise, but direct digital capture eliminates most of those expenses. Furthermore, some pre-press costs associated with publication are reduced or eliminated when working digitally.[6]

[4] Center for Digital Imaging, Inc.: http://www.cdiny.com/ (<http://www.cdiny.com/>).

[5] Photography of a three-dimensional object is, in itself, an art form. First, a schedule is established for moving the object to the studio. Working with curatorial staff, a photographer plans what views, artist signatures, and maker marks should be documented. Next, lighting decisions are made with a critical eye to highlighting contours and details of each view of the object. In a pre-digital time, instant-developing Polaroid film was used for initial capture, and frequently that temporary photograph was delivered to the curator for comment. The official photography began after adjustments of angle and lighting were made. Each view was captured at three different light settings and shutter speeds through a process called bracketing. These films were sent out for overnight developing, during which time the object could not be moved from the studio. The morning delivery from UPS was much anticipated by the photographer so the previous day's work could be evaluated and the final photography begun. Most orders, internal or external, request only one photographic format, but the labor involved in moving the object to the studio and creating the set-up dictated the common practice of fully documenting the object with three film formats: color transparency, black-and-white negative, and 35mm slide. Each format required a different camera. Each view of the object required these same steps. As a result, one three-dimensional object could take up to four days to photograph. In the digital environment, after the view and lighting are decided, the photographer captures the shot with one digital camera. That image can be downloaded to a computer screen for viewing, then reviewed immediately with curatorial staff. Derivatives of that image in different resolutions or in black-and-white can all be created during a post- production process. With the advent of digital imaging, multiple views of a three-dimensional sculpture can be captured and approved in two to three hours rather than four days. In addition, the burden of labeling and housing fragile color transparencies, black-and-white negatives, and slides is eliminated.

[6] In analog production, the printer created color separations and printed proofs. These were then submitted to the editorial staff for review. Frequently the calibration of the press resulted in an incorrect rendering of the object's actual colors, and new

6.1.2.4 Retrospective Scanning

Simultaneous with the conversion of analog to digital capture, staff initiated a retrospective scanning operation in the image studio. Selection criteria prioritized photography of works being included in the Collection Database and the highly acclaimed Timeline of the History of Art portions of the museum's website.[7] Photography for these works had the added advantage of descriptive captions recently written and/or vetted by the curatorial staff. Scanning was also undertaken on photography slated for publication in upcoming collection and special exhibition catalogs. The most recently produced color transparencies were favored over older photography in hopes of avoiding the need for extensive digital touch-up of film marred by particulates and scratches. In between color scanning projects, slow but steady progress has been made on converting the one-hundred-year-old archive of black-and-white negatives to digital format. The 35mm film is not being scanned at this time.

6.1.2.5 Benefits of the Imaging Initiative

The digital imaging initiative benefits the museum in multiple ways. The number of digital images available for the website, publications, and internal use has been dramatically increased. It ensures access to images on film that celebrate the museum's own history, a story covering almost 140 years and told by the visual documentation of people, events, gallery installations, special exhibitions, building construction and renovation, and educational programs. Digital surrogates reduce the handling of negatives and transparencies that have been moved to climate-controlled cold storage, thus increasing the longevity of these unique film masters.

6.1.3 Met Images Project

Internal discussions about the Met Images project began long in advance of the official launch in fall 2007. Planning involved a team of staff members from Information Systems and Technology, the Photograph Studio, the Image Library, and curatorial departments working together to define and implement an enterprise-wide system for managing digital images. Shyam Oberoi, formerly manager of the Met Images project, describes the goals as twofold:

- Support the museum's core mission to research, document and educate through an essential investment in the museum's assets and infrastructure.

- Strengthen the quality and quantity of available object images and cataloging information so that images could be quickly located and processed for distribution and licensing to both internal and external customers.[8]

Initially, a third goal had been identified— increasing revenue streams for licensing of museum images. However, museum administration provided early feedback that this did not occur, urging that the staff team focus less on revenue generation and more on the value of preservation of, and access to, the digital assets being created throughout the institution.

Once Met Images was approved, work began on selecting the appropriate digital asset management system (DAMS). Interwoven's MediaBin[9] was ultimately chosen as the system that could:

separations and proofs were required. This outsourced activity was a costly and time-consuming component of any image-rich publication. In the digital era, this pre-press work is done in-house on digital cameras, computer screens, and printers that are carefully calibrated and then frequently recalibrated. The raw digital file is meticulously edited and a new, color-corrected file is saved for production purposes. That file is then sent to the outside printer. The past practice of sending a guide print that accurately presents the object's colors is increasingly eliminated as color calibration software has improved.

[7] Metropolitan Museum of Art, Works of Art Collection Database is available at http://www.metmuseum.org/works_of_art/collection_database/index.aspx?dep=0&vw=1 (<http://www.metmuseum.org/works_of_art/collection_database/index.aspx? dep=0&vw=1>). Timeline of Art History is available at http://www.metmuseum.org/toah/spl ash.htm (<http://www.metmuseum.org/toah/splash.htm>).

[8] Oberoi, "Doing the DAM."

[9] Interwoven MediaBin: http://www.interwoven.com/components/page.jsp? topic=PRODUCT::MEDIABIN (<http://www.interwoven.com/components/page.jsp? topic=PRODUCT::MEDIABIN>).

- Support centralized management of digital media.
- Scale as a digital archive for object images and, ultimately, the museum's historic photography, images from archaeological expeditions, and other rich media such as audio and video.
- Provide security consistent with role-based profiles already implemented across the Metropolitan's other IT applications.
- Generate image derivatives dynamically to reduce storage of duplicate images of varying resolutions.
- Integrate well with existing museum applications (both TMS and MediaBin run on SQL Servers).

Staff determined that MediaBin would be the repository for images, including data about the images and rights information; and object information, including artist name, nationality, life dates, object basic description, title, date, materials, and dimensions.

Certain work-arounds to MediaBin's data structure were required to support the complex data relationships inherent in TMS, such as repeatable fields and whole/part relationships. TMS object information was ultimately exported into a data file that contains a non- relational, flattened record for each museum object. Nightly uploads from the data file to MediaBin were scheduled to capture edits to existing records and addition of new acquisitions. Loading the digital images into MediaBin was also complex. The photography studio had approximately four thousand CDs and DVDs containing two hundred thousand images. Accompanying spreadsheets provided the link between the images and the objects, but the task was laborious because the data lacked consistency. After the data and image files were loaded in MediaBin, a script was run to establish the association between images and records from the TMS extract data file. This simplified explanation belies the months of planning, learning, data clean-up, and collaboration that led to the operational launch of MediaBin at the Metropolitan Museum in fall 2007.

6.1.4 Commercial Image Licensing

As the staff at the Metropolitan Museum planned the centralized storage and management of its growing collection of digital images, they were also considering new opportunities for licensing images. Exploring ways to derive more income from commercial licensing led staff to examine the options offered by third-party image distributors. One successful model was the photographic agency of the Réunion des musées nationaux[10] (RMN) that has an online image base of nearly 450,000 images of works of art from French regional and national museums and other European museums available for both educational and commercial licensing. Colleagues at the Victoria & Albert Museum also met with Met staff to talk about their growing image licensing initiative. After considerable deliberation and study, the Metropolitan Museum of Art decided to outsource commercial licensing, announcing an agreement with Art Resource[11] in January 2007. Subsequently, additional distributors have been added: Scholars Resource,[12] Scala,[13] and RMN. The images and information are now exported from MediaBin and sent several times per year to the distributors.

[10] Réunion des musées nationaux: http://www.photo.rmn.fr/c/htm/home.aspx?FR=T (<http://www.photo.rmn.fr/c/htm/home.aspx? FR=T>).

[11] Art Resource: http://www.artres.com/c/htm/Home.asp x (<http://www.artres.com/c/htm/Home.aspx>).

[12] Scholars Resource: http://www.scholarsresource.com/ (<http://www.scholarsresource.com/>).

[13] Scala: http://www.scalarchives.com/web/ index.asp (<http://www.scalarchives.com/web/index.asp>). (Note: Scala is a sub-license of the Metropolitan Museum's license with Scholars Resource.)

6.1.5 Scholarly Image Licensing

Traditionally, museums charge less to supply an image (and the permission to reproduce it) for scholarly publication than for commercial publication or product development. The Metropolitan Museum had different rates for commercial and non-commercial licensing, and the unofficial policy was to supply fee-free images to Metropolitan curators writing for non- Metropolitan publications, to professional colleagues at other institutions, and to former Met colleagues. Museum staff wanted to formalize this practice by making fee-free images more widely available for scholarly publication.

Doralynn Pines, Associate Director for Administration at the Metropolitan Museum, describes some of the factors influencing this decision:

- *Change in Internal Environment:* Previously, curators had access to the TMS records for their collection only. With the advent of the DAMS, a new era of sharing was coming; access to basic information about objects would be museum-wide. There was growing acceptance of digital over analog photography and greater use of images by staff throughout their daily work.

- *Perceived Loss of Control over Museum Content:* The time of controlling museum information, text or images, was over. Visitors were producing podcasts of museum visits and thousands of images of Metropolitan Museum objects were already on Google Images. The inferior quality of images in circulation troubled the Metropolitan Museum.

- *Implementation of Digital Asset Management:* Implementing MediaBin enabled the first-ever centralized management of information and images about the museum's collections. It also opened new possibilities for the sharing of that information externally.

- *Criticism of Scholarly Community:* Museums were being criticized by scholars and publishers for charging fees for permissions to publish images when the underlying work was in the public domain. However, the Metropolitan was already frequently waiving the fee for supplying the image and granting permission for scholarly publication. The time seemed right to change practice into official policy, get appropriate credit for taking this bold step, and, by example, encourage other museums to follow suit.

- *Reinforcement of Museum Mission:* Most important, "it simply is the right thing to do," stated Pines.

6.1.6 Metropolitan Museum of Art and ARTstor Partnership

It is one thing to decide to provide fee-free images for scholarly publication, and quite another to commit staff time, and therefore dollars, to delivering those images. Clearly, the Met needed a partner in this venture and turned to ARTstor.[14] The museum had been one of the early contributors to the ARTstor Digital Library when its AMICO records were released in 2005. It seemed natural for the museum to turn to ARTstor to build a delivery mechanism for the Metropolitan's publication-quality images for use in scholarly publications. ARTstor readily embraced the idea and the partnership was launched. An ongoing stream of high-resolution images would thus be made available for use in the K-12 schools, colleges, universities, and museums that license ARTstor, and images that could be used in publications were made available for both users and non-users of the ARTstor Digital Library. Scholars would be well served by the ability to obtain publication-quality images, without fees, that could be downloaded immediately.

[14] ARTstor is the non-profit organization that provides nearly one million images in the areas of art, architecture, the humanities, and social sciences with a set of tools to view, present, and manage images to users at over one thousand education, museum, and research institutions. http://artstor.org (<http://artstor.org/>).

6.1.6.1 Images for Academic Publishing

Working closely with the staff at the Metropolitan, ARTstor began to build Images for Academic Publishing (IAP) to meet the museum's specifications.[15] The project comprised the preparation of image assets and corresponding metadata, inclusion of these assets in the ARTstor Digital Library, and the development of a new protocol for user download of publication-quality images.

6.1.6.2 Data Preparation

The Metropolitan Museum staff decided to express information about their objects using CDWA-Lite,[16] an XML data schema developed as a joint effort between the J. Paul Getty Trust,[17] RLG Programs/OCLC,[18] and ARTstor for describing cultural works and their visual surrogates. CDWA-Lite, based on a small subset of fields from the Categories for the Description of Works of Art (CDWA), represents the minimal set of data fields deemed necessary for describing cultural works and their visual surrogates in preparation for resource discovery in online environments. CDWA- Lite is intentionally "light" to lower the barrier for cultural heritage institutions wishing to share content. The CDWA-Lite schema is designed to be used with the Open Archives Initiative Protocol for Metadata Harvesting (OAI- PMH)[19] that facilitates the sharing and updating of information between the provider and the distributor. Once MediaBin was fully implemented, the Metropolitan Museum staff and ARTstor began sharing the information formatted according to CDWA-Lite and harvested in a server-to-server exchange.[20] Depending on number and file size, the high-resolution images can be retrieved from an FTP server or sent by overnight mail on a high-density drive.

6.1.6.3 Functionality

ARTstor's Images for Academic Publishing was launched in March 2007 and functions as follows:

- An IAP logo appears under the thumbnail images contributed by the Metropolitan Museum to identify those images available for high-resolution downloading.
- After clicking an "IAP" image, users receive a message alerting them to a new "space" governed by the terms and conditions of The Metropolitan Museum of Art, not ARTstor.
- Terms and Conditions of Use: educational use and scholarly publications are permitted; The Metropolitan Museum of Art decided that the publication run must be two thousand or fewer; no more than ten images per thirty-day period are allowed for any user;[21] electronic use is permitted on educational websites that do not accept advertisements and commercial subscription websites with no more than two thousand subscribers.[22]
- An electronic form appears requesting some information that the Metropolitan Museum requires and some that is requested but not required:
  - Contact information: name, email address, institutional affiliation, title/role (all required).
  - Publication information: author, title, periodical title, intended date of publication, language of publication, regional distribution, publication format (print, electronic, or video)(all requested, not required).[23]

[15] ARTstor Images for Academic Publishing: http://www.artstor.org/what-is-artstor/w- html/services-publishing.shtml (<http://www.artstor.org/what-is-artstor/w- html/services-publishing.shtml>).

[16] CDWA-Lite: http://www.getty.edu/research/conducting_research/standards/cdwa/cdwalite.h tml (<http://www.getty.edu/research/conducting_research/standards/cdwa/cdwalite.h tml>).

[17] J. Paul Getty Trust: http://www.getty.edu/ (<http://www.getty.edu/>).

[18] OCLC/RLG: http://www.oclc.org/us/en/default.ht m (<http://www.oclc.org/us/en/default.htm>).

[19] Open Archives Initiative Protocol for Metadata Harvesting: http://www.openarchives.org/pmh/ (<http://www.openarchives.org/pmh/>).

[20] As of December 2008, harvesting data from the Metropolitan Museum to ARTstor was temporarily suspended due to errors in object content, problems arising from group shot photography, and other data anomalies.

[21] This limitation is under review by the Metropolitan Museum.

[22] Metropolitan Museum IAP Terms and Conditions for Use: http://www.artstor.org/what-is-artstor/w- pdf/terms-conditions-iap.pdf (<http://www.artstor.org/what-is-artstor/w- pdf/terms-conditions-iap.pdf>).

[23] The Metropolitan Museum is reviewing what information should be required on the ARTstor IAP form.

  - File size: users select size of image for downloading, either 5MB, 10MB, or 20MB (all required).
- The image can then be immediately downloaded and saved.

6.1.7 Metropolitan Museum of Art Conclusion

Initially, IAP was only available to scholars and curators at institutions that license ARTstor, but after several months it was extended to any scholar who contacts either ARTstor or the Image Library at the Metropolitan to obtain a password to access IAP images. As of September 2008, approximately 5,600 images had been contributed to IAP by the Metropolitan Museum. Although this process is under review, the current plan results in additional deliveries of one thousand to two thousand images every four months. The Metropolitan's Image Library staff monitor the ARTstor-generated usage reports that contain the raw information about users and intended uses.[24]

During the first year of service, 645 images were downloaded from IAP for scholarly publications. Staff members note that the benefits of working with ARTstor include:

- *Free Distribution of Museum Images*: There is no charge to museums for contributing images for distribution in the ARTstor Digital Library and Images for Academic Publishing.

- *Staff Efficiencies:* There is a reduction in the time Metropolitan Museum staff members spend filling orders for scholarly publication.

- *Improved Service to Scholars:* Scholars can select and immediately download images free of reproduction charges.

6.2 Victoria & Albert Museum: Delivering Images through the Museum's Website

[NOTE: This section is based on a September 15, 2008, telephone interview with Ian Blatchford, Deputy Director, and email exchanges with Alan Seal, Head of Records and Collections Services, Victoria & Albert Museum.]

6.2.1 Building the Infrastructure

The task of implementing electronic recordkeeping at the Victoria & Albert Museum (V&A) for its collections, numbering nearly 4.6 million objects, represents ongoing work that began more than two decades ago. By the late 1990s, three systems were in place: the Collections Information System (CIS) for inventory control, cataloging, and accessioning museum objects; the Photo Cataloguing System for information about analog and digital photographs of objects, books, events, gallery installations, and staff; and the Image Arena, in which medium-resolution images were stored and made accessible to the other two systems. All three resources were used to extract the data and images that originally fed the collections area of the V&A website. By 2005, the museum began investigating digital asset management systems (DAMS) to replace the Photo Cataloguing system, and ultimately implemented their DAMS, called Vadar (V&A Digital Asset Repository), during 2006. A storage area network, also brought online in 2006, greatly increased storage capacity and now allows the museum to access the high- resolution master images online rather than offline from an ever-expanding collection of CD-ROMs. Since putting the masters onto their storage area network, they no longer save copies on CD-ROM, even for archival purposes. A back-up routine of the online files is in place both for recovery in the event of disk failure and for business continuity.

[24] In Spring 2009 Bryn Mawr College contributed 3,900 images of Classical and Near Eastern archaeology to ARTstor to be available for scholarly publishing through Images for Academic Publishing: http://www.artstor.org/what-is-artstor/w-html/col-bryn-mawr-melli.shtml (<http://www.artstor.org/what-is-artstor/w-html/col-bryn-mawr-melli.shtml>).

6.2.2 Data Standards

As the technical infrastructure was growing, staff were also considering the best ways to prepare and openly share data and images on the museum's website and possibly on other nonprofit educational websites. They plan to support data harvesting giving aggregators a choice of Dublin Core, CDWA-Lite or PNDS[25] file formats, all of which will be generated on the fly from the database outside the firewall. The V&A has already implemented a Universal Resource Indicator (URI) link in the V&A records so the distributor's site can lead the user back to the V&A website to view the fuller catalog information. This approach will allow the museum to avoid the synchronization problems of preparing different record formats for each distributor. The open-source routines could dramatically simplify contributing both new records and edits to existing records. In addition, the V&A is on the international team of museums working in partnership with OCLC/RLG Programs on the Museum Data Exchange Project, which is testing data exchange processes using the Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH).[26]

6.2.3 Digital Imaging

New digital photography is being done in concert with the ongoing program of capital improvements at the museum. The renovation of the William and Judith Bollinger Jewellery Gallery, which opened in spring 2008, afforded the opportunity to fund photography of 3,500 objects. Likewise, 35,000 objects from the encyclopedic and global ceramics collection are being photographed during the current redevelopment of the Ceramics Galleries that will be opened in September 2009. This program of thorough photographic documentation is a direct by-product of the refurbishment of galleries. In each case, it anticipates the worldwide scholarly attention that is focused on the museum as collections, long off-view, are returned to the public eye in freshly interpreted, elegantly presented spaces.

6.2.4 Impetus for Supplying Fee-free Images

In December 2006, the V&A announced that it would drop charges for the reproduction of images in scholarly books and magazines, a decision the *Art Newspaper* heralded as "a move which could transform art publishing?"[27] V&A Deputy Director Ian Blatchford explained that, although the government encourages museums to provide this public access to collections, it is not a funded mandate. He described, instead, the internal factors leading to this policy:

- *Revenue:* Many museums fail to examine the rights and licensing operation to compare their licensing revenue against the actual cost of service provision. The V&A, however, has undertaken such an internal review and arrived at a highly important finding: **The revenue earned from licensing for scholarly publication was insignificant compared to licensing for commercial use**.

- *Branding*: One factor was the desire to create stronger V&A branding. Many museums have great collections, but the museum felt that if more people could easily access high- quality images of V&A objects, there would be a greater understanding that the museum is the world's preeminent place for the decorative and applied arts.

[25] PNDS DCAP stands for the People's Network Discovery Service Dublin Core Application Profile used to describe resources being made available via the UK Museums, Libraries, Archives Council's (MLA) People's Discovery Network Service (PNDS). Content providers to the PNDS will expose metadata about their content using this application profile and the OAI-PMH: http://www.ukoln.ac.uk/metad ata/pns/pndsdcap/ (<http://www.ukoln.ac.uk/metadata/pns/pndsdcap/>).

[26] Museum Data Exchange Project, funded by The Andrew W. Mellon Foundation. See: http://www.oclc.org/programs/ourwork/collectivecoll/sharecoll/museumdata.htm (<http://www.oclc.org/programs/ourwork/collectivecoll/sharecoll/museumdata.ht m>).

[27] Martin Bailey, "V&A to scrap academic reproduction fees," *Art Newspaper*, January 12, 2006, 175.

- *Research*: The curators of the V&A are actively engaged in scholarly writing. They have a deep understanding of the impediments museums place on obtaining high-resolution images for scholarly publishing and were, therefore, supportive of their own institution's lowering the barrier to acquiring images.

- *Image Access:* Access to images has been transformed for the museum's actual and virtual visitors. People photograph in the V&A galleries, scan images from books, and "right-click" images from the V&A website. Ian Blatchford says, "Museums that are not loosening up on the provision of images are in a fantasy world. The images are out there already; why not ensure easy access to high-quality images and information?"

- *Leadership:* V&A Director Mark Jones's personal passion for making collections available was the starting point. He had stressed that there is a public benefit in museums sharing the collections they hold in trust for the nation, and he feels strongly that not making them easily available is simply unacceptable. Furthermore, the Board of Trustees was completely behind the decision. Both Director and Board understand that visits to the website, which continue to grow annually, provide new ways for the public to experience the collections. They also hoped that delivering free images for scholarship might encourage other museums to follow their lead.

6.2.5 Delivery Mechanism

The V&A decided to integrate the delivery of high-resolution images for scholarly publishing into the "Collections" area of its website. The "Collections" database includes thirty thousand works represented by more than fifty thousand images and is expected to grow by about twenty thousand images per year. In addition to simple and advanced searching options, the user finds explanations on the website of three ways to obtain images:

- *Standard Web Image*: Free, web-sized images can be downloaded by right-clicking.

- *High-Resolution Image*: Free, high-resolution images are available for "privileged usage," defined as academic/educational/scholarly publications; scholarly journals; student theses; private study and research; critical editorial use; charity, society, and trust newsletters. The user must agree to the Terms and Conditions of Use and register his/her email address to set up an account. Up to thirty images can be requested per order (this is a functional constraint only; users can place multiple orders). The user is sent a separate email message with a link to the site where the images are available for downloading.

- *Commercial Usage*: Commercial users are directed to V&A Images to discuss individual projects and obtain high-resolution images.

At the same time that the museum is foregoing licensing income from scholarly publishing, it is very actively marketing commercial use of images. These include filming at the V&A, licensing short educational films produced by the museum, photo-shoots, commissioned photography, and a customized high-quality print service.

6.2.6 Victoria & Albert Museum Conclusion

During the first year of the fee-free image service there has been "no collapse in the finances of the Picture Library; indeed, the results of providing images without charge for scholarly publishing have been completely neutral with regard to the bottom line." Only about twenty people have downloaded as many as two hundred images during the year, which is well within the terms and conditions of use established by the museum.

In the future, upgrades to the web application will enable the museum to track the download frequency of individual images and to study, over time, the way in which this growing body of images is used. "We care about branding; if people see our content online and realize the V&A is a great place to visit, we win."

6.3 Smithsonian Institution: Delivering Images through The Commons on Flickr

[NOTE: This case study is based on a document prepared by the Smithsonian Institution and sent to the author in October 2008, and a telephone conference on October 9, 2008, with Anne Van Camp, Archivist, Smithsonian Institution, and Katherine Spiess, Director, Central Digitization Office.]

In June 2008, the Smithsonian Institution[28] released nine hundred public domain images in The Commons on Flickr.[29] By November 2008, the number had grown to over two thousand. The images vary in file size, but the largest are suitable for publication. How and why did the Smithsonian Institution decide to become a member of Flickr, a popular and commercial photo-sharing website? Does The Commons provide a viable delivery mechanism of images for scholarly publication?

6.3.1 Background

The Smithsonian Institution (SI) is a federated institution comprised of nineteen museums, nine research centers, and the National Zoo, all of which have photographic holdings in digital and analog formats. The estimated thirteen million images in the Smithsonian photographic collections have historic, artistic, and scientific import. They also document the history of photographic processes and techniques.

One strategic goal of the SI is to unite the collections virtually in a digital asset management system. A pan-institutional assessment of photographic holdings is needed to establish collection priorities and determine the resources needed to undertake a unified, large-scale digitization, cataloging, and access program. In the absence of such an assessment, the individual SI units have developed separate websites to present whatever fraction of their photographic collections have been digitized and cataloged in sufficient depth to support discovery and research.

Against this backdrop, the Smithsonian Photography Initiative (SPI) was established in 2001.[30] It serves as a central, web-based programming unit designed to stimulate dialogue about the cultural impact of photography with new and existing Smithsonian audiences. Organized as a series of integrated programs, the website *Click! photography changes everything*[31] invites the public to consider ways in which photography enables people to see, experience, and interact with the world. Although the Search Images feature of the website presents a relatively small percentage of art, science, culture, and history images available in each of the Smithsonian's units, it does present the only pan-institutional image cross-section. SPI does not provide sales or licensing services; instead it redirects web visitors via links to the websites of the SI units, which each manage their own images and content. There is no consistent policy regarding licensing fees across the units of the Smithsonian Institution, and some work with third-party licensing agencies such as Corbis and Art Resource.

At the same time the Smithsonian Photography Initiative was launched, Smithsonian Images[32] was

[28] Smithsonian Institution: http://www.si.edu/ (<http://www.si.edu/>).

[29] The Commons on Flickr was launched on January 16, 2008, as a pilot project with the Library of Congress. The announcement explained, "There are two main aims to The Commons project, starting with the pilot: firstly, to increase exposure to the amazing content currently held in the public collections of civic institutions around the world, and secondly, to facilitate the collection of general knowledge about these collections, with the hope that this information can feed back into the catalogs, making them richer and easier to search." http://blog.flickr.net/en/2008/01/16/many-hands-make-light- work/ (<http://blog.flickr.net/en/2008/01/16/many-hands-make- light-work/>). Information about the public collections currently available in The Commons is available at: http://flickr.com/commons (<http://flickr.com/commons>).

[30] Smithsonian Photographic Initiative: http://photography.si.edu/Pr ojectHistory.aspx (<http://photography.si.edu/ProjectHistory.aspx>).

[31] The Smithsonian Institution explains that "Click! photography changes everything" is a collection of essays and stories by experts (<http://click.si.edu/Contributors.aspx>) who discuss how photography shapes our culture and our lives. [It explores] how photography changes Who We Are (<http://click.si.edu/Theme.aspx?theme=1>), What We Do (<http://click.si.edu/Theme.aspx?theme=5>), What We See (<http://click.si.edu/Theme.aspx?theme=3>), Where We Go (<http://click.si.edu/Theme.aspx?theme=2>), What We Want (<http://click.si.edu/Theme.aspx?theme=4>) and What We Remember (<http://click.si.edu/Theme.aspx?theme=6>)." http://click.si.edu/ (<http://click.si.edu/>).

[32] Smithsonian Images: http://smithsonian images.si.edu/siphoto/siphoto.portal? _nfpb=true&_pageLabel=content&contentpath=about.html (<http://smithsonianimages.si.edu/siphoto/siphoto.portal? _nfpb=true&_pageLabel=content&contentpath=about.html>).

created as a pilot web program with the goals of using credit cards for e- commerce and increasing visibility and access to its online digital images. Fees charged for non-commercial use were designated for recovery of distribution costs rather than to generate profit for the Institution. From its inception, Smithsonian Images has permitted free download of digital images at a non- publication resolution for educational, scholarly and personal use under the terms of "fair use."

Early in 2007, the Smithsonian Institution's Digitization Steering Committee issued a report with recommendations about the resources and infrastructure needed to create, manage, provide access to, and use the Institution's digital assets to effectively meet the needs of real and virtual visitors. In April 2007, the Smithsonian met with Library of Congress staff to discuss technology infrastructure requirements to support digitization and various procedural considerations, including intellectual property rights. The Smithsonian Digital Media Use Committee was formed in July 2007 to create a new pan-institutional policy reflecting current technologies and SI's commitment to providing broad access to digital assets in a manner consistent with its legal and stewardship responsibilities.

6.3.2 Barriers to Making Images Available Free of Charge

Although the Smithsonian Institution seeks to increase access for educational and research purposes, it cites the following reasons for not making images available free of charge for scholarly publishing:

- *Cost of Collections Management and Documentation*: Tens of thousands of images, analog and digital, in the separate SI collections need research to verify or improve their descriptive information. In addition, there is no single digital asset management system (DAMS) for storing high-resolution images and associated cataloging in one location. The SI units believe that revenue from image sales is needed to recoup some of the costs necessary to improve collections documentation and implement a DAMS.

- *Cost of Rights Research*: Smithsonian staff members take their stewardship responsibilities seriously and are meticulous in verifying that every image released has "no known restrictions." To do so, they must consult both manual and automated collections documentation systems, a labor-intensive and therefore costly undertaking, given the massive size of the SI photographic collections.

6.3.3 Smithsonian Institution Joins The Commons on Flickr

In January 2008, the Library of Congress announced a new pilot project launched with Flickr that was designed to:

> *help address at least two major challenges: how to ensure better and better access to our collections, and how to ensure that we have the best possible information about those collections for the benefit of researchers and posterity.... 3,000 photos from two of our most popular collections are being made available on our new Flickr page*[33] *, to include only images for which no copyright restrictions are known to exist.... We want people to tag, comment and make notes on the images, just like any other Flickr photo, which will benefit not only the community but also the collections themselves.... We're also very excited that, as part of this pilot, Flickr has created a new publication model for publicly held photographic collections called The Commons*[34] *. Flickr hopes, as do we, that the project will eventually capture the imagination and involvement of other public institutions, as well.*[35]

Staff at the Smithsonian Institution were meeting with Library of Congress staff about digital issues during 2007 and early 2008. The early success of the LC/Flickr pilot helped convince Smithsonian units

[33] http://www.flickr.com/photos/library_of_congress/
[34] http://www.flickr.com/commons
[35] Library of Congress Blog, January 16, 2008. http://www.loc.gov/blog/?p=233 (<http://www.loc.gov/blog/? p=233>).

to launch their own Flickr project.[36] They formed a core team that drew its members from the SI library, archives and museum communities, central programmatic units that support public programs, and from the Office of the Chief Information Office. In February 2008, the group issued a call to the Smithsonian community for digital images to be used in the Flickr project with a goal of providing approximately two thousand digital photographic images from a variety of collections throughout the Institution.

In deciding to move forward with participation in The Commons, the Smithsonian defined the following goals for the project:

- Increase public knowledge of, and access to, the Smithsonian's digital collections, programs, expertise, and other resources.
  - Use photographic collections to draw new visitors to the Smithsonian, those who might not otherwise come to SI museums, libraries, and archives in pursuit of their interests.
- Develop a Smithsonian online community by reaching out to audiences.
  - Explore the interests of "digital natives" who use social networking sites in ways the SI has yet to understand.
- Improve public outreach by learning more about SI audiences through social tagging, public comments, and the resulting social dialogue.
  - Gather information about the interests of SI audiences and enhance the documentation and interpretation of its collections using the knowledge, perspectives, and experiences of these audiences.

On June 16, 2008, nine hundred images were uploaded from the Smithsonian Institution to The Commons; by October 2008, the number of SI images available in The Commons had doubled. All the images in The Commons can be viewed and downloaded at five different resolutions; the original image, contributed by the owning institution, determines the size of the largest file.[37] In the case of the Smithsonian, there is no pan-institutional policy about what size the "original" image should be; each SI unit makes that determination independently. As a result, only a portion of the SI images in The Commons are, at this time, of adequate size to download for publication. Recognizing that Flickr is commercial, and therefore not a trusted website in many educational environments, SI has added the same images to the Smithsonian Photography Initiative website, which is educational, trusted, and branded with the Smithsonian Institution imprimatur. Each SI image appearing on a Flickr Commons page links back to the same image on the SPI website, *Click*.[38]

6.3.4 Copyright and The Commons

The Smithsonian Institution researches images contributed to The Commons, releasing those they believe have no known legal restrictions. This includes copyright and other legal restrictions, such as those required by the donor of the image or the underlying object. The images are flagged with the rights statement, "No known copyright restrictions," and viewed on The Commons with two associated links. One link leads to the generic Flickr rights page that reminds users to conduct "an independent analysis of applicable law before proceeding with a particular new use."[39] The other link takes the user to the explicit rights statement for

[36] Public.Resource.Org (<http://public.resource.org/>) (http://public.resource.org/ (<http://public.resource.org/>)) is a nonprofit organization dedicated to the creation of public works projects on the Internet. It focuses on increasing the flow of information in both directions between people and the U.S. government. On May 19, 2007, Public.Resource.Org posted over six thousand images harvested from the Smithsonian Institution's Images website to the commercial site Flickr, expressing the hope that their action would cause the Smithsonian Institution to broaden its image distribution policies. In fact, the Smithsonian Institution was already working on ways to provide better access to its rich photographic collections, as it demonstrated in June 2008.

[37] The Smithsonian Institution registered for a Flickr "Pro" account, which costs $24.95 per year and allows the upload of images up to 20MB each. Flickr officially supports JPEGs, non-animated GIFs, and PNGs. TIFFs can be uploaded as well, but they are automatically converted and stored as JPEGs.

[38] See Search Images section of Click. http://photography.si.edu/Searc hImage.aspx (<http://photography.si.edu/SearchImage.aspx>).

[39] See usage page of The Commons, http://www.flickr.com/commons/usage/ (<http://www.flickr.com/commons/usage/>).

the image provided by the contributing institution. In the case of the SI images, the link takes the user to the "Copyright: Terms and Conditions" page of the Smithsonian Institution website to learn:

> *Anyone wishing to use any of these files or images for commercial use, publication, or any purpose other than fair use as defined by law, must request and receive prior written permission from the Smithsonian Institution. Permission for such use is granted on a case-by-case basis at the sole discretion of Smithsonian's Office of Product Development and Licensing. A usage fee may be assessed depending on the type and nature of the proposed use.*[40]

At present, this leads to some confusion for users, as the statement suggests that some of the SI content on The Commons may be by protected by usage restrictions. SI is aware of this discrepancy and is working to develop new, more accurate language.

6.3.5 Smithsonian Institution Conclusion

The Smithsonian Institution joined The Commons on Flickr to make its content more widely accessible. After the first four months, it found that Flickr definitely increased exposure of their images to more individuals. "Portraits of Scientists," a set of images of nineteenth- and early twentieth-century scientists and inventors, has been on the Smithsonian Libraries' website since 2003. In the first three months the set was on The Commons, the images received nearly as many visits as during the previous five years on the Smithsonian site. SI is not currently using The Commons to delivery fee-free, high-resolution images for scholarly publication, but may consider doing so in the future.

The Commons is a space for public institutions to share images of their collections. "Pro" membership in The Commons permits museums to upload an unlimited number of images as large as twenty megabytes in size. The Smithsonian Institution's goal in providing images to The Commons is to expand access to its photographic collections, not explicitly to supply high-resolution images for scholarly publication. Other museums, however, may find that The Commons provides a cost-effective delivery mechanism of fee- free images for scholarly publication.

[40] http://www.si.edu/copyright/.

Chapter 7

Conclusion[1]

External Image
Please see:
http://rup.rice.edu/image/amisp-buybutton.jpg

Museums present many reasons for charging licensing fees for scholarly publication. In a pre-electronic age, servicing orders for photography was labor-intensive and time-consuming. Color transparencies were expensive to duplicate. Damaged or lost transparencies necessitated new photography. Descriptive information and credit lines had to be verified in multiple manual systems. Museums sought to recover these costs through licensing income.

Museums also used licensing to control use of images. They hoped to ensure that works in their collection would be reproduced with a high degree of color fidelity to the original, with accurate associated information, and in a manner that appropriately honored the artistic achievement of the underlying work. Their claim of copyright over the photographs of works in the public domain provided tight control of image use.

The advent of electronic information and digital images has created opportunities for more efficient management of information and images in museums. The web offers new ways to provide access to museum collections and deliver educational value to real and virtual visitors. The costs of implementing and maintaining carefully planned technology is repaid by the mission-enhancing benefits it can provide a museum.

Today, images can be delivered electronically, thereby eliminating reproduction and handling costs. Object information vetted by curators is increasingly centralized and readily available for multiple uses, including rights and licensing transactions. Museums no longer control access to images of works in their collections; images are captured by the cell phones and digital cameras of their visitors, scanned from books, and shared on Google. The right to claim copyright over photographs of two-dimensional works has been struck down in the United States's Second Circuit court. Scholars and publishers are protesting that the fees museums charge to acquire images and the permission to reproduce them are causing a crisis in scholarly publishing.

In response to this changed landscape, a very few museums have taken the pioneering step of beginning to offer images for scholarly publication without charging asset or permission fees. At the time that the Victoria & Albert Museum announced its decision to do so, V&A Director Mark Jones explained, "We want to respond to the needs of the academic and education community by making collection images available with greater convenience and minimum cost. High charges have acted as a barrier to spreading knowledge, and we want to play a part in removing this."

Perhaps the time is right for other museums to consider changing their licensing policies.

[1] This content is available online at <http://cnx.org/content/m27793/1.2/>.

Chapter 8

Acknowledgments[1]

External Image
Please see:
http://rup.rice.edu/image/amisp-buybutton.jpg

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[1] This content is available online at <http://cnx.org/content/m27787/1.2/>.

Index of Keywords and Terms

Keywords are listed by the section with that keyword (page numbers are in parentheses). Keywords do not necessarily appear in the text of the page. They are merely associated with that section. *Ex.* apples, § 1.1 (1) **Terms** are referenced by the page they appear on. *Ex.* apples, 1

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Art Museum Images in Scholarly Publishing
An overview of the history and climate around museum practices regarding the publishing of reproductions of images in their collections.

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