

# 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<sup>1</sup>

### External Image

Please see:

<http://rup.rice.edu/image/amisp-buybutton.jpg>

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.<sup>2</sup>*

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

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m27794/1.2/>>.

<sup>2</sup>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.<sup>3</sup>

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.<sup>4</sup> 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.

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<sup>3</sup> *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) (<[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) (<[http://www.law.harvard.edu/faculty/martin/art\\_law/bridgeman1.pdf](http://www.law.harvard.edu/faculty/martin/art_law/bridgeman1.pdf)>).

<sup>4</sup> 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) (<[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<sup>1</sup>

### External Image

Please see:

<http://rup.rice.edu/image/amisp-buybutton.jpg>

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.<sup>2</sup> Expensive proofing exchanges between museums and printers can be reduced when working in a quality, color-managed digital publishing environment.<sup>3</sup> Yet there is a downward trend

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

<sup>2</sup>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.

<sup>3</sup>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.

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author).

## Chapter 3

# Museum Licensing Fees: Practice and Rationale<sup>1</sup>

External Image

Please see:

<http://rup.rice.edu/image/amisp-buybutton.jpg>

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.<sup>2</sup>

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

<sup>2</sup>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) (<[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.<sup>3</sup>

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<sup>3</sup>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<sup>1</sup>

### External Image

Please see:

<http://rup.rice.edu/image/amisp-buybutton.jpg>

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.”<sup>2</sup> 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.”<sup>3</sup> 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.”<sup>4</sup> 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.<sup>5</sup> 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.”<sup>6</sup> 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

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

<sup>2</sup>“Editorial: Copyright: fair or foul?” *The Burlington Magazine* 148 (2006): 659.

<sup>3</sup>John Nicoll, “Why art publishing is in crisis,” *Apollo* 161, no. 519 (2005): 72.

<sup>4</sup>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.

<sup>5</sup>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) (<[http://www.law.cornell.edu/copyright/cases/36\\_FSupp2d\\_191.htm](http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm)>).

<sup>6</sup>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.”<sup>7</sup>

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.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>*

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

<sup>8</sup>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>>).

<sup>9</sup>Kenneth Hamma, “Persistence of Memory” (paper presented at Northeast Document Conservation Center conference, 2005).

<sup>10</sup>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<sup>1</sup>

External Image

Please see:

<http://rup.rice.edu/image/amisp-buybutton.jpg>

### 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.”<sup>2</sup>

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.”<sup>3</sup> 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.<sup>4</sup> These benefits can be difficult to quantify, but the costs are real. Staff freed from more mun-

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

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

<sup>3</sup>Ibid.

<sup>4</sup>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) (<[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.<sup>5</sup>

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."<sup>6</sup> 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.<sup>7</sup> 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.

<sup>5</sup>Schneider, "L.A. Art Online," 32.

<sup>6</sup>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) (<[http://www.asis.org/Bulletin/Apr-08/AprMay08\\_Oberoi.html](http://www.asis.org/Bulletin/Apr-08/AprMay08_Oberoi.html)>).

<sup>7</sup>Katie Hafner, (<[http://en.wikipedia.org/wiki/Katie\\_Hafner](http://en.wikipedia.org/wiki/Katie_Hafner)>)"A Photo Trove, a Mounting Challenge," *New York Times*, April 10, 2007, <http://www.nytimes.com/2007/04/business/10Corbis.html> (<<http://www.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.<sup>8</sup>

## 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.<sup>9</sup> 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).<sup>10</sup> 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).<sup>11</sup>

<sup>8</sup>Tanner, “Reproduction charging models & rights policy for digital images in American art museums,” 16-17.

<sup>9</sup>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/) (<[http://www.getty.edu/research/conducting\\_research/vocabularies/](http://www.getty.edu/research/conducting_research/vocabularies/)>).

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

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

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