

DIGITAL REACH



Digital Rights | Museums

Delivered to

Digital Reach Partners

Prepared by

Nordicity and Lord Cultural
Resources



THE
NATIONAL
Ballet
OF CANADA

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Artistic Director

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Disclaimer

- This report provides a general summary and overview of rights and permissions in Canada and their application to the digital realm for museums.
- **The contents of this report are the responsibility of Nordicity and Lord, and not of the organizations that are a part of Digital Reach.**
- All information and suggestions outlined here represent the general findings of desk-based research and opinions of professionals obtained through interview. They do not constitute legal advice or recommendations in any way. Rather, they are for generating discussion in the arts community, and are part of the Canada Council sponsored Digital Reach project.
- It is strongly recommended that anyone seeking rights related advice speak to a qualified legal professional before proceeding with any decisions.

The Digital Reach Project

- The **Digital Reach** Project seeks to examine how cultural organizations of different sizes take advantage of screen technologies to reach their audiences.
- Funded by a Digital Strategy Fund grant from the Canada Council, Digital Reach is led by the National Ballet, and brings together 12 arts organizations from a variety of arts (e.g., theatre, opera, museums).
- The goal of this project is to equip partner organizations with **knowledge to capture content digitally**: including technical requirements and infrastructure, content distribution platforms, and different use cases to engage with audiences.
- Digital content can mean different things for **museums** and **performing arts** organizations, and the rights and permissions involved are different for each.
- This report will support partner organizations in their understanding of the rights involved in capturing content digitally.

Context

Context | Digital Content Creation

- Arts organizations have had to rapidly produce content for the online environment due to the COVID-19 pandemic
- Many have used pre-recorded video and audio content to bridge the gap
- New long form content has also been developed and shared online through YouTube or other platforms.
- For many the hurdle of both sorting out the necessary rights holders and the payment triggered by the need for distributing content online (both recorded and streaming) is an urgent challenge
- The innovation that can be seen across the sector right now shows promise, though full payback on the costs is still quite elusive
- When it comes to digital content, museums must deal with **requests for rights and permissions from a wide range of users**, internally (e.g., marketing, curatorial, publications), and externally (e.g., researchers, publishers, other institutions)

Copyright Overview

Copyright | Overview of Section

- This section will provide an overview of copyright and its context in Canada, along with:
 - A discussion of different rights that arts organizations need to consider; and,
 - An overview of how these rights might be considered in the digital context.

Copyright | Canadian Context

- Copyright is a **set of 'exclusive' rights**, giving the copyright holder or owner the right **to control the use of the creative work (moral rights)** and the ability to **earn from it (economic rights)**.
- Copyright is **bestowed automatically**; registration is not required but documentation helps to confirm who the original creator is
- Copyright **belongs to the creator/artist/author**, unless they purposefully transfer these rights to someone else, for a certain timeline after their death.
- In Canada, all copyright, is governed by the ***Copyright Act***
- The Copyright Act was altered in 2012 with the ***Copyright Modernization Act*** which attempted to update legislation to meet the perceived realities of the digital era (including new exceptions for user-generated content, provisions for reproductions made for educational purposes, and making performers and photographers the primary owners of their commissioned works)
- Internationally, Canada is party to the ***Berne Convention for the Protection of Literary and Artistic Works*** which outlines minimum copyright protection timelines for member countries based on jurisdiction

Copyright | Who Governs Copyright?

- The **Copyright Board of Canada** is mandated to administer the act and intervene in certain cases.
- As a federal non-profit, the **Canadian Artists' Representation/Le Front des artistes canadiens (CARFAC)** provides copyright aid and information for Canada's professional visual artists.
- CARFAC also has a collective agreement with a number of institutions, setting a rate for copyright royalty fees for all artists that work with that institution (e.g., National Gallery of Canada)
- In Quebec, CARFAC formed a partnership alliance with Le Regroupement des artistes en arts visuels du Québec (RAAV) and work together to represent QC artists at the national level.
- For performing artists, **Unions** manage their rights and royalty payments
- While the copyright (or "rights") for creative content can be held by a performing arts organization, the performing arts organization is still required to compensate their artists according to the union agreement between the artist's unions and the organizations.
- The union agreement may also include residual payments and royalties if the content is being shown repeatedly, for example if it is recorded or streamed online.

Copyright | What is Protected?

Copyright protects all original works that follow conditions set out in the *Canadian Copyright Act* including:

- **Literary works** such as books, pamphlets, computer programs and other works consisting of text
- **Dramatic works** such as motion picture films, plays, screenplays and scripts
- **Musical works** such as compositions with or without words
- **Artistic works** such as paintings, drawings, maps, photographs, sculptures and plans

Copyright also protects subject-matter such as:

- **Performers' performances**, meaning any performance of an artistic, dramatic or musical work, a recitation/reading of a literary work, an improvisation, regardless of whether the work is based on a pre-existing work
- **Sound recordings**, meaning recordings consisting of sounds, whether or not a performance of a work, but excluding any soundtrack of a cinematographic work where it accompanies the cinematographic work
- **Communication signals**, meaning radio waves transmitted through space without any artificial guide, for reception by the public

Copyright | What is NOT Protected?

Copyright does not protect:

- Ideas, facts, short and one-word titles, and works that are not fixed in a material form (i.e., works that have **not been written down or recorded** in a somewhat permanent physical or digital format).
- Works which are **unoriginal** (i.e., works which do not require skills and judgment to create)

Source: Canadian Intellectual Property Office. August 2019. "A Guide to Copyright". https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html#whatCopyrightProtects

Copyright | Whose Rights? Various Scenarios to Consider

- Museums are involved in a **wide range of activities** where digital can be involved and where rights and permissions may apply
 - Preservation, research, education, exhibition, interpretation, merchandizing, marketing, etc.
- This section considers a variety of **rights and permission scenarios** and how they might apply to museums overall and digitally, including:
 - Creator/artist/author rights
 - Performer rights
 - Audience rights
 - Employment rights



- These rights belonging to **artists, authors, musicians, designers, photographers, creators, etc.** and pertain to the use of their creative outputs
- In Canada, creators/artists have (1):
 - **Exhibition rights** - entitles them to receive payment when their work is publicly exhibited and is not for sale
 - **Reproduction rights** - protection from reproduction by anyone (including the owner) of their works without the creator's/artists' permission
 - **Moral rights** – protects their work from change or distortion by others, ensures attribution as the artist and prevents association with causes, products, and services to which the artist/creator is personally opposed



- For **Museums**, creator/artist rights could apply to:
 - Works of art and objects in the collection by living and recently deceased creators/artists
 - Archival materials in the collection by living and recently deceased creators/artists
 - Borrowed works and materials by living and recently deceased creators/artists
 - Commissioned permanent and temporary physical installations
 - Promotional or documentary images/footage taken on behalf of the museum
- Digitally, this could apply to:
 - Images of art and objects for web, social media and digital promotion
 - An online browsable collections portal on the website
 - Virtual exhibitions and virtual tours
 - Video recordings of talks, lectures, gallery tours if works and objects are featured
 - Digital publications and exhibition catalogues
 - VR/AR experiences, apps and games
 - In-gallery interactives

This normally doesn't apply to specimens or historic works

Copyright | Performer Rights



- These rights pertain to **actors, dancers, musicians, performers, speakers, etc.** involved in the **performance** of an artistic, dramatic or musical work, a recitation/reading, and an improvisation
- Performers must have permission to perform copyrighted works e.g.. plays, music scores, literary works
- Performers have rights in their performances to:
 - Record their performances and make copies
 - Communicate live performance by telecommunications
 - Perform in public
 - Rent copies of their recorded performances
 - Make recordings available to the public online through on-demand services
 - Sell/transfer ownership of recordings (as long as ownership has not been previously sold/transferred) and with permission of the copyright owner
 - To the use of their image for commercial purposes
 - Authorize any of the above activities

Copyright | Performer Rights



- For **Museums**, performer rights could apply to:
 - External speakers engaged to give talks, lectures and readings
 - Public display of artists working in residence or installing/creating a new work
 - Performances by outside individuals or performing arts companies that take place at the museum venue
- Digitally, this could apply to:
 - Live streaming or recording performances, talks and lecture series
 - Posting video shorts and feature length performances of on-site concerts, dance or dramatic works on the website or social media platforms
 - Promotional trailers for upcoming events that feature past performers
 - Time-lapse video of artists at work or other making-of content related to the creation of a work of art
 - Virtual programs such as story time for children or costumed characters

Copyright | Audience Rights



- These rights pertain to **audience members** being photographed, recorded or tracked while at a performance, or at a museum or any organization-sponsored activity. In this case:
 - Audience consent is required to use images of recognizable individuals
 - Signed consent is required for use of images relating to audience members who are minors
- Audience rights could apply to:
 - Visitors buying tickets, attending events, participating in programs, visiting the museum galleries and using various facilities
 - Attending a performance
 - Dignitaries and other special guests at the museum
- Digitally, this could apply to:
 - Promotional images of visitors at events or taking part in programs
 - Live streaming or recordings of talks and lectures in front of a live audience
 - Visitor circulation and tracking programs including CCTV



- These rights pertain to **staff and contractors** who often assume roles such as creator/artist, performer, and audience member and who are asked to create intellectual property and content on behalf of the institution.
- Digitally, this could apply to:
 - Virtual exhibitions
 - Website content
 - Social media posts
 - Blogs, Vlogs and Podcasts
 - E-books and digital publications
 - Interactives, games and interfaces
 - Digital graphics, animations, video editing
- Copyright for works created by museum staff is automatically owned by the employer unless an alternative agreement has been made.

Copyright | How Long Does Copyright Last?

- In Canada, copyright protection for **visual art** lasts for the **entirety of the creator's life plus 50 years after death**. If the creator is unknown, it lasts 75 years.
- If there are multiple creators, the copyright will last for 50 years after the death of the last surviving creator.
- **Performers' moral rights** now extend to 50 years after publication, or 50 years after the end of the calendar year in which the performance occurred. When copyright protection expires, works fall into the public domain and are free to be used and enjoyed by anyone.
- Copyright protection for sound recordings for performers and sound recording makers is 50 years after publication of the musical performance.
- The **term of copyright is different in each country** and impacts works when they are sent to/from or are accessed from another country (Berne Convention)

Copyright | When Do You Need to Get Permission? From Who?

- Copyright permission needs to be obtained **when works are not part of the public domain** or the copyright term has not yet expired
- Ideally, copyright should be obtained **at the onset of a project and prior to use** of any works in a digital capacity
- The owner of the work and the copyright holder are not necessarily the same people
- Permission is required from the copyright holder(s); in some cases more than one person owns rights to a work and therefore **permission must be given by all copyright holders**
- In some instances, organizations such as **copyright collectives/ copyright societies/ licensing agencies grant permissions behalf of rightsholders** through the purchase of licences (e.g., CARFAC)
- Moral rights cannot be assigned or licensed, but can be waived by contract.

Source: Ruth Towse. "Getting Permission". <https://www.copyrightuser.org/understand/getting-permission/>

Copyright | When Do You NOT Need Permission?

Copyright permission is not required when:

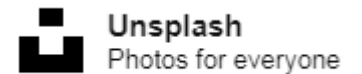
- Copyright has expired
- Works are unoriginal
 - Ex. Specimen in a natural history museum
- Works are in the public domain
 - Either copyright has expired, the copyright owners has waived their copyright, or works were never protected by copyright initially.

Source: Timothy Vollmer, "The public domain and 5 things not covered by copyright", <https://creativecommons.org/2017/01/16/public-domain-5-things-not-covered-copyright/>

License

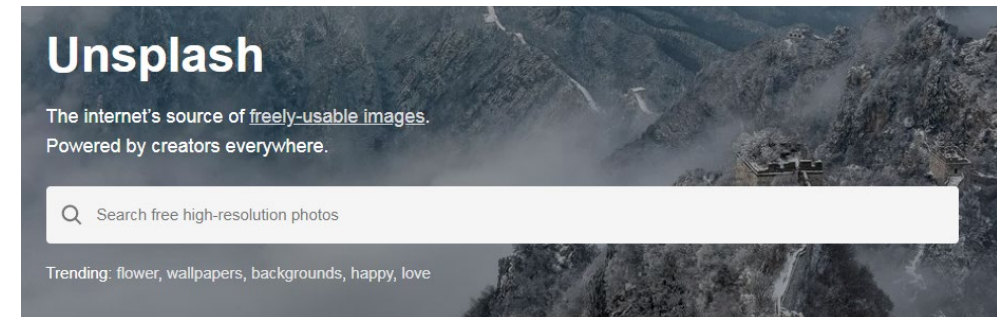
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- ✓ All photos can be **downloaded** and used for **free**
- ✓ **Commercial** and **non-commercial** purposes
- ✓ **No permission needed** (though attribution is appreciated!)



What is not permitted ↴

- ⊘ Photos cannot be **sold** without significant modification.
- ⊘ Compiling photos from Unsplash to replicate a similar or competing service.



Unsplash homepage and license indicating "Photos for everyone"

Copyright | What Happens When You Infringe on Rights?

- It is the responsibility of the copyright owners and/or those with exclusive licence to report infringements to the appropriate authorities
- Copyright infringement can result in the following:
 - Payment of any royalties to a copyright owner or copyright society
 - Imprisonment
 - Monetary fines

Sources: Government of Canada (1985), *Copyright Act*; Canadian Intellectual Property Office. "A Guide to Copyright". https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html#whatCopyrightProtects; Lovrics & Gallivan, "Canada: Copyright Laws and Regulations 2021", <https://iclq.com/practice-areas/copyright-laws-and-regulations/canada>

Copyright | Social Media + Third Party Platforms

- Arts organizations are subject to terms and conditions of social media websites (ex. Facebook, Instagram, Twitter, YouTube, Pinterest, etc.) and need to be aware that any content posted can be reused by the platform.
- For example, Facebooks Terms and Service Agreement States: “...you grant us a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post...”
- Another consideration is that Safe Harbors Provisions make platforms such as YouTube exempt from liability when content is placed on their platform without rights clearance, so the incentive to ensure content is cleared is on the artists
- There are companies (e.g., Audiam) that can monitor and collect royalties for artists from third-party platforms such as YouTube

Sources: Dr. Benhamou, “Copyright and Museums in the Digital Age”, WIPO Magazine; Kerr and Young, “Tech Tutorial: Digital Copyright and Privacy (Beginners)”, American Alliance of Museums, Annual Meeting

Museums + Rights

Museums | Overview of Section

- This section will focus on copyright as it relates to museums and galleries specifically
- For museums, copyright impacts the use of images online, as well as recorded content, and digital projects (both in-gallery and online)
- This section will also discuss how museum work has been altered by the increasingly digital context in which they are operating
- The section will also outline considerations related to protecting copyright appropriately

Museums + Copyright

Museums | Canadian Copyright Act

- Galleries, Libraries, Archives, and Museums (GLAMs) are **mission driven** institutions with the goal of **providing public access to culture and knowledge**.
- GLAMs are using **digital technologies to help fulfill their missions** by providing and preserving access to collections for generations.
- Under the Canadian *Copyright Act*, GLAMs are given **special rights for reproduction** without permission in certain contexts
- GLAMs can reproduce works without permission when:
 - a rare or unpublished original is at risk of **deteriorating, being damaged, or lost**
 - the original cannot be viewed due to **condition or atmospheric conditions**
 - the original or **technology** used to view the original is currently in a format that **is obsolete** or is becoming obsolete;
 - for the purposes of **internal record-keeping** and **cataloguing**;
 - for **insurance purposes** or **police investigations**; or
 - necessary for **restoration**

Museums | Canadian Copyright Act (Cont.)

Libraries, archives, museums and those acting under these institutions must take measures to prevent third parties (such as private researchers) from:

- making **any reproduction** of the digital copy, including any paper copies, other than printing one copy of it;
- communicating the **digital copy to any other person**; and
- using the digital copy for **more than five business days** from the day on which the person first uses it.

*The person obtaining digital reproductions is only permitted to **one copy** and the copy is only usable for the **purpose of private research**.*

Source: Government of Canada (1985), *Copyright Act*

Museums | Canadian Copyright Modernization Act + Digital

The Copyright Modernization Act amended and updated the original act in order to **better address the challenges and opportunities of the internet**

Canadians can now:

- Incorporate legally acquired copyrighted content into their own user-generated work, if it's not for commercial gain and does not cause negative impact
- Use copyrighted content for the purposes of education, satire or parody. This expands what is known as the fair dealing provisions
- Copy copyrighted material that is part of an online or distance learning course in order to listen to or view it at a later time.

Source: <https://www.cbc.ca/news/canada/copyright-changes-how-they-ll-affect-users-of-digital-content-1.991691>

Museums | Canadian Copyright Modernization Act + Digital

Until the adoption of *Copyright Modernization Act*, photographers were not on an equal footing with other creators. Under the *Copyright Act*, they were not considered artists, but technicians. (1)

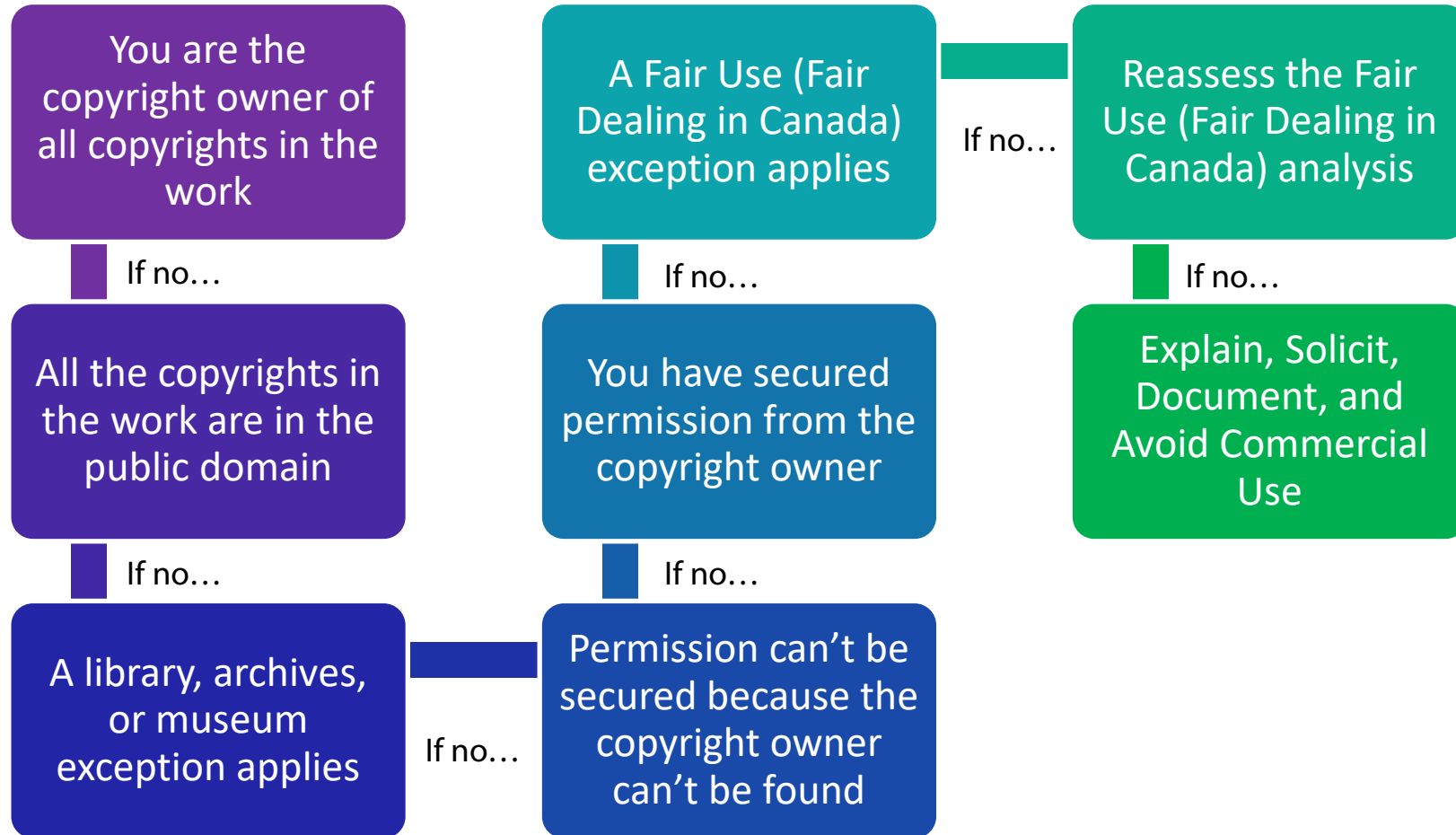
Additional changes impacting libraries, museums and archives (2):

- Prohibits the circumventing of digital locks, even for legal purposes
- Differentiates between a commercial violation of copyright law and an individual violation
- Allows librarians to digitize print material and send a copy electronically to users, who can view the material on a computer or print one copy
- Allow disabled consumers to adapt copyrighted material to a format they can more easily use

Source: (1) <https://capic.org/copyright-laws/> (2) <https://www.cbc.ca/news/canada/copyright-changes-how-they-ll-affect-users-of-digital-content-1.991691>

Museums | When to Digitize: Safe Digitization Workflow

Digitize
When...



Sources: Hirtle, Hudson, and Kenyon, Copyright & Cultural Institutions, pg. 203

Realities of Rights and Permissions Management

Museums | Realities of Rights and Permissions Management

- Museums must deal with requests for rights and permissions from a wide range of users
 - Internally – museum staff looking to create content with owned or borrowed assets e.g.. marketing, curatorial, publications
 - Externally – researchers, publishers, other museums, commercial entities
- Typically, rights and permissions are managed centrally by one person or a small group of people – usually the Registrar or a dedicated Rights and Permissions Coordinator
- Images rights often make up the highest volume of requests, even for public domain works

Museums | Realities of Rights and Permissions Management

- In some cases, the museum owns the copyright or is the only source of a high-resolution image of a public domain work and can grant permission for use
- In others cases, it does not.
 - For internal use – museums must seek permission from the copyright holder for use of some museum owned works/objects, as well as borrowed works/objects
 - For external use – museums can provide an image, but onus is on the external requester to contact the copyright holder to get permission for use

Museums | How Are Rights and Permissions Managed?

- Managing rights and permissions can often be a challenging task for museums and galleries, but there are processes and platforms that can support
- Many tools are involved to track rights and permissions and authorize use:
 - Standard operating procedures and workflows
 - Sign offs and approval processes
 - Dedicated staff with responsibility for rights and permissions oversight
 - Contracts governing various relationships with specific rights and permissions clauses
 - Custom software system like a Digital Asset Management System

Museums | How Are Rights and Permissions Managed?

- Creator/Artist/Author Rights
 - When dealing with living artists – commissions and purchases
 - When dealing with recently deceased artists – artist estates, lawyers, foundations, and rights management companies
- Performer rights (speakers)
 - Speaker gives consent to being recorded and use of the recording in perpetuity through contracting process

- Contract on commissioning which grants the museum permission to use the work in a certain way and for a certain period of time
- Long-term contract that permits certain frequent uses at the discretion of the museum
- Copyright could also be purchased with the work

Museums | How Are Rights and Permissions Managed?

- Audience rights
 - Audiences give consent to being recorded and use of the recording in perpetuity by simply participating in program or attending an event, etc.
 - Signage with a disclaimer informing visitors of photography and filming is posted in visible locations throughout
 - Disclaimer also often appears on the webpage with purchase of ticket
 - During events, photographers may ask visitors to sign release forms on the spot
- Employment rights
 - Copyright for works created by museum staff is automatically owned by the employer unless an alternative agreement has been made
 - Works must fall within the scope of the employee's duties and must be created during the course of employment
 - Exception: employees have a right to restrain publication of their authored work to a third party such as books, magazines, newspapers, and periodicals unless an arrangement with the employee is made stating the contrary

Source: Kerr and Young, "Tech Tutorial: Digital Copyright and Privacy (Beginners)", American Alliance of Museums, Annual Meeting

Museums | Key Challenges of Managing Permissions

- Single largest challenge is the administrative burden of facilitating requests and doing due diligence to gain permission from unknown artists
 - More likely for institutions with contemporary art collections and venues showcasing commissioned work by living artist
- Situations where there are multiple rights holders involved adds to burden or prevents use when there is a disagreement e.g., family members
- Image revenue and licensing as a business for public domain artworks continue to decline, so activity doesn't cover cost
- Constantly drafting new contracts and having to note and adhere to the wishes of living artists involved e.g., some may not wish to be recorded
- Payment may be involved, determining the appropriate level of compensation

Museums | Key Challenges of Managing Permissions

- Photography commissioned by outside contractors, adds extra layers of consent to the process
- Outdated processes for tracking and managing rights, permissions and contract
- Upholding rights and permissions agreements for art works on display during events, functions and rentals
- Pace of digital content development is unprecedented and does not match with methodical rights and permissions processes
- Online presents a high risk of unauthorized use by others that can't be tracked

Museums | Key Takeaways for Effective Management

- Develop clear guidance on rights and permissions
- Embed rights and permissions approvals into the content planning process from the outset
- Centralize approvals with a few key people in designated roles
- Where requests are high in volume, consider hiring an external copyright management company
- Automate the rights and permissions request process
- Where possible, build standardized copyright consent, including digital activities into all contracts and ensure tech/platform neutral language

Museums | Key Takeaways for Effective Management

- Develop good working relationships with copyright holders and negotiate long-term contracts
- Use a digital asset management system to track rights and permissions for art works, images, as well as contracts
- Consider an open access policy - make any public domain works in the collection creative commons license, put high resolution images on the web for download
- Use low res, thumbnail images to provide visible reference but prevent unauthorized use

Museum Case Studies

Museums | Te Papa Museum + Easy Copyright Guidelines

- National museum created a 24-page quick guide to help all museum professionals navigate the copyright issue
- Includes a dedicated section regarding museums online and answers key questions
- Written in clear and easy to understand language
- Provides additional contacts and resources for copyright permissions



Georgia O'Keefe Museum + Rights Clearing House

- In 2006, the Foundation transferred copyrights to the Museum, and now actively manages and licenses the usage of works by Georgia O'Keefe
- Overwhelmed with requests, the Museum couldn't keep up
- Works with national rights clearing house Artists Rights Society to license and monitor all requests for artwork reproduction
- Art Resource NYC is their exclusive representative for its photo rights and permissions interests



*O'Keefe, Georgia (1887-1986) © ARS, NY
Jimson Weed, 1932. Oil on canvas. 48 x 40".
1996.01.01. Gift of The Burnett Foundation.
©Georgia O'Keefe Museum. Photo: Malcolm
Varon 2001.
Georgia O'Keefe Museum, Santa Fe, New Mexico,
U.S.A. / Art Resource, NY*

Museums| Artist Rights Society + Automation

- Artist Rights Society automates their process through an easy web form
- Includes request for digital use, specifying website, social media and app
- Allows staff to easily track and manage incoming requests
- Simple and efficient user experience for the applicant



SEARCH MEMBERS | SUBMIT LICENSING REQUEST | BECOME A MEMBER

ABOUT | PROTECT | PROMOTE | ARTISTS RIGHTS 101

Licensing Requests

Please use the following form to submit a request for copyright clearance.

You may also email us at info@arsny.com or call us at 212.420.9160 with any general inquiries about our services.

Fields marked with an * are required

PERSONAL INFO

LICENSING REQUESTS

SUBMIT

Licensing Request for: *

- Digital
- Exhibition Marketing
- Publications
- Film/TV
- Advertising
- Special Projects + Commissions

PERSONAL INFO

LICENSING REQUESTS

DIGITAL

SUBMIT

Media Type

- Website
- Social Media
- App

Website URL

Social media handle

Artist(s) Name, First and Last (list all artists in one request)

Artwork(s) Title

Comments or Additional Information, including duration of use or number of posts, number of impressions

Long Term Use and Standardized Contracts

- Lighten administrative burden of constantly seeking rights and permission for frequently used objects and art works by establishing long term use contracts with the rights holder. This includes:
 - Expanded timelines for use or use “in perpetuity”
 - Broad strokes use statements
 - Being technology neutral
- Standardized contracts should all include digital communications and should seek to cover:
 - Creating a digitized image of the work
 - Making it available for viewing online (regardless of format)
 - Supplying and sharing the digital images to other third parties

ART LOAN CONTRACT

GENERAL SECRETARIAT OF THE
ORGANIZATION OF AMERICAN STATES
SECRETARIAT FOR EXTERNAL RELATIONS
AMA | ART MUSEUM OF THE AMERICAS

>LOAN DOCUMENT

In accordance with the terms and conditions set forth in the document titled “Conditions Governing This Loan” which is attached hereto in Annex A and which is incorporated by reference, AMA | Art Museum of the Americas of the General Secretariat of the Organization of American States has agreed to lend to _____ the artworks listed below for display from _____ to _____, in the exhibition titled _____ at _____ for the loan period of _____ to _____.

>LENDER INFORMATION

Name/Organization:
Address:
Telephone No.:
Email address:

>OBJECTS ON LOAN

Artworks on loan by LENDER to GS/OAS pursuant to this Loan Document. If more than two works are loaned, attach the others on a separate sheet.

Title:	Title:
Year:	Year:
Artist:	Artist:
Medium:	Medium:
Dimensions (inch):	Dimensions (inch):
Insurance Value (USD):	Insurance Value (USD):
Image:	Image:

-- 1 OF 3 --



Terra Foundation + Digital Asset Management System

- Collections Management Systems (CMS) can handle tracking and location of works but does not manage contracts well
- A small DAMS system is more effective for rights management simply because:
 - Volume of contracts attached to each work/image - contact details, changing dates of contracts, need to be constantly updated, relationship management
 - Have to manage actual digital files - many are high-quality, too big for some CMS to handle
 - Really more about managing photography, versions, type
 - Needs to be searchable, kept together/indexed, with multiple entry points



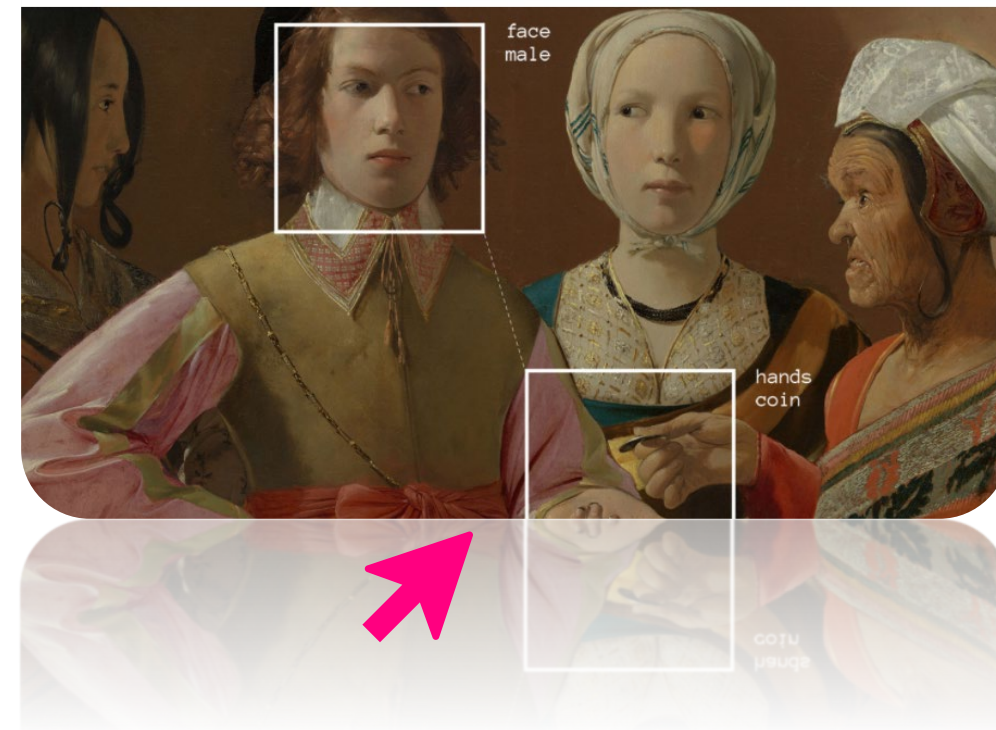
MET + Open Access Policy

- Met moved to an open access policy in 2017
 - 406,000 images of artworks from The Met collection are now under Creative Commons
 - Get 225 million annual views on Wikipedia
- Improves operational efficiency and save money on operations by
 - Reducing staff time processing rights and image requests
 - Redirecting time to more important work like collections management
- Removes barriers for the benefit of users
- Encourages greater engagement: use, share, remix

Celebrating Three Years of Open Access at The Met

February 19, 2020


Sofie Andersen, Interim Chief Digital Officer, and **Spencer Kiser**, Lead Developer, Collection




Brooklyn Museum + Collections Portal

- Provides copyright status of the work
- Illustrates the copyrighted work with a small, low-res thumbnail for reference
- Contextualizes with “why the image is so small?”
- Other museums like Rijksmuseum and Tate show collection item information, but without an image

Brooklyn Museum

On View Events Tickets Shop Collection About Education Give [Become a Member](#) 

 Collection Menu

Search the Collection



Advanced Search



[Why is this image so small?](#)

This image is presented as a “thumbnail” because it is protected by [copyright](#). The Brooklyn Museum respects the rights of artists who retain the copyright to their work.

U. Azeuhi (Japanese) *Ishizuchi*, ca. 1945. Color woodblock print on paper, Sheet: 11 1/2 x 16 1/2 in. (29.2 x 41.9 cm). Brooklyn Museum, Gift of the Estate of Dr. Eleanor Z. Wallace, 2007.32.115 (Photo: Brooklyn Museum, 2007.32.115_JMLS_PS4.jpg)



Mt. Ishizuchi

U. Azeuhi

ASIAN ART

ARTIST U. Azeuhi, Japanese

MEDIUM Color woodblock print on paper

• Place Made: [Japan](#)

DATES ca. 1945

PERIOD Showa Period

DIMENSIONS Sheet: 11 1/2 x 16 1/2 in. (29.2 x 41.9 cm) [\(show scale\)](#)

MARKINGS Artist's seal: two white lines in red disc

SIGNATURE U. Azechi (l.r. in pencil)

COLLECTIONS [Asian Art](#)

MUSEUM LOCATION This item is not on view

ACCESSION NUMBER 2007.32.115

CREDIT LINE Gift of the Estate of Dr. Eleanor Z. Wallace

RIGHTS STATEMENT [Copyright status unknown](#)

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