

FINAL PAPER

**Image licensing at cultural heritage institutions: A perspective
from the stock photography industry**

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Introduction

A majority of American cultural heritage institutions including museums, archives, and libraries, have found a way to capitalize on their image collections via print sales and image licensing. What makes it a lively discussion is the fact that most institutions face unanswered questions regarding motivation, administration, and how success is measured. The perceived dichotomy between the educational mission of a museum, for example, and its desire to generate revenue from image licensing activities, acts as an irreconcilable barrier to success.

The issues regarding additional motivations and barriers faced by cultural institutions are complex, and this paper begins with an attempt to argue for the importance of an image digitization and licensing. Separate from the internal politics of museums, archives and libraries, the points listed within this paper are suggestions on how image reproduction services can be improved upon. The observations and suggestions are from the point of view of the professional photo buyer accustomed to existing services within the stock photography industry. This examination ends with a look at alternative models suggested both in the field of library and information studies, as well as those within the stock photo industry.

Methodology

The issue or question regarding image licensing at cultural heritage institutions is, of course, a more complex one. A review of existing literature was essential to this project, and I soon uncovered a wealth of information. The documentation ranged from quantitative studies, guides, and articles. The texts also draw from the experiences of institutions from Canada, the UK, the US, and Australia.

To supplement a review of existing literature, I interviewed administrators at US and UK based institutions to gain insights specific to their particular contexts. Participants so far have included the New York Public Library, the American Museum of Natural History, the Tate Gallery, and the Municipal Archives of New York City.

Because this paper is meant to be a jumping off point for additional research, the focus will primarily be from the point of view of the professional photo researcher. The information gleaned from my research and interviews will be applied to future studies.

Why is it important to digitize images for online display?

It is important to briefly touch upon the motivations for image licensing within cultural heritage institutions. When asked how image digitization served their institution's core mission, respondents in Simon Tanner's landmark study "Reproduction charging models & rights policy for digital images in American art museums" (2004) responded as such:

- Serve scholarly research and teaching (12 responses)

- Promote and publicize the collections (10)
- Disseminate widely - especially to new audiences (9)
- Improve access to the collection for everyone (8)
- Provide images for publication (4)
- To be a leader in the local community (3)
- Enable museum retail and revenue (2)
- To ensure use is appropriate (1)
- To help administer the collection (1)

For institutions to argue for support of its online image catalog and licensing activities, it is important to emphasize that the revenue is not for its own sake. It is obvious, for instance, that the revenue and attention generated by an online image database makes all other institutional objectives possible. It is important to emphasize that online image catalogs are necessary for the visibility and relevance of cultural heritage institutions in today's technology driven world.

What follows are tips for institutions wishing to better serve their clientele within the publishing industry and amongst professional picture buyers.

Barriers to image licensing: Photo buyer's perspective

This investigation arose out of my own professional work as a photo researcher and photo editor in educational publishing. In finding historical images, I developed familiarity with various cultural heritage institutions such as museums, archives, libraries, and historical societies in the US, UK, Australia, Canada, and New Zealand. The desire to utilize these collections was, however, hampered by the mismatch in service. When condensed schedules in publishing dictate that high-resolution files must be on-hand two to five days after image options are presented, dealing with public institutions that average two weeks turnaround time (RARIN Report, 2004), becomes impossible.

"Slow" turnaround times on requests (meaning more than one to two weeks on research, high-resolution file, and invoice requests separately) seriously impede the photo buyer's use of the public institution's image archive. As alternatives, photo researchers find a similar image from a stock agency, not use an image at all, or resort to using an generic image that depicts a related event or concept. The trouble with this approach is that while the deadline is met, the educational impact of the image may be diminished.

To better understand the needs of picture buyers, it is important to highlight their expectations regarding service, automation, and information. The main improvements in working with these repositories, from a picture buyer's point of view, are:

Staffing and service

The needs of professional picture buyers are distinctly different than those of the general public seeking images for personal use. Rights and Reproductions administrators, if they are to succeed in providing excellent service, must develop a new set of fluencies:

- **Knowledge of the image licensing industry** – This involves a familiarity with industry conventions (either among their peers, or within the stock photo industry) regarding pricing, terminology, and terms of use. Industry organizations are sources of great information, and include the American Society of Picture Professionals (<http://www.aspp.com>), the Stock Artists Alliance (<http://www.stockartistsalliance.org>), the Picture Archive Council of America (<http://www.pacaoffice.org>), and the PLUS Coalition (<http://www.useplus.com>).
- **Staying abreast of the ever-changing copyright landscape** – Rights and Reproductions administrators must not only be aware of the copyright restrictions of certain segments of their collection, they must also be able to direct photo researchers to the appropriate secondary or tertiary rights-granting individuals and agencies.
- **Strong knowledge of collection** – Public institutions offer a “value added service” (Hirtle, 2003) in the high quality of information associated with images and image collections. Image licensing staff need to be knowledgeable in order to deliver appropriate imagery when it is requested. This is what ultimately distinguishes cultural heritage institutions from stock photo agencies.
- **Providing excellent customer service** – First, rights and reproduction administrators must have an understanding of the photo buyer’s research needs and time constraints. Secondly, he or she develops relationships with commercial clients in order to negotiate a “preferred” status in which bulk usage pricing can be negotiated. Lastly, it is imperative that administrators be reachable directly via phone, email, and fax.

Automation

The striking feature about the online image databases of several British institutions is that they have a URL separate from the main institutional website. Fine examples include the British Museum (<http://www.bmimages.com>), the Tate (<http://www.tate-images.com>), and the British Library (<http://www.imagesonline.bl.uk>). While still browseable to regular patrons, this “shopfront” type of website offers a few key functionalities that are unique to the needs of professional picture buyers:

- **Create account** – The user’s ability to create an account enables them to save viewing preferences, contact and payment information, save lightboxes, and view past orders. For the institution, it is a ready source of an email list for outreach and marketing purposes. For the photo buyer, receiving regular emails is a way to stay abreast of new additions to the collection.
- **Search refinements** – Photo researchers require the use of various search refinements to limit their results. Basic parameters include sorting for horizontal versus vertical orientation, black & white versus color, and the ability to search for related keywords. Getty Images (<http://www.gettyimages.com>), a major stock agency, leads the market in implementation of additional search refinements such as filtering for, number of people, concepts, composition, and styles within the image. The ability to submit a crafted search query is essential to the photo research workflow.
- **Secure online payment** – What is useful on the British Museum Images site, for instance, is the ability to calculate pricing automatically depending on usage. This level of transparency ensures, up front, that the image cost is within the budget. Additionally, the ability to save

images to a Shopping Cart and purchase them online (instead of submitting PDF order forms) reduces drag on the process.

- **Digital delivery of high-resolution files** – Access to this delivery system is based on the institution’s relationship or potential relationship to the user. Frequent and trusted buyers can be awarded instant access to high-resolution files without a pre-payment requirement.

An efficient and automated web based workflow, however, should not preclude the importance of rights and reproductions staff. Clive Coward, Images Manager at the Tate Gallery who I interviewed late November, indicated that while having researchers search image websites minimizes the burden on staff, users still largely depend on the assistance of an actual person. Additionally, the reliance on the online image database may mean less revenue for the institution with regards to fee-based research services and image delivery and handling fees.

Metadata and related image information

The importance of appropriate image use is not lost on publishers and photo researchers, who see metadata and related image information as valuable tools. By metadata, I mean data about an image that is displayed not only on the site it is found, but also embedded in both low-resolution and high-resolution digital files. At the least, metadata includes a caption, credit line, image ID, and repository. In the future, it would be possible to expect that a rights statement (for example, use restrictions, or rights granted for a specific project with title and publication date) also be embedded in the high-resolution file.

The stock photo industry is gradually forming its own metadata standards for image files. At present, most photographers and agencies follow their own rules, and may or may not embed image metadata in low-resolution files. The Stock Artists Alliance (SAA), in partnership with the Library of Congress, has recently undertaken the task of building consensus around a new metadata standard within the industry. The official site of the SAA’s work was launched early this year (<http://www.photometadata.org/>), and the long-term impact of this new standard remains to be seen.

Alternative licensing models

Recent forays into the Flickr Commons, and fee-free images for educational use by cultural heritage institutions give the indication that there is a need for alternatives to traditional licensing models. Indeed, it is not farfetched to imagine that US-based cultural heritage institutions may do away with the term “licensing”, and instead charge reproduction or administrative fees for the same service. It is not feasible, however, to think that digitization and image reproduction services at cultural heritage institutions become a no-fee operation. Instead, it might be interesting to investigate new models that bridge the perceived dichotomy between fee-based services and the educational mandate of museums, libraries and archives.

The Commons, and open access

The Commons on Flickr has garnered attention in recent years with the participation of high profile museums and archives such as the Library of Congress, the Smithsonian, and the New

York Public Library. Museums from Europe and Australia have also joined the experiment, with the impact of creating a centralized, easy-to-use online interface which provides access to public domain images from around the world.

The positive effects of this initiative are numerous. Participating institutions draw attention to themselves as leaders in a fascinating social tagging experiment. The definition of a museum patron is challenged, and a collection achieves high visibility. Indeed, museums lacking exhibit or gallery space are able to further disseminate their imagery. Additionally, a recent (and early) study by Australia's Powerhouse Museum indicates that visitation has increased four-fold since the inclusion of its image collection into the Flickr Commons (Bray, 2009). While it is still unclear whether or not the Flickr Commons will interfere with the revenue generated by image licensing activities at participating institutions, it is clear that the administrative costs of supplying public domain imagery to users may at least be mitigated (Pantalony, 2007).

Pay what you can model

Alan Newman of the National Gallery of Art recently proposed a bold new model: "So we adopt a museum convention in use at the (Metropolitan Museum of Art) and elsewhere for admissions: pay what you can afford for images. What could be more fair? What could draw more attention to our collections?" (Waibel, 2009). It is an interesting proposition, and one that has already been tried in the stock photo industry. Cutcaster is an "image marketplace" where image sellers post their content, and image buyers proposed a licensing fee based on their budgets and the perceived value of the image. The exchange is a seamless one in which the image seller may reject the proposed fee or make a counter offer.

Artist royalties

Author Paula Bray (2009) proposes that artists who donate their work to museums be given a partial remuneration when their images (or images of their objects) are sold or licensed. In this manner, the difficulties associated with obtaining rights clearance from artists and artists' estates are minimized. This model would also support the artist's projects and further the museum's education and research goals.

CONCLUSION

Being in the business of photographs, commercial stock agencies face issues similar to those at cultural heritage institutions. Complex copyright issues resulting in third party rights clearances, restrictions, and controversy over public domain imagery are commonplace. Stock agencies have also developed strategies in order to provide similar services such as commissioned photography and photo research services. Unauthorized image use remains a constant threat, and there is a new obstacle in the form of widespread digital photography and cheaper sources of licensable imagery.

Over the years, these challenges resulted in service improvements via automation. For instance, the stock industry has drastically improved its ability to quickly serve the needs of

professional picture buyers via web-based research submissions, instant high-resolution file downloads, and rapid invoicing.

Further, the complex work of developing industry standards has been initiated by various professional associations. The Stock Artists Alliance, in partnership with the Library of Congress, is on a mission to promote metadata standards among independent photographers and stock agencies (see <http://www.photometadata.org>). The PLUS Coalition, consisting of members from publishers, museums, educational institutions, and other media organizations, is formulating a broad set of rights standards. These two organizations are also joined by the American Society of Picture Libraries, and the Picture Archive Council of America, which are engaged in outreach, education, and advocacy on behalf of their members.

Affiliation with these industry associations is not a new idea. The British Association of Picture Libraries and Agencies (<http://www.bapla.org.uk>), European counterpart to these organizations, boasts a membership consisting of a high number of museums and libraries (for instance, British Library Images Online, National Portrait Gallery, British Museum Images, and Sotheby's Picture Library).

The lesson to be learned from the stock photo industry is not the commercialization of images for mass consumption. Rather, it is important to study the innovative solutions and industry initiatives that have been devised to address service issues. The commercial nature of the stock photography industry should impel cultural heritage institutions to improve upon existing workflows and administrative policies. Those institutions with an existing image licensing practice are in a unique position to innovate. The stock photo industry, having similar content and issues, may be a source of inspiration. It is time for cultural heritage institutions to join the community of professional photo providers. Indeed, with their unique set of knowledge and practices, the museum and informatics community may yet become leaders in this field.

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