Open Images

Risk or opportunity for art collections in the digital age?

MERETE SANDERHOFF*

Abstract: *Museums around the world hold enormous troves of public domain artworks. In digitized form, they can be powerful tools for research and learning, as well as building blocks in the hands of students, teachers, scholars, developers and creative people. By opening up their digitized assets for reuse, museums have a unique opportunity to broaden the scope of their public mission to serve and educate the public on 21st-century media terms. What could be controversial about that? Art museums have a long legacy of restricting access to high-quality images of artworks in order to protect them from improper use, and to be able to secure revenue from image sales. However, in the age of easy and ubiquitous online image sharing, restrictive licensing is severely challenged both as a means to control usage of images and as a sustainable business model.*

Key words: Digitized collections, image licensing, open access policy, public domain, copyright, Creative Commons, reuse, the social Web, business models, OpenGLAM.

“If they want to have a Vermeer on their toilet paper, I’d rather have a very high-quality image of Vermeer on toilet paper than a very bad reproduction.”¹

With this provocative statement in the New York Times, Taco Dibbits, Director of Collections at the Rijksmuseum, confronts the assumption that art museums must control how reproductions of their collections are used. Art museums have strong traditions for restricting access to their high quality

images of artworks in order to protect them from misuse. However, with the explosion of digital technologies in everyday culture it is no longer possible to control the flow and reuse of images. Instead of trying to inhibit their old masterpieces from popping up in “improper” contexts, such as on commercial posters, t-

132 shirts, and street vendor merchandise, Rijksmuseum is one among a small but growing number of art museums that stand out and take a different stand to the challenges inflicted on the cultural heritage sector by digital technologies.

As a member of the Europeana Network and the OpenGLAM Advisory Board, my research is invested in exploring the conditions for museum practices in the digital age, among other things a new notion of public ownership of digitized cultural heritage collections. Museums are facing radical changes caused by the rapid technological development and the shifting behaviour patterns it entails. With the advent of the Internet and social media, audiences have become users who are not satisfied with just passively receiving information and content; they are used to participating actively themselves, producing their own knowledge, opinions, and creativity.

As more people enjoy and become accustomed to participatory learning and entertainment experiences, they want to do more than just 'attend' cultural events and institutions. The social Web has ushered in a dizzying set of tools and design patterns that make participation more accessible than ever. Visitors expect the ability to respond and be taken seriously. They expect the ability to discuss, share, and remix what they consume (Simon 2010:ii).

What does such participation, however, imply for museums if they enable its users to *discuss, share, and remix* digital artworks? Firstly, it implies allowing people to download images and share them on social media like blogs, Facebook, and Flickr, enabling them to discuss and comment images independently of a museum framework. Secondly, images

must be available in such high resolution that people can zoom in on minute details, cut out, photoshop and remix the images, place them in new contexts such as PowerPoint presentations, publications, mobile apps, or derivative works like digital mashups, collages, and YouTube videos, and maybe even print them in original or manipulated versions on commercial products like t-shirts, posters, wallpaper, coffee mugs or, indeed, toilet paper.

Does this sound controversial? Maybe not, if you're looking at it from the vantage point of the user accustomed to how digital images are shared, discussed, manipulated, and repurposed in digital media and on the Internet. This is everyday culture in the 21st century. But to museums, it is controversial. For generations, they have been used to acting as gatekeepers, not only of collections of original heritage objects but also of their photographic reproductions. Museums are contractually obligated to restrict access to and reuse of artworks that are under copyright, in accordance with stipulations of the artist or the artist's estate. But millions of objects in museums worldwide are in the public domain, which means there is no legal motivation to restrict access and reuse. Copyright over artworks runs for a certain amount of years in order to secure the livelihood of artists and their families. Once copyright expires, artworks fall into the public domain and effectively become everyone's shared property. Many artworks in museums around the world are in the public domain, either because they were created before copyright came into existence or because any copyright they had has expired (Smith 2013). In short, the public owns them and they are in lawful right to create and use reproductions of the artworks for any purpose they like.

In this paper, I will examine what is restraining museums from opening up their digitized content, and discuss the challenges and benefits when museums share control over how their images are used. I will provide a brief overview of the influence photographic reproduction has had on museum collections, both in its present day digital form and historically. Then, I will discuss explanatory models put forth by art museums to defend restrictive image licensing, namely the protection of artistic integrity, and the protection of revenue through licensing. Finally, I will highlight examples of art museums that are taking radical steps to break the legacy of restricting access to images of artworks that rightly belong to the public, and look at the challenges and benefits they are experiencing in doing so.

DIGITAL IS A GAME CHANGER

The advent of digital photography and the Internet have radically changed the conditions for handling museum images. The change is partly due to a fundamental difference between *analogue* and *digital* images which can be clarified by using those two words in a sentence with the verb 'sharing'. If a museum has an analogue image of an artwork – let's say an ektachrome – and shares it, the museum no longer has the original. They need to get the ektachrome back, or pay the cost of creating a new one. If, on the other hand, the museum has a digital image of the artwork and shares it, the museum still keeps the exact same image. They just share a copy, one out of a potentially endless series of copies. Copying digital images is as easy as snapping your fingers.

However, this ease also poses new challenges.

Because digital images are easily copied and shared, it makes it extremely difficult to control and monitor them, in contrast to their analogue counterparts. To provide an example: A user purchases a digital image file from a museum in order to use it in a PowerPoint presentation. She shares her presentation on SlideShare.² Another user downloads the presentation and uses the museum's image on his blog. One of the blog's readers embeds the image on her Facebook page where it is viewed by 20 of her friends. Three of those friends share the image in their networks etc. Within a few moments, the image has been shared hundreds of times. Obviously, no museum has the capacity to monitor the digital spread, nor take action against users who, knowingly or otherwise, contribute to this digital chain reaction. Digital media are like water – they find a way. As school teacher and educational consultant Peter Leth writes in a handbook about the challenges of navigating the Internet in accordance with copyright law,

Technologies create opportunities and are, like students searching for knowledge, not preoccupied with rules and conditions [...] The technologies could just as well have been made so as to warn us, for example when we right-click on an image in a Google search in order to copy or save it on our own computer. But they aren't and therefore we are led to believe (perhaps because it is more convenient) that when it is possible and easy as pie to copy and save an image, then it must also be legal (Leth 2011:22).³

While there are masses of digital content that is illegally copied and shared on the Internet every day, I argue that museum images of artworks in the public domain should not have to feature among them. Ultimately, Leth's observation implies that by restricting

134 access to and reuse of digitized public domain content, museums are criminalizing kids and youngsters who are just using their habitual, preferred platform for research, learning and creativity – the Internet.

So why are museums everywhere not just sharing their public domain images? Museums, especially publicly funded ones, are here to serve and educate the public. Easy and unrestricted access to high quality images and data that can be studied, shared, reworked, and repurposed, greatly enhances museums' ability to achieve this mission in the 21st century.

The internet presents cultural heritage institutions with an unprecedented opportunity to engage global audiences and make their collections more discoverable and connected than ever, allowing users not only to enjoy the riches of the world's memory institutions, but also to contribute, participate and share.⁴

Why does free and open access to images of artworks in the public domain remain a controversial issue among museums? Out of thousands and thousands of art collections in the world, less than thirty are currently listed as providers of free download of public domain images.⁵ A much larger number provide free entry to their physical collections but not to the digitized versions of them. How come? The restrictive image licensing policies museums issue rest on firmly established premises such as the protection of the artworks' integrity, the need to cover costs connected to image reproduction and administration, and the growing demands on museums to increase profits. However, when put under scrutiny these explanatory models reveal severe gaps which will be highlighted in the following passages.

BACKGROUND: REPRODUCTION AND THE AURA OF THE ORIGINAL

In his 2007 article, "The rise and fall of the post-photographic museum", Peter Walsh describes the transformative influence that the invention of photographic technology has had on museums. Since the middle of the 19th century when photography was established as a key means to document museum collections, photographic reproductions "would play a central and defining role in the study, dissemination, and appreciation of art" (Walsh 2007:23). From this point onward, photography has proven a highly effective medium to capture and disseminate knowledge of what museums contain in their collections. As such, photographic images of artworks held by museums worldwide have played a vital part in consolidating the renown of these collections. In the era of the post-photographic museum, it was thus the printed image in the shape of book illustrations, postcards, posters, etc. which ensured an artwork a place in the official canon of art (Walsh 2007:22 ff.). Rather than diminishing the aura of the originals, as Walter Benjamin claimed in his famous essay "The work of art in the age of mechanical reproduction", the spread of photographic reproductions of artworks have to a great extent augmented the auratic fame of the originals and in effect secured their canonization. In a clever inversion of Benjamin's concept of the artwork's aura, Walsh claims that

[...] Benjamin has the aura of art exactly the wrong way around. It is the mechanical reproduction – the photograph – that created the aura of the original, much as it was the machine that created the 'handmade', the negative that created the 'positive',

Fig. 1. Leonardo da Vinci: La Gioconda ('Mona Lisa'), ca. 1503–06, Musée du Louvre, Paris (public domain: http://en.wikipedia.org/wiki/Mona_Lisa).

Fig. 2. Marcel Duchamp: L.H.O.O.Q., 1919, Philadelphia Museum of Art (copyright: www.wikipaintings.org/en/marcel-duchamp/l-h-o-o-q-mona-lisa-with-moustache-1919).

and the digital that gave retroactive birth to its latent opposite, the 'analog'. Before photography, there were no 'handmade originals' because there were no factory-produced photographs of the originals. It is [...] the reproduction that confers status and importance on the original. The more reproduced an artwork is – and the more mechanical and impersonal the reproductions – the more important the original becomes (Walsh 2007:29).

Popularly, this is sometimes referred to as 'the Mona Lisa effect'. The original Leonardo da Vinci painting in the Louvre continues to

attract millions of visitors every year despite the abundance of reproductions circulating in print publications, on merchandise, in popular culture, and on the Internet. One would guess that, being able to view this artwork in reproduction anywhere and anytime people feel like it, they would no longer be inclined to go see the original. The opposite, though, seems to be the case. The more ubiquitously reproduced an artwork is, the more it attracts attention to the original.

Mona Lisa is of course an extreme example. But the concern that the integrity of an

136 artwork could be devalued by overexposure, and by what museums would deem exposure in inappropriate contexts, is prevailing. If a painting is reproduced on a chocolate box or a political poster, museum professionals seem to be prone to feel that this blemishes the original, assaults its unique character, misplaces its proper intention. For many years, this has guided museum licensing of their image collections, designed as they are to monitor and control where and for what purposes images of their artworks are being reproduced.

According to a study of reproduction charging models and rights policy for digital images in American art museums (Tanner 2004), their key reasons for restricting access to reproductions of artworks are

- Protection of artistic integrity: The desire to control how reproductions of original works of art are used in order to credit, promote, and honour the artists and their work.
- Protection of revenue: The need to protect revenue streams from image licensing and photo sales activities in order to secure a source of income for the museum, particularly to fund new digitization.

Even though Tanner's study was conducted at a time when the reproduction of artworks had become digitized, the rationale behind image licensing in the museums participating in the study was evidently established in the era of analogue photography. It rests on the assumption that

1. Reproductions of artworks can be controlled
2. Photo sales is a profitable business model
3. Museums are entitled to define what artworks should be used for

To test how reliable these assumptions are, let me take a closer look at some key reasons for

restricting access to public domain images in art collections that are put forth in Tanner's study.

CONTROL: PROTECTING ARTISTIC INTEGRITY

The conditions for image dissemination in the digital age are controversial to many museums as they are concerned with not being able to control and keep track of how images of their artworks are being used. In order to ensure proper use, museums employ various means of control, from adding digital watermarks to their online images or downgrading them to thumbnail size, to posting lengthy legal statements about terms & conditions and the repercussions when violating them. Evidently, such terms and conditions are stated to clarify how museums perceive of the proper – and improper – uses of reproductions of their artworks. But users often find themselves entangled in a “thicket of claims and permission costs” when they try to obtain museum images in high-resolution that are clearly in the public domain (Smith 2013).

Misuse is difficult to control altogether. No terms and conditions, watermarks, or warnings can prevent malefactors from infringing on the copyright of its lawful owners. However, impeding the use of public domain images is increasingly perceived as a violation of copyright law. In the digital age, the restrictions museums lay on digital images of public domain artworks are standing in the way of education, research, and creative reuse on digital media terms. Effectively, the obligation many museums feel to protect and preserve their collections against any misuse gets in the way of their obligation to educate the public about its collections. In their

eagerness to protect the original artworks against potential misuse, museums neglect the legal concept of the public domain. Let me cite a few of the arguments in play.

In his 2005 paper “Public domain art in an age of easier mechanical reproducibility”, Ken Hamma, then the Executive Director for Digital Policy and Initiatives for The J. Paul Getty Trust, puts forward the argument that publicly funded museums are violating their ethical obligations by restricting access to photographic reproductions of artworks in the public domain:

Art museums and many other collecting institutions [...] hold a trove of public-domain works of art. These are works whose age precludes continued protection under copyright law. The works are the result of and evidence for human creativity over thousands of years, an activity museums celebrate by their very existence. For reasons that seem too frequently unexamined, many museums erect barriers that contribute to keeping quality images of public domain works out of the hands of the general public, of educators, and of the general milieu of creativity. In restricting access, art museums effectively take a stand against the creativity they otherwise celebrate. This conflict arises as a result of the widely accepted practice of asserting rights in the images that the museums make of the public domain works of art in their collection. (Hamma 2005: not paginated).

Hamma’s argumentation is supported by John Overholt, a curator of Early Modern Books and Manuscripts at Harvard Library, who calls to attention the *raison d’être* of cultural heritage collections: To promote the free flow of information and knowledge.

We are not the creators of our collections; we are their stewards. They were entrusted to us to preserve them,

certainly, but preservation without use is an empty victory. It ought to be our primary purpose at all times to minimize barriers to use, so it is all the more shameful when we interpose such barriers ourselves, not out of concern for the health of the collections, but out of the misguided belief that we are entitled to control, even to monetize, their use. When we claim copyright over our digital collections, or impose permission fees or licensing terms on users, we are arguably misrepresenting the law, and certainly violating one of the central ethical tenets of the profession: to promote the free dissemination of information (Overholt 2013:16).

In a 2012 study examining the reach and limits of copyright restrictions, Melissa Brown and Kenneth Crews argue that traditional museum policies can be seen as damaging not only to museums’ educational missions, but to the ecosystem and furtherance of human creativity as such.

Beyond substantively restricting how images can be used, license agreements also make the process of obtaining and using art images more complicated, time consuming, and costly for permission seekers. Restricting uses of images sometimes contradicts larger principles of art and law. Most art is to some extent derivative, and new creativity is commonly based on existing works. To prohibit cropping, distortion, and other experimentation with an image may actually hinder the development of art. Further, license terms that assert rights can undercut the public domain of copyright law. Copyright law has a limited reach, and materials enter the public domain for the public benefit. License restrictions can undermine the policy of copyright law by asserting limitations over the use of public domain materials (Brown & Crews 2012:5).

Not only do restrictions of the use of images

- 138 of public domain artworks run counter to museums' mission to further the knowledge, appreciation of, and inspiration coming from art. It also violates copyright law by neglecting to respect the public domain. Notably, this is business as usual in museums worldwide. This has prompted Europeana, the portal to Europe's digitized cultural heritage, to issue a Public Domain charter stating that
- The Public Domain must be preserved
 - A healthy Public Domain is essential to the social and economic wellbeing of society
 - Digitisation of Public Domain knowledge does not create new rights over it ⁶

REVENUE: PROTECTING INCOME THROUGH IMAGE LICENSING

Over the last ten years, more and more evidence has been produced that rather than constituting a sustainable revenue stream, traditional image licensing is losing museums money. The interesting point is that most museums seem very reluctant to delve into the actual cost-benefit calculations of their licensing models, giving the impression that image licensing is a somewhat indefeasible concept that cannot be questioned or looked at objectively. William Noel, a former curator at The Walters Art Museum, calls it "an open secret" within the sector that museums are losing more money than they earn on traditional image licensing (Noel 2012). As far back as 2004, Simon Tanner's study of image licensing models in US art museums proved that the vast majority of museums are losing money on traditional photo sales; only very few can demonstrate a profit once the cost of administration and operation are included in the calculations.

Tanner's study states that "All those inter-

viewed were spending as much or more money to provide services as they received in revenue and a high revenue generally represents large numbers of transactions or new imaging" (Tanner 2004:40). Furthermore, he points out that "Everyone interviewed wants to recoup costs but almost none claimed to actually achieve or expected to achieve this [...] Even those services that claimed to recoup full costs generally did not account fully for salary costs or overhead expenses" (Tanner 2004:35). Another disadvantage of traditional image licensing is that many users, including colleague institutions, students, teachers and researchers, have to waive ordering high quality museum images for professional presentations, publications and the like because the cost of obtaining them is too high. In stead, they have to opt for lesser quality free versions elsewhere (Sanderhoff 2011:7 ff.). Consequently, museums are maintaining an image licensing model that is both expensive to run, and effectively prohibits the public from accessing and using images of artworks in the public domain.

The need to cover digitization costs through image sales is both reasonable and real. But when restrictive image licensing reduces the potential turnover of images and forces motivated users to seek their image sources outside museums, this can hardly be perceived as a satisfactory business model. Knowing that restrictive image licensing means that museums impede the use of public domain cultural heritage, how come they abide by this system? Out of the major arguments for restrictive image licensing in museums, the foremost is that of control in order to protect the images against inappropriate use (Kelly 2013:4). In the age of the social Web, however, the wish to control the use of digital images is futile. In recognition

Fig. 3. Johannes Vermeer: *The Milkmaid* ('*Het Melkmeisje*'), ca. 1657–58, Rijksmuseum, Amsterdam (public domain: [http://en.wikipedia.org/wiki/The_Milkmaid_\(Vermeer\)](http://en.wikipedia.org/wiki/The_Milkmaid_(Vermeer))).

Fig. 4. One of the 10,000s of yellowish reproduction of Vermeer's *The Milkmaid* on the Internet which prompted the Rijksmuseum to release their own authoritative image of the painting for free use.

of what can be called “technological realism” – the fact that bits can and will be copied and shared⁷ – a small but growing number of art museums are seizing to fight a losing battle against the copying, sharing, and reuse of their images, and instead convert to more realistic and sustainable image policies in keeping with how digital media work.

OPENGLAM: EXAMPLES OF OPEN COLLECTIONS

The Internet and digital media have turned firmly established practices and roles in the museum sector upside down. This has invoked the concept of OpenGLAM⁸ – an international movement with increasing

significance in the museum community. Museum professionals – often early adopters of the Internet and digital media into museum practice – and voluntarily based organisations like Open Knowledge Foundation, the GLAMWiki Outreach project, and Creative Commons, are working to make open access to digitized cultural heritage the standard for the entire sector, and to establish shared principles for a new OpenGLAM practice based on the culture of sharing found within the social Web.⁹

In recent years, a few pioneering museums have taken the lead in the OpenGLAM movement, changing their licensing policies to provide the public free access to and download of high resolution images of public

140 domain artworks. One of the most frequently referenced cases is that of Rijksmuseum in Amsterdam. For a few years now, the public has been able to download images in high-resolution of more than 100,000 artworks from their collection for free. Firstly, they were released as a collection API of metadata and images for developers and hackers to process and adapt.¹⁰ And later, in connection with the launch of the museum's new website in 2012, as individual JPEG images available for free download and repurposing in Rijksstudio, a creative online space for users where they can remix and personalize the museum's collections (Gorgels 2013). A main incentive for Rijksmuseum to take this step has been, interestingly, to regain some measure of control over how their collections are presented on the Internet. Not in the traditional sense as an effort to control how their collections are used and perceived by the public, but rather as a conscious effort to ensure that their collections remain relevant and visible in *the sea of images* that the Internet constitutes. As a representative of the Rijksmuseum recounts,

'The Milkmaid', one of Johannes Vermeer's most famous pieces, depicts a scene of a woman quietly pouring milk into a bowl. During a survey the Rijksmuseum discovered that there were over 10,000 copies of the image on the internet – mostly poor, yellowish reproductions. As a result of all of these low-quality copies on the web, according to the Rijksmuseum, "people simply didn't believe the postcards in our museum shop were showing the original painting. This was the trigger for us to put high-resolution images of the original work with open metadata on the web ourselves. Opening up our data is our best defence against the 'yellow Milkmaid'" (Arnoldus, Kaufmann & Verwayen 2011:2).

Though Rijksmuseum is probably the cultural heritage institution that has reaped most media coverage of their image licensing policy chance – not least since the story made it into *The New York Times* (Segal 2013) – it is not necessarily the most consistent example of an OpenGLAM policy in practice since the museum retains some restrictive measures in their access policy.¹¹ In the US, a range of prestigious art museums and collections have perhaps to a fuller extent embraced the notion of the public domain by releasing vast amounts of high quality images to the public domain with no restrictions whatsoever and actively encouraging reuse for all purposes.¹² Among the museums spearheading this development are The National Gallery of Art in Washington D.C., The Walters Art Museum, Los Angeles County Museum of Art, and Yale University's collections.¹³ In an interview, Alan Newman from The National Gallery of Art states that:

A goal we have is to see our public domain images used ubiquitously. By offering free self-serve high-quality authoritative images we hope to flush all the bad legacy images out of the culture. [...] By releasing high resolution public domain images for free download, and promoting that access, GLAMs can avoid this plague of 'bad legacy images'. [...] This invites the inevitable mass upload that Wikimedia's volunteers are known for: using bots to download high res openly licensed images from websites, and uploading the images, and related metadata and attribution, to Wikimedia's repository of free media, Commons. Those files will then be able to be placed in thousands of Wikipedia articles in hundreds of languages, which will be viewed by millions of people around the world (Stierch 2013: not paginated).

An important but largely unheeded rationale

behind such changes is that museums thereby ensure that their images can become sources of reference for their artworks on Wikipedia – the world’s largest and fastest growing encyclopaedia, available in hundreds of languages and used by millions of people every day.¹⁴ Wikipedia has a high ranking in the Google search engine and consistently links back to the original source. So when Wikimedia Commons harvests a museum’s authorized images, the museum will harvest a significant benefit in turn: its artworks will automatically have a higher ranking in Google searches. Wikipedia is the preferred platform for many Internet users to begin research on a given topic which makes it a great place for museums to have reference images linking back to their own websites. For a museum collection to be represented in Wikipedia articles is equal to becoming much more findable to a much larger public. Importantly, though, museums must allow commercial reuse of their images in order for Wikimedia to be able to harvest and use them.

The latest prominent entry to the Open-GLAM community is The Getty Museum whose CEO James Cuno announced their Open Content Program in August 2013 under the headline *Open Content, An Idea Whose Time Has Come*. With this phrase, and with reference to The Horizon Report 2012 which states that “It is now the mark – and social responsibility – of world-class institutions to develop and share free cultural and educational resources”, Cuno consolidates that open licensing has become a new standard for handling and disseminating museum collections.¹⁵ When it comes to digitized collections of public domain artworks, museums are therefore encouraged to reconsider their role as custodians protecting cultural heritage from the poten-

tially bad judgment and conduct of the public. Rather, museums have the chance to become facilitators that enable users to unfold their own knowledge and skills in mutual exchange with a long chain of cultural history and production. This is an effective way for museums to support their public mission and become more relevant to new generations of users who are accustomed to the participatory culture of the Web.

EFFECTS AND CHALLENGES OF OPEN

Open access has been on the GLAM agenda for more than a decade. But not much evidence has been available to document the actual effects, opportunities, and consequences of going open, due to the fact that the museums spearheading the development are relatively few and deal with open licensing in differing ways that can be difficult to compare. Only recently have comprehensive studies of the experiences of open access on museum mission, economy, and usage of images begun to emerge. In a 2013 study of eleven American and British art collections who have introduced free access to and download of images in high-resolution of public domain artworks, Kristin Kelly investigates a spectrum of open access policies ranging from allowing reuse for educational and scholarly purposes only, to waiving all control and committing images entirely to the public domain. The study finds that once museums open up their collections to free sharing and reuse by the public, the experience is that the benefits seem to outweigh the concerns.

No museum that has made the transition to open access for the images in its collection would return to its previous approach. Although challenges are still being resolved, such as the additional workload and

142 the potential uncertainty about where images of works from their collections have been published, museum staff cited the satisfaction that comes from fulfilment of the museum's mission as a tremendous positive (Kelly 2013:29).

The overall experience of the institutions involved in the study is that open access supports the institutional mission better than restrictive image licensing policies and it overshadows concerns about misuse or lack of proper crediting. Consequently, the museums are realizing that the benefits of letting their high quality images be used without permission and control is making their collections much more accessible to a much wider public than before, and ensuring that their authoritative images are used as reference sources across the Internet. A symptomatic example is that of The Walters Art Museum, whose curators have experienced their fears of abuse turn into a recognition that sharing images freely is key to being the cited point of reference for their own collection on the Internet.

For curators at the Walters Art Museum, loss of control was a concern, but that concern faded quickly. According to staff there, it was discussed five years ago, but no one mentions it now. William Noel, the Walters' former curator of manuscripts, wrote, 'We have lost almost all control, and this has been vital to our success' (Kelly 2013:28).

While this looks like encouraging news, the museums that have pursued greater openness are still struggling to invent new business models that are more efficient and rewarding than traditional image licensing (Kelly 2013:29). Even though Rijksmuseum's open collection is a huge success in terms of reuse

and branding value,¹⁶ they have yet to invent new, profitable revenue streams in keeping with their open access policy. They still rely on revenue from selling high quality TIFF images of public domain artworks, and their e-shop offer of customizable print on demand pictures and merchandize has not yet proven to be profitable (Gorgels 2013:22).

However, Rijksmuseum's experiments with new digital business models does not confine itself to online retail. When they relaunched their website in 2012, it had a user species in mind defined by digital media: the so-called *culture snackers* who are used to browsing and enjoying large images on their iPads, commenting and collecting images, and sharing them instantly in their social networks. Rijksmuseum's online collections are strategically presented to cater for the specific preferences of culture snackers in order to harvest the network effects of their love of sharing and spreading high quality images (Gorgels 2013:6 ff.). To the Rijksmuseum, this has proven an effective tool to raise awareness of their collections within new segments of the public. By enabling and actively encouraging users to share high quality museum images, they furthermore enhance the probability of encountering Rijksmuseum images across the Internet – be it on blogs, fashion pages, Pinterest, e-shops, in Wikipedia articles, or YouTube videos. Rijksmuseum refers to these as "earned media". By sharing assets of value to the users, they earn the privilege of being exposed on other users' platforms and gain attention, goodwill, and traffic from new segments of users. How this translates into increased visits to the physical museum, purchase of memberships, merchandise sold in the shop etc. is yet to be measured. What is

clear already is that it has greatly increased Rijksmuseum's ability to fulfil its vision of "linking individuals with art and history" and its mission to provide "new meaning for a broad-based, contemporary national and international audience".¹⁷

LETTING GO OF THE MYTHS

This paper has aimed to provide new perspectives on assumptions behind restrictive image licensing of digitized public domain artworks in museums: That reproductions and public sharing of artworks can be controlled; that photo sales is a profitable business model; and finally; that museums are entitled to define what artworks should be used for.

In light of the digital development which has made image sharing incredibly easy and is changing users' behaviour patterns and expectations towards museums and cultural heritage, the myth that museums must stay in control of their images in order to protect revenue streams and prevent improper use of their images is severely challenged. Evidence has shown that even if they wanted to, museums are 1) not able to control how digital images of artworks are used, 2) losing money and users in trying to do so, and finally, 3) violating the legal and ethical concept of the public domain when they inhibit access to images of artworks free of copyright. Having established this, museums need to reconsider their traditional role as custodians of public domain images, and ask themselves: The question remains which is more important – that people are able to find museum collections, and find them relevant, or that museums stay in control of how they are being used? Can museums control how their images are used in a sea of images? How

do museums best embrace their mission in the digital reality of the 21st century?

Instead of perpetuating licensing systems that are out of keeping with the technology today, museums should actively explore how to reap new opportunities and overcome challenges at hand. This is by far their best chance at influencing the development in ways they can vouch for. Trust and sharing are keywords in Web culture. Instead of fearing the ingenuity and creativity of users, museums should encourage it actively as a part of their mission as public institutions. As Taco Dibbits argues when asked why Rijksmuseum encourages users to remix the old masters: "The action of actually working with an image, clipping it out and paying attention to the very small details makes you remember it."¹⁸ Letting go of control over the interpretation and use of public domain art enables museums to fulfil their mission to serve and educate the public on digital media terms, by reaching out to users where they are and making collections relevant to them in ways they define.

POSTSCRIPT

In a *New York Times* feature about open museum images, the journalist – invoking the ghost of Walter Benjamin – asks a spokeswoman for the National Gallery of Art in Washington D.C. what she thinks about the perceived fear that an artwork can lose its aura, or authenticity, when it is reproduced and reused so often that it becomes almost too familiar (what has been referred to as the 'Mona Lisa' effect):

I don't think anyone thinks we've cheapened the image of the 'Mona Lisa'. People have gotten past

144 that, and they still want to go to the Louvre to see the real thing. It's a new, 21st-century way of respecting images (Segal 2013).

NOTES

1. Segal 2013.
2. The world's largest community for sharing presentations <http://www.slideshare.net/>
3. Quote translated by Merete Sanderhoff.
4. Excerpt from the OpenGLAM Principles, 4th edition <http://openglam.org/principles/>
5. An ongoing registration of so-called "open collections" is undertaken at <http://openglam.org/open-collections/>, currently numbering 29 entries. Notably, only some of these are art museums.
6. The Europeana Public Domain charter, published in April 2010, can be found here http://pro.europeana.eu/c/document_library/get_file?uuid=d542819d-d169-4240-9247-f96749113eaa&groupId=10602 Since then, Europeana has succeeded in releasing its entire dataset – more than 20 million object records aggregated from over 2,200 cultural heritage institutions – to the public domain. Following that achievement, Europeana is now working to establish the framework for a 'commons' – a shared pool of open content, tools and services <http://pro.europeana.eu/web/europeana-cloud>
7. Tapscott & Williams 2008:36.
8. The acronym GLAM stands for Galleries, Libraries, Archives, Museums.
9. Open Knowledge Foundation <http://okfn.org/>; GLAMWiki Outreach Project [http://outreach.wikimedia.org/wiki/GLAM](http://outreach.wikimedia.org/wiki/GLAM;); Creative Commons <http://creativecommons.org/>; OpenGLAM principles <http://openglam.org/principles/>
10. Rijksmuseum API <https://www.rijksmuseum.nl/en/api>
11. Download of images in Rijksstudio is paradoxically limited to "personal use only", and the high-res images you can download there are compressed JPEG files that are considerably lower resolution than what other OpenGLAM museums offer. Images in Rijksstudio are generally around 1 MB large which is a relatively high resolution for web images. But to compare, museums like The Walters Art Museum and The National Gallery of Art in D.C. offer images in resolutions 20 times higher. Furthermore, Rijksmuseum continues to charge the public for accessing their high quality TIFF images of public domain artworks. That apart, Rijksmuseum's open policy statements and vigorous efforts to encourage public reuse and remix of their digitized images has greatly heightened the awareness of OpenGLAM principles in the media as well as the museum sector.
12. However, several of the US museums require users to sign up in order to gain access to high-res images which can also be seen as a significant barrier to the free flow of public domain images put forth in their policies.
13. Open access policies of these collections can be viewed here: NGA Images. <https://images.nga.gov/en/page/openaccess.html>; WAM <http://art.thewalters.org/license/>; LACMA <https://www.lacma.org/about/contact-us/terms-use> (see §1.a.); Yale (exemplified by Yale Center for British Art) <http://britishart.yale.edu/terms/imaging/unrestricted>
14. Very few museums seem to be aware of this opportunity. A recent survey among 72 Swiss GLAM institutions conducted by Beat Estermann from Bern University of Applied Sciences showed that more than 50 % of institutions that make their collections available on the Internet are unaware that Wikimedia cannot use their images if they are restricted to

non-commercial use only (Estermann 2013).

15. See Cuno 2013 and Adams Becker 2012.
16. Since the launch of their new website in October 2012, users have downloaded 270,000 images for personal use, and the number of page views has gone up a staggering 300 percent to more than 30,000,000 (Carlsen 2013).
17. <https://www.rijksmuseum.nl/en/organisation/vision-and-mission>
18. Segal 2013.

LITERATURE

- Adams Becker, Samantha, Cummins, M., Estrada, V., Freeman, Alex, Johnson, Larry, Ludgate, H. & Witchey, Holly 2012. *The NMC Horizon Report: 2012 Museum Edition*. Austin: The New Media Consortium.
<http://www.nmc.org/pdf/2012-horizon-report-museum.pdf>
- Arnoldus, Martijn, Kaufmann, Peter B. & Verwayen, Harry 2011. "The problem of the yellow milkmaid. A business model perspective on open metadata." *Europeana White Paper 2*.
<http://pro.europeana.eu/documents/858566/2cbf1f78-e036-4088-af25-94684ff90dc5>
- Benjamin, Walter 1980/1935. "Das Kunstwerk im Zeitalter seiner technischen Reproduzierbarkeit." *Gesammelte Schriften* I:2. Frankfurt am Main: Suhrkamp.
- Brown, Melissa A. & Crews, Kenneth D. 2010. *Control of Museum Art Images: The Reach and Limits of Copyright and Licensing*. New York: The Samuel H. Kress Foundation.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1542070
- Carlsen, Rikke Caroline 2013. "Museer slipper mesterværker ud til fri brug." København: DR.
http://www.dr.dk/Nyheder/Kultur/Oevrig_kultur/2013/08/21/125352.htm
- Cuno, James 2013. "Open content, an idea whose time has come." Los Angeles: Getty Museum.
<http://blogs.getty.edu/iris/open-content-an-idea-whose-time-has-come>
- Estermann, Beat 2013. *Swiss Heritage Institutions in the Internet Era: Results of a Pilot Survey on Open Data and Crowdsourcing*. Bern: University of Applied Sciences.
<http://www.infoclio.ch/en/node/46651>
- Gorgels, Peter 2013. *Rijksstudio: Make your own Masterpiece!* Portland: Museums and the Web.
<http://mw2013.museumsandtheweb.com/paper/rijksstudio-make-your-own-masterpiece>
- Hamma, Ken 2005. "Public domain art in an age of easier mechanical reproducibility." *D-Lib Magazine* 11:11.
<http://www.dlib.org/dlib/november05/hamma/11hamma.html>
- Kelly, Kristin 2013. *Images of Works of Art in Museum Collections: The Experience of Open Access. A Study of Eleven Museums*. New York: The Andrew W. Mellon Foundation.
<http://msc.mellon.org/research-reports/Open%20Access%20Report%2004%2025%2013-Final.pdf/view>
- Leth, Peter 2011. *Creative Commons for alle*. Holstebro: Lær IT.
- Noel, William 2012. *The Wide Open Future of the Art Museum: Q&A with William Noel*. TEDTalks. <http://blog.ted.com/2012/05/29/the-wide-open-future-of-the-art-museum-qa-with-william-noel>
- Overholt, John H. 2013. "Five theses on the future of special collections." *RMB: A Journal of Rare Books, Manuscripts, and Cultural Heritage* 14(1):15–20. Cambridge: Harvard University.
<http://dash.harvard.edu/bitstream/handle/1/10601790/overholt.pdf>
- Sanderhoff, Merete 2011. *Billeddeling og udvikling af digitale værktøjer*. Report for The Danish Agency for Culture, published online.

- 146 <http://www.formidlingsnet.dk/fri-billeddeling-nu>
- Segal, Nina 2013. "Masterworks for One and All." *The New York Times*, May 28.
<http://www.nytimes.com/2013/05/29/arts/design/museums-mull-public-use-of-online-art-images.html>
- Simon, Nina 2010. *The Participatory Museum*. Santa Cruz: Museum 2.0.
<http://www.participatorymuseum.org>
- Smith, Kevin 2013. *Museums can get Copyright Right*. Durham: Duke University.
<http://blogs.library.duke.edu/scholcomm/2013/06/14/museums-can-get-copyright-right>
- Stierch, Sarah 2013. *Keep it Free: National Gallery of Art (US) Creates Open Access Policy*. Interview with Alan Newman on the OpenGLAM blog.
<http://openglam.org/2013/01/17/keep-it-free-national-gallery-of-art-us-creates-open-access-policy>
- Tanner, Simon 2004. *Reproduction Charging Models & Rights Policy for Digital Images in American Art Museums*. New York: The Andrew W. Mellon Foundation.
http://www.kdcs.kcl.ac.uk/fileadmin/documents/USMuseum_SimonTanner.pdf
- Tapscott, Don & Williams, Anthony 2008. *Wikinomics. How Mass Collaboration Changes Everything*. London: The Penguin Group.
- Walsh, Peter 2007. "Rise and fall of the post-photographic museum: technology and transformation of art." In Cameron, Fiona & Kenderdine, Sarah (eds.). *Theorizing Digital Cultural Heritage. A Critical Discourse*. Boston: The MIT Press, 19–34.
- All URL's accessed November 2013.
- *Merete Sanderhoff, Research Scholar
merete.sanderhoff@smk.dk
www.smk.dk/en/explore-the-art/research/the-researchers/merete-sanderhoff*
- Statens Museum for Kunst
SAFO
Sølvgade 48–50
DK-1307 Copenhagen K, Denmark*