CLAIMING SURROGATE IP RIGHTS:
WHEN CULTURAL INSTITUTIONS REPOSSESS THE PUBLIC DOMAIN
Challenges for Cultural Institutions

Detroit Institute of Arts
*Collection almost auctioned off to relieve Detroit’s bankruptcy*

Museum of Biblical Art
*Closing due to lack of support*
DIGITIZATION AS THE NORM

The National Archives

Crown copyright covers material created by civil servants, ministers and government departments and agencies. This includes legislation, government codes of practice, Ordnance Survey mapping, government reports, official press releases, government forms and many public records.

The National Library of Scotland

Copyright

The National Library of Scotland respects intellectual property rights. We make all reasonable efforts to ensure that any reproduction, both digital and analogue, which is carried out by or within the Library, is in accordance with copyright legislation.

If you consider that your copyright has been infringed by us please email enquiries@nls.uk with full details of the suspected infringement and confirmation of your rights.
Europeana: The British Museum and The Portable Antiquities Scheme

**BENEFITS TO STARTING WITH THE PUBLIC DOMAIN**

**STOP:** You can only reuse this image if the author died on or before this day in 1945...
AN ITEM IN THE PUBLIC DOMAIN
NO LONGER REMAINS IN THE PUBLIC DOMAIN

TATE IMAGES

© Trustees of the British Museum

Design for an improved overcoat

We charge a supply fee of £35.00 per image. In addition to this, reproduction fees are payable for commercial use and direct reproduction of our images.

You can select reproduction options for each image in your basket. For more information, see the prices page.

The National Archives Image library
4.5 Digital collections

4.5.1 The Library does not claim ownership of copyright in digital reproductions. Access to reproductions shall be subject to the same rights as would apply to the work in its original format.
ENFORCEMENT...?

Kelvingrove
@KelvingroveArt

In other news, I had a fun afternoon at @KelvingroveArt, trying to recreate model heads with selfies.

ArtHistSci
@ArthistSci

Art, science AND history all in the one place at @KelvingroveArt in Glasgow. Lovely.

Melita & Shenelle @MelitaSMS Aug 29
Today we visited Glasgow’s glorious gallery & museum @KelvingroveArt
Too many highlights to fit in a tweet!!

James Tarry @jrphotography Jun 4
Pretty amazing, eclectic collection at @KelvingroveArt... Building is sensational too. Hardly anyone here also :)

Kelvingrove replied
Terry @taylor_59 Jun 22
I love museums because they bring out my curious side @KelvingroveArt
Please read the whole of these Standard Terms of Use carefully, because you are only permitted to make use of the content of this Website if you agree to them and, by using any content of this Website, you are deemed to agree to them.

Set out below are the Terms and Conditions for use of the National Gallery's website. By using the site, you have accepted them. From time to time these terms and conditions may be changed. If you are a frequent visitor to the site, please review them regularly.

These Terms will apply to any contract between us for the sale of Prints or Images to you (Contract). Please read these Terms carefully and make sure that you understand them, before ordering any Prints or Images from our site. Please note that before placing an order you will be asked to confirm that you accept these Terms. If you refuse to accept these Terms, you will not be able to order any Prints or Images from our site.

These terms and conditions will apply to your access and use of our website at tate.org.uk. By using our website, you accept that you will be bound to the terms and conditions of use in full. If you do not agree to any of these terms and conditions, you must not access, use and/or contribute to our website. If you have any questions about these terms and conditions, you can contact us using the details set out below.

By using the Websites (including accessing, browsing and downloading Content from the Websites), you confirm that you accept these Terms of Use and that you agree to comply with them. Please note that we may revise these Terms of Use at any time by amending this page. By continuing to use the Websites you will be deemed to accept such revisions to these Terms of Use.
THE ISSUE WITH PUBLIC NOTICE

To see the fullsize version, click the image above. Please don’t steal our images, yeah?

This object is currently resting in our storage facility. See our image rights statement.

For higher resolution or commercial use contact ArtResource.

If you would like to cite this object in a Wikipedia article please use the following template:

<ref name=Ch><cite web url=https://collection.cooperhewitt.org/objects/1838399/ |title=Cat and kitten figurines> </ref>

If you would like to tell us more about an object or have found an error in an object record, please let us know!
LAYERS OF SURROGACY - **NOT ANCILLARY**

By using the Websites (including accessing, browsing and downloading Content from the Websites), you confirm that you accept these Terms of Use and that you agree to comply with them. Please note that we may revise these Terms of Use at any time by amending this page. By continuing to use the Websites you will be deemed to accept such revisions to these Terms of Use.

**IMAGE/OBJECT**

**RIGHTS**

©

COPYRIGHT-BY-CONTRACT (INCLUDING DATA)

MORAL RIGHTS, LICENSING, ETC.

**PARTY**
SURROGATE LICENSING: LICENSES FOR LIMITED USE

One-time, non-exclusive use

Access only  Personal study  Academic or scholarly purpose

NON-COMMERCIAL
Low resolution website images

COMMERCIAL
High resolution professional

All use is negotiated through a license
Website permits access only

The National Archives  Image library

The National Gallery

TATE IMAGES

The British Museum

Free images

Glasgow Life Photo Library
S U R R O G A T E  L I C E N S I N G :  L I C E N S E  F O R  L I M I T E D  U S E

**TATE:**
- Product (usage)
- Calendar (media)
- World (territory)
- Inside + thumbnail (size/placement)
- 100,000 copies (distribution)

**FEE:** £525

**NATIONAL GALLERY:**
- Study Use ONLY – Low resolution

**FEE:** £50

**TATE:**
- Academic (usage)
- Lecture or Presentation (media)
- Single Venue, free entry (territory)

**FEE:** £20

**BRITISH MUSEUM:**
- World (territory)
- Brochure Cover (placement)
- 500,001 – 1,000,000 (circulation)
- Up to full page (size)
- Up to 1 year (duration)

**FEE:** £1,345
# KNOW YOUR CULTURAL INSTITUTION’S RIGHTS

<table>
<thead>
<tr>
<th>AT THE INSTITUTION</th>
<th>THROUGH THE WEBSITE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MUSEUMS LIBRARIES ARCHIVES</strong></td>
<td><strong>DRAW OR SKETCH DURING A VISIT?</strong></td>
</tr>
<tr>
<td>British Museum</td>
<td>C</td>
</tr>
<tr>
<td>Glasgow Life</td>
<td>C</td>
</tr>
<tr>
<td>The National Gallery</td>
<td>C</td>
</tr>
<tr>
<td>National Galleries Scotland</td>
<td>C</td>
</tr>
<tr>
<td>Tate</td>
<td>C</td>
</tr>
<tr>
<td>Victoria and Albert Museum</td>
<td>C</td>
</tr>
<tr>
<td>British Library</td>
<td>C</td>
</tr>
<tr>
<td>National Library of Scotland</td>
<td>C</td>
</tr>
<tr>
<td>The National Archives</td>
<td>C</td>
</tr>
</tbody>
</table>

Andrea Wallace | a@andeewallace.com
IN THE DEFENSE OF CULTURAL INSTITUTIONS

Welcome!

The key goal of The Commons is to share hidden treasures from the world’s public photography archives. Please help make the photographs you enjoy more discoverable by adding tags and leaving comments. Your contributions and knowledge make these photos even richer.

Participating Institutions
FAQ
Rights Statement

Flikr Commons
Cultural institutions mark images as “no known copyright restrictions”

Creative Commons Licenses:
- CCO
- CC-BY-SA
- CC-BY-ND
- CC-BY-NC
- CC-BY-NC-SA
- CC-BY-NC-ND
...and so on

Europeana
Cultural institutions use Creative Commons licensing to designate restrictions

Practices leading to digital perpetual Moral Rights?
ORPHAN WORKS IN PURGATORY
& THE ORPHAN WORKS LICENSING SCHEME

APPLICATION

REVIEW

GRANT

PAY LICENSE FEE

TAKE LICENSE TO CULTURAL INSTITUTION

GOV.UK

View the orphan works register

Category:

279 results

Ricercate on a favorite French theme for the pianoforte with orchestral a...
Known creators or right holders: None
Known identifiers: None
Category: Music notation
Licensee name: Edward Taylor
Status: Application Received (OWL5000043-1)

Portrait of Amy Johnson, CBE (1903-1941), Member of t...
Known creators or right holders: David Cowan Dobson
Known identifiers: None
Category: Still Images
Licensee name: The Naval and Military Club
Status: Application Received (OWL5000042-1)

"A Lady in White" portrait of Edith J Miller by Harold Spe...
Known creators or right holders: None
Known identifiers: None
Category: Still Images
Licensee name: Bisspot Camerson
Licensee name: Photograph of Vane Ivanovic 1954.
Known creators or right holders: None
Known identifiers: None
Category: Still Images
Licensee name: Peterhouse, Cambridge
Status: Application Received (OWL5000041-1)

219 results in category still images
IN THE DEFENSE OF CULTURAL INSTITUTIONS

Twitter @MedievalReacts – 314,000 followers
IN THE DEFENSE OF CULTURAL INSTITUTIONS

BuzzFeed
A Day In The Life Of An Ugly Renaissance Baby

“Ugly babying all day every day.” Babios via uglyrenaissancebabios.com

posted on May 7, 2016, at 2:26pm

Loryn Brantz
BuzzFeed Staff

8 a.m. It’s time for your weird tiny pear Renaissance baby breakfast.

Via uglyrenaissancebabies.tumblr.com
IN THE DEFENSE OF CULTURAL HERITAGE

Tumblr – Yellow Milkmaid Syndrome

Yellow Milkmaid Syndrome

Artwork with identity problems.

You can submit trouble (public domain) artwork via the link in the upper left corner.

This tumblr was inspired by “The Problem of the Yellow Milkmaid: A Business Model Perspective on Open Metadata” by Harry Verwayen, Martijn Arnoldus, and Peter B. Kaufman.

This Tumblr is operated by Sarah Stierch (sarah@sarahstierch.com).

SUBMIT ARTWORK    ARCHIVE
The Unicorn in Captivity (from the Unicorn Tapestries), 1495-1505, in the collection of the Metropolitan Museum of Art

Metropolitan Museum of Art
(4.8 MB)

Google Cultural Institute
(13.09 MB)

A modern copy in the collection of Sterling Chapel (Commons)
(2.98 MB)

Web Gallery of Art
(200 KB)

Wikimedia Commons
(95 KB)

Wikimedia Commons
(490 KB)

The Tapestry House
(360 KB)
The Unicorn in Captivity (from the Unicorn Tapestries), 1495-1505, in the collection of the Metropolitan Museum of Art.
SURROGACY AS A SHORT-SIGHTED “SOLUTION”

RIJKS STUDIO

Discover the possibilities of 200,000 masterpieces

Start your own Rijksstudio

GOOD ARTISTS COPY, GREAT ARTISTS STEAL

Rijksstudio Award 2015

For the second time in a row the Rijksmuseum is organising the competition 'Make your own Masterpiece'. We invite you to create a design using Rijksstudio.

And the winner is...

The winners of this year's edition of the Rijksstudio Award are Lyske Gais and Lia Duinker. Their design of the Rembrandt Book Bracelet was voted as the best design inspired by the Rijksmuseum's collection. Runner-up is Rijks Conserve by Alexandra Schijf and Birgitta van Langeveld. The Rijksstudio Award was presented at a festive ceremony at the Rijksmuseum on 20 April. See the top 10

Make your own Masterpiece!
CONCLUSION

Musée d’Orsay, Paris

The Art Institute of Chicago