

International Copyright and Artist's Rights

Tuesday 17 November, 12:00 – 1.00pm (GMT)

Susan Pacitti: Publishing, Commissioning and Licensing Manager, Glasgow Museums

Celine Blair: Collections Manager, Glasgow Museums

Moderator: Patricia Allan: Curator of World Cultures, Glasgow Museums

Attendees

UK:

Zeina Klink-Hoppe, British Museum

Andrea Martin, The Collection: Art and Archaeology in Lincolnshire

ITP Fellows:

Ayman al-Shweiki, Brandenburg University of Technology Cottbus–Senftenberg (Palestine, ITP Fellow 2012)

Elizabeth Asafo-Adjei, Ghana Museums and Monuments Board (Ghana, ITP Fellow 2019)

Khadijeh Zohreh Baseri, Golestan Palace (Iran, ITP Fellow 2007)

Ishaq Mohammad Bello, National Museum Kaduna (Nigeria, ITP Fellow 2012)

Pankaj Protim Bordoloi, Rashtrapati Bhavan Museum (India, ITP Fellow 2018)

Dikko Idris, National Museum, National Commission for Museums and Monuments (Nigeria, ITP Fellow 2011)

Amalia Kakissis, British School at Athens (Greece, ITP Fellow 2018)

Jacob Nii Marley, Leventis Digital Resource Centre for African Studies, University of Ghana (Ghana, ITP Fellow 2019)

Fadzai Muchemwa, National Gallery of Zimbabwe (Zimbabwe, ITP Fellow 2017)

Lydia Nafula, National Museums of Kenya (Kenya, ITP Fellow 2008)

Rika Nortje, Independent Art Collection Management Specialist, Exhibition Project Manager and Curator (South Africa, ITP Fellow 2007)

Joyee Roy, Victoria Memorial Hall, Kolkata (India, ITP Fellow 2011)

Ala Talebian, Tehran University (Iran, ITP Fellow 2017)

Aprille Tijam, Ayala Museum (Philippines, ITP Fellow 2018)

Chantal Umuhoza, Institute of National Museums of Rwanda (INMR) (Rwanda, ITP Fellow 2018)

Fatih Yucel, Sabanci University (Turkey, ITP Fellow 2014)

Introduction

Glasgow Museums is the largest museum service in the UK outside of London and operates 10 venues across the city. The civic museum collection includes over one million objects and has been described as one of the finest civic collections in Northern Europe.

Background, content and potential learning outcomes

Copyright is a legal term used to describe the rights that creators have over their works. Whether you manage a collection, work with living artists or are simply looking for a photo for your blog it is important to remember that specific circumstances play a key role in where and how you can use images.

This session looked at international digital copyright in the era of COVID: a minimal risk approach to how museums and galleries can balance the protection of artists' rights and their wishes as artists to have their works in museums seen by the public.

The team want to look at how rigidly these laws are applied, whether they take the needs of individual artists, art forms and cultures into account, and how we can accommodate these variations to make sure the best interests of the artists really are served.

The aim of the session, which will be a knowledge exchange, was to learn and share from participants own experiences, ideas and challenges resulting in an increased understanding of copyright issues across the world.

Questions considered in the discussion

- *In trying to be ethical and fair, do we run the risk of becoming gatekeepers?*
- *What is the maker is not known or traceable?*
- *Can (Should?) you share an image of their object online?*
- *What are you considering: international law, ethics (whose), interests (whose) and risks (to who)?*
- *Does copyright law apply to all artefacts equally?*
- *Could it be reasonable to acknowledge the copyright but allows sharing of an image online under copyright terms?*
- *Are there any benefits in taking the risk of sharing the content online – identification for example? Are the artist's/maker's intentions best represented?*

<http://collections.glasgowmuseums.com/mwebcgi/mweb?request=home>

<http://www.csgimages.org.uk/indexplus/page/Home.html>

ITP Fellows were asked to write if they are an artist or if they work with artists. How are the issues of copyright affecting you?

Fatih Yücel: I am an editor-in-chief working with Turkish authors and foreign authors, publishing houses, as well as copyright agencies.

Jacob Nii Marley: I am an upcoming artist who uses photography as a medium of expression. What got me interested in participating in this session is the opportunity to learn about how art can be protected when it is released for museum/gallery use and commercial publications.

As an artist I would not be happy at all if someone shared my work online without my permission. It might be an ongoing project or just one part of larger set which is intended to tell a story.

Claire Messenger: When you acquire an object do you/should you - if relevant - agree copyright at that time?

Celine Blair: Yes...we do as far as possible. Where the copyright owner is known.

Elizabeth Asafo-Adjei: There are some collections that don't need copyrights.

Some Ghanaian textiles that we have in our collection would not require copyright to be acquired for. These are cases where a design of a textile which was made in a factory has been modified by a designer. Therefore, there are two different copyrights. We acknowledge the designer in these cases.

Khadijeh Zohreh Baseri: Anyone can take photos from galleries, and free digital usage on all social media. All digital files can have a logo, either a logo or a watermark.

Rika Nortje: If you have an orphan artwork, no knowledge of the maker or contact details for a catalogue, do you just leave out that particular artwork?

Aprille Tijam: I am a Collections Manager and work closely with artists, collections donors/lenders, heirs, loans (local and overseas). I can identify with the many processes of what Celine and Susan have to undergo -- processing copyrights for all collections that are being made available accessible online, publications, and for product developments.

With objects and artworks where the maker cannot be identified, in the Philippines we try to avoid those pieces if we can.

If the artist is deceased – who are the legal heirs of their work? Sometimes there are disputes about this.

Fadzai Muchemwa: But if we leave out those artworks where you cannot identify the maker aren't we policing access as well?

Susan Pacitti: Sometimes it might be important for a museum or exhibition to show an artwork that has no identifiable maker. In these cases, we label the artwork something with like 'Copyright: The Artist' in order to put some sort of protection around it. The museum is shown to not be claiming the copyright.

Claire Messenger: Does it make a difference if the museum or organisation is not making any money from sharing the artwork?

Susan Pacitti: Yes, we would never share a work for commercial purposes without knowing the copyright.

Ayman Al Shweiki: In the light of the increasing use of 3d scanning for museum's collection to communicate with audience. In addition to the rapid development of 3d printing technology. How can museums protect the integrity right of their collections?

Susan Pacitti: Sometimes 3d-scanning can be used for commercial purposes. Once a license is obtained 3d-scanned copies of statues, for example, can be sold in museum shops.

Condition of entry signposted to visitors of Glasgow Museums, you may take photographs for personal use but not for commercial use.

Fadzai Muchemwa: What happens when you buy an artwork and suppose you want to make, for example, prints for marketing purposes?

Amalia Kakissis: Have you had any situations where a donor has purchased an item and donated it to the museum who was not aware of the copyright of the object?

Celine Blair: Unless the donor can prove otherwise the assumption is that the copyright still belongs with the artist.

Resources

CREATe is the UK Copyright and Creative Economy Centre, based at the University of Glasgow

<https://www.create.ac.uk/>

Collections Trust helps museums capture and share the information that gives their objects meaning. Our standards and advice are used around the world to make museum collections accessible.

<https://collectionstrust.org.uk/>

A list of countries and the length of time their copyright is applicable for.

https://en.wikipedia.org/wiki/List_of_countries%27_copyright_lengths

Naomi Korn Associates are copyright, data protection and licensing specialists. They help our clients comply with the law and enable them to commercially exploit their assets through better rights and privacy management.

<https://naomikorn.com/resources/>

The Museums Copyright Group is a network of museum professionals with a common interest in sharing knowledge and expertise about Copyright and related issues.

<https://www.museumscopyright.org.uk/>

From the Tate - terms and conditions will apply to access and use of their website at tate.org.uk.

<https://www.tate.org.uk/about-us/policies-and-procedures/website-terms-use>

A Guide to Copyright for Museums and Galleries by Anna Booy, Robin Fry, Peter Wienand

Written by a team of legal experts on copyright, this user-friendly, comprehensive guide is the essential reference tool for everyone in the world of museums and galleries whose work brings them into contact with copyright-related questions. It addresses relevant issues from a practical perspective and answers questions such as: What is copyright? How long does copyright last? How can you make money from copyright? What are the consequences of unauthorized use? A Guide to Copyright for Museums and Galleries shows that when properly handled, copyright can provide opportunities for museums and galleries to achieve their core objectives.

Contacts

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