

Book Reviews

Margaret Rohdy, Editor

Introduction to Managing Digital Assets: Options for Cultural and Educational Organizations.

By Diane M. Zorich. Los Angeles: Getty Information Institute, 1999. 157p. \$24.95 (ISBN 0-89236-546-3) LC98-36300.

This book will be news to those of us focusing on alternative models of scholarly communication. We have often emphasized the need to address intellectual property restraints and have urged campus authors to keep copyright on campus so that its benefits are under academic control. But what happens when the library or the museum decides to exploit its intellectual property by selling or licensing its texts and images?

This well-written book, the last gasp of the Getty Information Institute (which closed in 1999), is a how-to manual for museums and libraries that wish to make money from their intellectual resources. Zorich is frankly in favor of doing so and successfully guides directors through the thickets of rights management so that they may "move toward a more businesslike model that capitalizes on the growing market for online uses"(34). This is not an unreasonable goal, and a Getty publication focusing on money and institutional rights is not surprising. However, Zorich focuses wholly on institutional needs with little reference to user needs and rights. There is no differentiation of uses, for example, between entertainment, lifelong learning, teaching, or scholarship. Such a discussion could have noted the consequent different financial and cultural stances a museum might take in marketing its resources. The author says, "Perhaps the most threatening

aspect of electronic networks is their potential for making the copying of intellectual property easier, cheaper, and faster"(23). Network users don't feel this way. A more balanced discussion would take into account the enormous opportunities for learning and empowerment that the network makes possible, and the identification of the museum's responsibility in such an environment.

The book's brief discussion of copyright fair use provisions assumes a stance above the current fray, noting, "Those who believe that access to intellectual property will occur solely through licensing and similar schemes feel that fair use is unnecessary"(29). This presentation ignores the very real conflict between publisher and user interests. Zorich takes no note of the ongoing massive efforts by intellectual property holders to change copyright law in their favor. Should cultural heritage institutions hoping to exploit their resources support these moves, or, on behalf of their users, oppose them? The author could reasonably have commented, but did not. More worrying, because it is incorrect, is her stance that the definition of fair use is a matter for the rights-holder to "accord" or not (67).

But the book succeeds very well on its own terms. Its major focus is on how cultural heritage organizations can effectively manage the exploitation of their intellectual property resources. Most such organizations—typically, but not only, museums and libraries—have had long experience in giving permissions for use, often in exchange for nominal fees and marginal cost-recovery and for the minor publicity that citation brings. This

model probably never significantly contributed income or fully recovered costs. Now the opportunities for income have been made evident, if nothing else by the money made by others from museum contents; the Chicago Historical Society is still stewing about the money it didn't make for what it allowed Ken Burns to use in his PBS Civil War series. Trustees have not been slow to press museums on this point, and entrepreneurial directors have led the way.

Zorich makes clear that handling the odd rights transaction in-house won't work any more. There are other alternatives, primarily outsourcing to external agencies or joining a rights-holder collective or consortium. External agencies, such as ASCAP (American Society of Composers, Authors, and Publishers), the oldest rights management organization in the United States, are efficient but often focused on their own goals. Collectives, cooperatives, or consortia allow like-minded institutions to pool resources in marketing more or less similar intellectual properties and in efficiently monitoring their use and collecting their income. There are chapters on each of these subjects, with brief history where appropriate, pros and cons, and useful references, followed by the chapters "Managing Content and Usage" and "Rightsholder and User Issues." "Economic Considerations" is devoted to the elements of cost and revenue, with some discussion of fee collection and redistribution.

Zorich distinguishes "small rights" and "grand rights." Our institutions are not typically concerned with "grand rights," which might cover a Broadway musical. "Small rights" are

those associated with a large number of intellectual resources, each of which may be used occasionally, such as music replayed on radio or an image used in a textbook. Such small rights need to be handled collectively if they are to be handled efficiently. Zorich also makes clear that she is talking about a wide variety of intellectual resources, providing a useful summary of intellectual management traditions by genre, including literary works, music, dance, software, graphics and fonts, and visual images. The book is focused on the situation in the United States, but there is a separate chapter on the Canadian environment that has value for institutions there.

Museum and library directors will need to refer to this book if they are beginners at marketing their intellectual properties. Librarians in general can benefit from reading it to be made aware that copyright does not exist solely to provide fair use exemptions for our users. Though this book fails to bring out the balance of user's rights and owner's rights, it will be of real use to those focusing on the latter. It is attractively produced and has an excellent bibliography, though there is no index.—*Peter Graham (psgraham@syr.edu), Syracuse University Library, Syracuse, New York*

Delivering Digital Images: Cultural Heritage Resources for Education. Eds. Christie Stephenson and Patricia McClung. Los Angeles: Getty Information Institute, 1998. 196p. \$24.95 (ISBN 0-89236-509-9) LC98-4848.

Images Online: Perspectives on the Museum Educational Site Licensing Project. Eds. Christie Stephenson and Patricia McClung. Los Angeles: Getty Information Institute, 1998. 88p. \$12.95 (ISBN 0-89236-508-0) LC99-165395.

When the Getty Information Institute announced its Museum

Educational Site Licensing Project (MESL) in 1994, universities and museums paid attention. This well-funded, organized effort aimed to deliver digital images from museums into university courses. MESL was intended to address head-on the project-thwarting issues of intellectual property, cost-versus-benefit, and technology. These two volumes are the resulting official report. In simple terms, the first (*Delivering Digital Images*) is a discussion of how, and the second (*Images Online*), of why. The story is well told, and these reports are worthwhile skimming for anyone considering a digital imaging project. They provide valuable insights from the perspectives of university and museum educators, visual resources professionals, programmers, network administrators, and project managers. Perhaps most relevant in the current, complicated legal environment are the contributions of intellectual property lawyers.

The even tone of the report reflects the spirit of the MESL project, emphasizing communication and consensus between institutional cultures. By articulating issues, the report has the potential to open communication between the sometimes-conflicting interests of museums and universities. These insights can help to inform future undertakings such as the Art Museum Image Consortium (AMICO), the National Digital Library Program (NDLP) of the Library of Congress, and the Museum Digital Licensing Collective (MDLC), as well as numerous purely commercial projects underway. The cooperative agreements and usage guidelines could also help resolve conflicting interests of publishers and consumers in the broader debates over intellectual property law.

This problem-solving approach is the most refreshing aspect of the MESL reports. The project was made to work where many others are thwarted by intellectual property or technical

problems. Or almost made to work—one unmet goal is a model site-licensing document. In its place is the chapter “Establishing Terms and Conditions for Educational Institutional Licensing of Museum Images: A Framework for Museums and Universities.” Though general, this framework is a guide for similar endeavors. Particularly interesting are the glosses emphasizing the perspectives of the two groups. For example, on the general topic of licensing: “Museums want to work with . . . ‘educational’ organizations in the broad sense, e.g., schools (K–12), libraries, other museums, and colleges and universities” while “Universities want a license agreement tailored to the specific needs of institutions of higher education” (*Delivering Digital Images*, 23). Or this stickier issue: “Museums want to control images and information about their artwork and collections” while “Universities prefer to have the least restrictive terms . . . enabl[ing] a full range of traditional and nontraditional educational uses” (*Delivering Digital Images*, 23). This volume includes user surveys and a cooperative agreement, which can also be used as models.

On the technical side are four chapters in *Delivering Digital Images* presented concisely and just generally enough to keep from being immediately outdated. These chapters address metadata and data export, digital image production, distribution, and local implementation. The authors are forthcoming in discussion of problems encountered and how—or if—they were resolved. As they were integral to the project, technical issues aren't restricted to this section. Rather, we see their impact throughout from the various perspectives of instructors, network administrators, and legal advisors.

Reading more broadly in *Images Online*, we learn about interesting unintended consequences of the MESL project. Specifically, we see