

DIGITISATION OF MUSEUM COLLECTIONS - A MANAGEMENT ISSUE

This is the transcript of a speech Shane gave to the Museums Australia Registrar Committee in May 1998. Issues covered include the importance of intellectual property administration and copyright policy.

ABSTRACT

The digitisation of collection material is one of those truly important developments that will affect not just how our museums are run or how they will be experienced by their public. Digitisation is already influencing the very definition of what a museum is.

To meet acceptable standards of administrative practice means that we have to examine critically our existing administrative procedures and initiate new protocols to deal with the new technology and this new bundle of rights. This paper suggests the first steps to be undertaken in this process.

There is probably no-one working in museums who would argue that a viewer's experience of a digital rendition of an object has the same aesthetic or emotional value as seeing the real thing and no-one would seriously suggest that digitisation is going to replace the value of the exhibition of original material. Rather, what this technology is allowing us to do is to use the collection material in such a way as -

- (a) to enhance the public's experience of the original;
- (b) to expand the ways in which collection material can be used in fulfillment of the museum's various objectives;
- (c) to permit controlled access to collection material by other museums which seek such access to enhance their own museum's objectives;
- (d) to improve the museum professional's effectiveness and efficiency through the improvement of registration and other administrative procedures;
- (e) to facilitate the merchandising and licensing of collection material;
- (f) to limit the dangers and expense inherent in exhibiting and transporting collection material;
- (g) to reduce the demands on the museum's conservation resources for stored, exhibited or touring collection material;
- (h) to enhance the safety of the collection material and thus reduce the cost of insurance and security;
- (i) to reduce the cost and shortage of storage and exhibition space.

Quite simply, digitisation of collection material is one of those truly important developments that will affect not just how our museums are run or how they will be experienced by their public. Digitisation is going to influence what one expects of a museum and indeed, will affect the very definition of what a museum is.

The advantage of being able to administer, examine, analyse, transport and exhibit the relevant object without having to access, move, expose or endanger it, is perhaps one of the great advantages that technology has given to the museum sector.

Digitisation is not of itself useful

Of course digitisation of itself is of modest benefit. It is part of a portfolio of technologies which are quietly revolutionising museum practice. Digitisation may be likened to the combustion engine in the life of the farmer: it is the “add-ons” that make it invaluable: the engine needs wheels to allow it to move; it needs a steering mechanism to direct it; and even then it still needs accessories such as a plough behind it or a blade in front of it before it is of practical, indispensable assistance.

So too with digitisation, one must add to the engine of digitisation the software equivalents of the plough and the blade:

- (a) digital modelling software which permits us to show all sides of an object, to turn it around and upside down and to split it in half without ever having to expose the object itself to such danger or indeed, destruction;
- (b) editing and graphic software which permits the blemishes and cracks to be removed or missing pieces to be inserted;
- (c) database technology which permits a quality of data capture, manipulation and ease of access, that has been hitherto unthinkable.

Downsides

There are downsides to counterbalance the extraordinary benefits that digital technology can bring to the museum. Perhaps the most obvious is that of the cost of purchasing, maintaining, updating the hardware and software and the considerable training costs that are an essential part of any technology budget. It also requires a re-engineering of the museum’s administrative processes to take account of the new rights involved and the new uses that will be made of the material.

A comprehensive effort to identify and explore these issues is beyond the scope of this paper. Rather, I wish to focus on the impact that digitisation has on the management of copyright in the museum.

The Issue Is No Longer Able To Be Ignored

With the introduction of each significant reproduction or communication technology, those who create or control rights in cultural property are faced with the task of reviewing their procedures. If they don't, they are failing the basics of judicious asset management, let alone risk management.

For example, when a breach of copyright occurs on the Internet, the damages which may flow from that breach are potentially larger than would result from unlawful atom-based publication.

That said, there is a pressure on museums to embrace the new technology and use the Internet to supplement the way that museums:

- (a) promote collection holdings;
- (b) attract the public to the holdings;
- (c) provide access to the collection; and
- (d) deliver educational functions.

To do this, means that those charged with responsibility for administering the collection must review and amend their existing procedures to ensure that they are complying, not just with best practice, but acceptable professional practice.

To meet acceptable standards of professional practice means that we have to examine critically our existing procedures and initiate new protocols to deal with the new situation.

Attitude Of Museums To Intellectual Property

If museums are centres of investigation and learning, if they are repositories of human endeavour, they are also one of society's most important creators and owners of copyright material. That much is unarguable.

Yet, many museums treat copyright as a barely tolerable nuisance. Few museums have a copyright regime that can pass a critical, due diligence, examination. With digitisation, this must change.

Inherent in the process of digitisation is the fact that the process involves the reproduction of the atom-based item into digital form. It is a reproduction. Thus, if copyright subsists in that item, the process is one that will involve the exercise of one of the rights that is exclusively enjoyed by the copyright owner and is subject to all of the controls of copyright legislation.

Changing material from one dimension into another is not just black magic or a the everyday stuff of "StarTrek". It is an act which affects the copyright in that material and for which proper permissions must be obtained.

That said, most registrars are very aware of the fact that effective copyright management procedures were essentially non-existent until a few years ago and are still only adequate in respect of certain parts of the holdings. Most collections hold considerable repositories of material which is of uncertain copyright status. Most are adding to this repository every year.

Digitisation is going to require museums to change their attitude to copyright. Given that no museum wants to attract lawsuits, they all will need to undertake reasonable risk management strategies to avoid this unwanted consequence of retaining present practice.

Quality of intellectual property management:

Although intellectual property is now one of the major contributors to the world economy and is crucial to the core business of most of the world's major industries, in the museum world, copyright is still treated as though its usefulness is limited to knowing whether one can authorise an object to be reproduced for merchandising in the museum shop or for maintaining the photocopying records.

Given the value of intellectual property, it is extraordinary that so few museums have any true copyright expertise on their staff. Some have a person called a copyright officer or a permissions officer whose responsibility it is to control this valuable institutional asset.

- (a) How many of these people are formally trained in intellectual property? (Very few lawyers are adequately trained in this specialist area.)
- (b) What is the level of training given to or demanded of, the person in your institution who is charged with this responsibility?
- (c) What influence does this person have, is allowed to have, in the planning, implementation and supervision of the collection management strategies?

Let me be blunt and answer these questions lest they be perceived as being merely rhetorical: Most museums have no-one who is sufficiently expert or sufficiently empowered to successfully manage what is one of the organisation's most valuable assets. It is quite irresponsible, but it is absolutely the norm.

A copyright policy of quality that is accessible and understood

Let me take this risk management point further. How many museums can say:

- that they have in place a quality copyright policy;

Is there any museum in the country who can claim to have a simple, accurate, easily understandable articulation of the law of copyright as it affects museums? If there is, why do we not all know about it? If there is, why is it not being publicised and made available to all of the other museums who would benefit from this quality management tool?

I will not be so rude or confrontational as to suggest that such a document does not exist. We just need to discover who has it and ask that they share it with their colleagues.

- that their staff members have a quality knowledge of the copyright rules as they affect the collection (and thus their professional work within the museum);

How often does the museum sector run workshops for its copyright managers to improve the level of their knowledge and keep them up to date with the frequently changing legislation?

Copyright managers in museums should be influencing government policy in this area. They are not.

- that their staff recognise copyright as an asset rather than a restriction?

To test this without requiring self-flagellation, consider this issue as one of institutional management: How much of the museum's budget went to intellectual property administration last year?

What does this have to do with digitisation? It is basic. Unless the copyright regime of the museum is first class, it will not be able to benefit from the advantages of digitisation, database management and the Internet-based services that are becoming a part of every museum's basic methods of interacting with both its public and its colleagues.

So what does each museum need to do?

Budget

Unless money is allocated, the institution isn't serious about dealing with the issue. I know that every department in the museum says that it receives an inadequate share of the budget. But allocations to intellectual property management require a recognition of its importance and its value. We understand that cleaning budgets are important because our public will see the garbage on the floor and will complain. We know that we need a conservation section because if the collection material deteriorates, so does the quality and standing of the museum.

We need to articulate the reasons for devoting resources to this area. The demands imposed by digitisation is one of those reasons that must be teased out and fully argued.

An Intellectual Property Management Plan

Each institution needs an intellectual property plan in the same way as it needs an accession policy and a human resources policy. It should be seen as a basic part of the collection management scheme.

The weight accorded to various parts of the intellectual property plan will vary according to each museum's types of holdings. The needs of a natural history museum are different to those of an art museum and a social history museum are different again. Nevertheless there are some constant themes.

The collection management scheme should cover the following matters:

- (a) A copyright status report on all collection material.
- (b) A copyright status report on all material that is not collection material but which is an asset of the institution. This will include a wide range of material including:

- reports, published articles and books;
 - trade marks and business names used by the museum;
 - merchandising material;
 - educational resources.
- (c) A statement of copyright law relevant to the museum's needs and expressed in a way that non-lawyers can understand.
- (d) A policy on reproduction which spells out what material can be reproduced; the circumstances in which reproduction can be undertaken; the legal and commercial limitations and so on.
- (e) A policy for dispute/claims management.
- (f) A training policy and scheme to ensure that all relevant staff have the necessary knowledge to understand and implement the intellectual property management plan.

Unless the management of intellectual property is integrated into the management plan of the whole museum, the institution is not ready to take advantage of the benefits of digitisation.

The Intellectual Property Audit

In order to undertake digitisation of collection material you need to know whether you have the right to do so. Is the material still in copyright? If so, who is the owner? If the copyright owner is not the museum, have you obtained permission from the owner? For what purposes? Is the documentation of either the museum's copyright ownership or its licence, legally adequate? These are among the numerous questions that must be answered before the museum expends its resources on digitisation because the last thing you want is to find that you can't exploit the benefits of the process because of a couple of oversights or mistaken assumptions as to rights.

The other part of the intellectual property audit is the review of existing documentation: the acquisition forms, the copyright permission forms, the loan agreements and all the other documents that determine the extent of the rights that are being obtained or granted. It is almost certain that documents drafted more than five years ago will be inadequate for use in digital environment. Documents drafted before the technology was significant may, through the breadth of their wording, implicitly deal with digital rights but drafting that governs by implication rarely bestows certainty - and the achievement of certainty is a central purpose of documentation. (Documentation review has been essential in all other areas involving the administration of cultural rights such as book publishing, film making and the music industry and it is hardly likely that the museum documentation alone remains unaffected.)

So What Does The Museum Sector Need To Do?

Given the cost of undertaking the tasks that I have outlined above and given the budgetary restrictions that every museum must face, it seems logical to me that there needs to be a co-operative effort, headed by the major museums but perhaps administered through Museums Australia, to provide some of the guidelines and templates by which this process can be undertaken.

I can almost hear the sighs of those in the room who represent the major collections. They are already stretched to their limits. But the fact remains that they do have more resources than the small less well funded museums and their leadership role in the achievement of excellence within the museum sector is hugely important.

Digitisation has been an issue for registrars for several years now yet most institutions have still not established the basic procedures to cope with this new environment.

So, rather than continue in the tone of a homily, let me make a concrete suggestion: That the Registrars Committee establish a working party to investigate the scoping of a project which might be called "The Management Of Digitisation In Australian Museums" or "The Impact Of Digitisation On The Administration Of Australian Museum Collections".

The task of this group would be:

- (a) to do a preliminary review of the present state of affairs in Australian museums. (No group is better placed than registrars to undertake this task);
- (b) to prepare a brief setting out the perceived needs of the sector and the initiatives that would assist museums to manage this still new management issue;
- (c) to prepare a budget for the project;
- (d) to obtain funding for the project through a mix of sponsorship and government assistance;
- (e) to appoint a consultant or a group of consultants to deliver the project materials;
- (f) to initiate and promote a series of workshops by which those charged with responsibility for administering collections, large and small and of all types, can be trained and assisted to implement the project deliverables; and finally
- (g) to publish and disseminate the materials, probably electronically, so that the resource is available for those who follow.

If such a project is undertaken, all Australian museums will benefit from the advantages of sharing the effort and cost of achieving best practice in the management of the hugely valuable asset that is intellectual property.

It will assist all museums to take advantage of the benefits of digitisation and to move into this new media era with confidence.