

The Ad*Access Project: Cautionary Tales of Copyright Clearance



The Digital Scriptorium at Duke University's Rare Book, Manuscript, and Special Collections Library is completing an online database of images of historic advertisements dating from 1915 through 1955. Assuming those items after 1920 were most likely not in the public domain, we were faced with the task of copyright clearance in order to include them in our Internet database. This presentation will address some of the issues and problems we encountered and how we resolved them.

Project Description:

Advertisements, ephemeral and ubiquitous, provide a snapshot of the contemporary worldview at the moment of publication and offer a vibrant visual link to a product's history. The John W. Hartman Center for Sales, Advertising, and Marketing History and the Digital Scriptorium, both centers in Duke University's Rare Book, Manuscript, and Special Collections Library collaborated to provide on-line access to the historic Competitive Advertisements Pre-1955 file of the J. Walter Thompson (JWT) Archives.

Originally conceived as a partnership with a Duke faculty member, the Ad*Access Project was intended to allow members of the professor's Special Topics in Writing seminar class to study the pre-1955 advertisements on-line. The students would then publish hypertext- based analyses of the advertisements interactively on the Duke Intranet, eliciting input and comment from other students and faculty. The faculty member's grant application for the class was not funded; however, the Library decided to go ahead with the on-line advertising project and monies were granted through the Duke Endowment "Library 2000" fund. This move from an Intranet-based project (under which only the Duke community would have had access) to one that was open to the entire Internet community forced us to revisit the issues surrounding reproducing the advertisements online.

Five subject categories were designated for inclusion in the project. The decisions were based on a category's proven interest to researchers and the probability that companies would be willing to be represented in the project (i.e. tobacco and alcohol categories were eliminated as the subjects were too controversial). The categories --Radio, Television, Beauty & Hygiene, Transportation, and World War II -- cover the years 1911 -- 1955.

In applying for the Library 2000 grant, three areas were noted as needing to be addressed in the project: physical preservation of the ads, networked access to the ads, and the exploration "of various questions regarding copyright and fair use vis` a vis Internet access to digital collections of archival material."

Physical Preservation:

Consisting of newspaper and magazine advertisements, the Competitive Advertisements Pre-1955 file is one of the largest and most important in terms of research value in the JWT Archives at Duke University. It is also one of the most heavily used and physically fragile parts of this collection. Paper "snow" and advertisement fragments invariably littered the research area whenever the collection was used. The collection was closed to researchers a few years ago to stem the deterioration of ads through use, and in the hopes that a remedy for access would be found in the future.

Network Access:

The realization of the Internet and success by the Digital Scriptorium in providing on-line access to images of papyri from Ancient Egypt <<http://SCRIPTORIUM.LIB.DUKE.EDU/PAPYRUS/>> afforded experience and a challenge to provide the same network access to the twentieth-century advertisements in the Pre-1955 file. The Ad*Access project began in the fall of 1997 in conjunction with another on-line image project scanning Historic American Sheet Music.

The advertisements in the Ad*Access Project were digitized on flatbed scanners using Adobe Photoshop. From September 1997 to August 1998, Duke students working in the Digital Scriptorium scanned over 7,000 images for this project. The original image files were created at 150 dpi and saved in high quality JPEG format with 72 dpi images and thumbnails created in batch mode at a later date.

Project staff consulted with the Hartman Center archivists to determine what criteria would be most useful to researchers for accessing the advertisements. Based on these criteria, a 42-field database was created with categories such as "company", "product", "date", "type of illustration", etc. Information from every advertisement was entered, though not in every data field. The database was converted into SGML format in EAD (Encoded Archival Description), an emerging standard for archival finding aids.

Dynaweb software will convert the SGML database to HTML, allowing browsing and targeted searching on ordinary web browsers. Canned searches created for the majority of subject fields and keyword searching within the Dynaweb interface will enhance the ability of the researchers to pinpoint subject-selected advertisements.

Although the Ad*Access database is not yet available on the web (as of April 1999), an example of what it will look like can be seen at the Historic American Sheet Music site <<http://scriptorium.lib.duke.edu/sheetmusic/>>.

Copyright Issues:

Although many of the issues related to reproducing copyrighted materials on the Internet have not been clearly resolved in the larger community, we had an immediate need to determine and deal with the most obvious intellectual property issues in order to make this project happen. Based on our consultation with University counsel and experts in the advertising industry, we decided to build the project on the assumption that ads dated before 1920 were in the public domain. Anything after that date would require permission from the originating company before we could include it in our web site.

Some of the issues we encountered in seeking this permission were:

Tracking Companies

As we are currently witnessing with the Internet and telecommunications, new technologies generate many new companies. The boom is followed by bust for many companies as standards shift, market bases are consolidated and capital is required for further development of products. Companies die, are acquired, disband, or thrive and possibly change their product lines. This boom and bust trend is strongly reflected in almost all the categories of the Ad*Access Project and affected the level of difficulty in trying to find the contact information for the correct companies to pursue copyright permission.

Addressing Company concerns

Once contacted, companies raised various problems and concerns in having their products included in the on-line project. Lack of record management by the companies resulted in confusion over ownership of ads, ownership of subsidiary companies, etc. Fear of the World Wide Web was a concern for many companies as well.

Presentation Issues

Each company handled the copyright request differently, and many companies requested that certain contact and copyright information be presented with each image. Denial of permission to use a company's advertisement images created a different presentation issue.

Explanations of the problems encountered and resolutions reached in each of the three areas will be discussed in the project briefing and examples of advertisements and correspondence will also be included.

Contact Information:

The Ad*Access Project is projected to be completed and accessible to all by this summer. The address is: <<http://scriptorium.lib.duke.edu/adaccess/>>.

For more information about the project, contact Lynn Pritcher, Project Manager for the Ad*Access Project (lynnp@duke.edu; 919-660-5913; RBMSCL, Box 90185, Duke University, Durham, NC 27708).

Project Description:

Addresses for other links mentioned:

Digital Scriptorium: <<http://scriptorium.lib.duke.edu/scriptorium/>>

John W. Hartman Center for Sales, Advertising, and Marketing History:
<<http://scriptorium.lib.duke.edu/hartman/>>

Rare Book, Manuscript, and Special Collections Library:
<<http://scriptorium.lib.duke.edu/>>