

COPYRIGHT TOWN MEETING: Cincinnati, October 27, 2001

NEW STRATEGIES, NEW CONTEXTS Museum Computer Network Conference

Meeting Report

Diane Zorich, Introduction

I. Mapping the Landscape

Amalyah Keshet and Suzanne Quigley, Intellectual Property Issues for Museums

II. New Strategies

James Shulman, Intellectual Property: The ArtSTOR Approach

Jennifer Trant, AMICO - IP Issues in Delivering a Multimedia Library to Educational Institutions

III. Changes in Copyright Law and Museums' Response

Siva Vaidhyathan, 10 Things You Can Do to Save the Information Ecosystem

Rina Pantalony, The Carrot v. The Stick: Can Copyright Be Used to Enhance Access to On-Line Cultural Heritage Content

Diane Zorich, Introduction

Diane Zorich welcomed the participants and introduced the theme of the meeting: new and creative ways for the museum community to address both old and new copyright issues. She thanked her fellow members of the local organizing committee: Robin Dowden, Amalyah Keshet, Rina Pantalony, Susan Patterson, and Suzanne Quigley.

I. MAPPING THE LANDSCAPE

Amalyah Keshet and Suzanne Quigley, *Intellectual Property Issues for Museums*

Amalyah Keshet and Suzanne Quigley jointly presented an array of copyright-related issues including: access and protection; managing the problem of in-house scanning; cybersquatting; and illicit image proliferation.

Amalyah Keshet felt the community needed time to map the future and strategize instead of being in the position of always putting out fires. She cited privacy as an

issue that will surely bloom in the future of ubiquitous, wireless computing, but where in the museum community, she asked, was a strategy being developed?

Paradox and duality characterized this arena for museums, especially as they sit on both sides of the copyright fence: as users of images and texts, museums want strong fair use and a robust public domain; as image and text licensors and publishers, their perspective has to be on the supply side.

Access v protection: Providing access is very expensive and, especially in a post-9/11 world, museums need increased sources of earned income, so this puts museums on the protection side of the fence. Museums can prepare an "IP audit" to understand what their assets are and to consider what could be exploited and leveraged. With renewed interest in the public domain, Keshet reported that museums are under great pressure to provide access to everything in their collections, under any circumstances and for any purpose. The law is silent on museums' obligations here - but again it costs. Responsibility to the public needs to be balanced against the cost to provide access while protecting the objects in collections.

Image scanning: Suzanne Quigley introduced the subject of out-of-control internal image scanning. The Whitney Museum discovered that during the summer of 2001 its twenty interns had scanned many images, but the museum did not know how many, what the sources were, or what the quality of the images were. An IP audit showed 4,000 images had been scanned - very inconsistently from inside and outside the Whitney's collections, from a range of media and onto a range of storage devices. As a result, the museum now has a policy and clear guidelines for internal image scanning.

Exhibition Copies: Quigley reported that the Whitney had purchased a work as an original only to hear that the artist, who owned the copyright, had made an "exhibition copy" for a show in Japan. This didn't seem right to the museum or its donors but there was legally nothing to do, as the artist retained the right to make derivative works. The Museum asked that he refrain from creating further copies as it had not purchased an editioned work and he agreed. The Israel Museum experienced a similar case after it had purchased a work (a video piece with a photograph) that it understood was unique, only to discover that the artist's gallery subsequently had made several exhibition copies. In response to such cases, the Whitney Museum now has standard purchase agreements for moving image work that require a Beta-submaster and two exhibition copies together with rights to migrate the work to new formats for preservation purposes, as long as the artist's intent is adhered to. The museum also asks permission to create and lend exhibition copies, to be destroyed after the show. If a work is a gift, the museum asks for permission to do the same. Quigley advised that, when buying a work in DVD format, a museum should ensure that the work is declared an editioned or unique version.

Cybersquatting: Suzanne Quigley reported that during the 2000 Whitney Biennial the Whitney discovered an unauthorized Whitney Biennial web page, where the real biennial webpage was copied and material had been added, including an image of Amadou Diallo and a sound file of 41 gunshots, the number of bullets fired at him by police. A whois search revealed that it was put up by a political action group: "Together We Can Defeat Capitalism." Another example Quigley mentioned, was the discovery of a cybersquatter who was buying names that more rightfully belonged to several institutions, the Whitney and the Guggenheim among them. After receiving a domain name dispute complaint form, the perpetrator took down the site. Quigley advised museums to register all possible related domain names and to use these other names to point back to the site. Mikki Carpenter from the Museum of Modern Art reported that MoMA had surveyed staff for suggestions for all alternative domain names and registered all of them.

Image proliferation: Doing a Google search on Hopper's self-portrait, the Whitney discovered a dismaying range of copies of the image in the Whitney's collection. Realistically, little can be done, unless the unauthorized reproduction of an image is considered commercially threatening. Keshet mentioned another concern, that when images are taken, the correct information rarely goes with it, and if it does it will not be updated as frequently as that on a museum's site.

Discussion

From the audience, Christine Sundt asked if an institution doesn't maintain its rights whether it tends to lose them, in practice? She also commented on the value to scholars of tracking the changing information attached to images on web sites: was there not a value to archiving previous versions of information so you can capture the history of the changes?

Richard Rinehart pointed out that it was an illicit Louvre web site, created by a student, that inspired many museums to create their own web sites. Picking up Amalyah's point that there was presumably no law to compel access to museum information he cited the Freedom of Information Act and the Americans with Disabilities Act as examples of law that did compel access to certain kinds of public information. He also commented that interactive new media work raises new questions and would surely create new conditions for exhibition. Some interactive work incorporated writing, even DNA samples from museumgoers. How would a museum go about getting copyright clearance for such works? Finally, he commented that museums are being challenged to redefine collections, especially with infinitely reproducible digital works. Perhaps they should be less exclusive.

To this last point Keshet agreed, commenting that the key was to be clear and specific in documenting the nature of a piece. Here was a case of museums being taken by surprise. Quigley commented that museums had some experience of multiple copies with prints but web works really are quite different. The Whitney has developed a "website exhibition agreement," and a similar agreement for commissioning works (for its [Artport](#) site). But there are still many gray areas: how, for example, does a museum accession a web work?

II. NEW STRATEGIES

James Shulman, *Intellectual Property: The ArtSTOR Approach*

James Shulman opened by saying that ArtSTOR was, like AMICO, pioneering new ways of using museum images in a shared and monitored educational space.

He broadly outlined ArtSTOR, currently an in-house initiative of the Mellon Foundation (with plans to be its own independent nonprofit) to collect, catalog and distribute art images for use in the noncommercial educational sphere. ArtSTOR was still in its formative stage and he was very open to suggestions about what it should and should not be. He outlined two examples of image projects that would be included in ArtSTOR. One was the Mellon International Dunhuang Project, a collection of high-resolution images of paintings, drawings, manuscripts, printed books, and other materials related to the cave shrines in Dunhuang, China. Mellon was working with several of its grantees as well as with museums and libraries from around the world to capture digital images, to archive, document and virtually reconnect these valuable works. The IP issues here are fairly clear. Mellon is paying for the digital capture and asking for nonexclusive, perpetual, noncommercial rights to distribute the collection in a monitored protected environment. The institutions get their own images back to do with what they like.

Another project was perhaps more relevant to this meeting, he said, as it does raise some IP issues. Recently the Mellon funded the University of Georgia's digitization of its famous "Carnegie Study of the Arts of the United States," a collection of 4,500 high-quality photographic reproductions of works of American art. Permissions had been obtained originally from museums and the collection had been a staple in the teaching of American art. Mellon is assisting the University digitize and catalog the images and intends to include them in the ArtSTOR collection. (See press release .) ArtSTOR is very interested in museums updating these images and/or the data and is willing to collaborate with museums to ensure these works are well documented and used in a protected educational space.

Mr. Shulman invited participants to contact him directly with comments and suggestions on the future direction of ArtSTOR as it develops.

Jennifer Trant, AMICO - IP Issues in Delivering a Multimedia Library to Educational Institutions

Jennifer Trant defined AMICO as an open, independent nonprofit consortium of organizations with collections of works of art that seek to deploy the digital documentation of those works for educational use. The goal of her presentation was to explain the collective thinking involved in defining the relationships between the various parties involved in the AMICO process.

Trant stressed the complex nature of the objects in The AMICO Library: they are compound, multi-part works comprising image, text and other supporting information. As Amalyah Keshet had pointed out, knowledge about museum objects grows incrementally and the challenge in creating the AMICO data structure was to bring all the pieces of these complex objects together in a coherent way. Copyrights can and do exist in each of the separate parts of the documentation of a Work in The AMICO Library (for example, in a piece of contemporary sculpture itself, a curatorial note, a photograph of the work, and interview with the artist and a sound file from the audio tour). AMICO ensures that the same levels of use are enabled for subscribers to all this compiled material.

Trant then walked the audience through the AMICO Rights Chain (see [presentation slides](#) - Acrobat PDF). This brings together rights holders, members, rights collectives, AMICO itself, distributors, subscribers and users.

Rights holders can be institutional members or individual artists. Some works and some documentation are in copyright, some are in the public domain. One of the challenges as the documentation was compiled was to ensure that members had cleared the rights of all their submitted material for a set of non-exclusive educational uses.

Rights collectives: One of the achievements of the consortium was in coming to agreement in licensing the works of contemporary artists with the Visual Artists and Galleries Association (VAGA) and the Artists Rights Society (ARS). The consortium-to-consortium agreements radically simplified the process of clearing rights and contemporary art is now an important component of The AMICO Library.

Members: All works come in to the Library under the same terms. As AMICO exists separately from its members, it has a [membership agreement](#) that assigns certain rights to it. It is critical for users that all works come in under the same term; they want to be able to use The AMICO Library as a whole, and under predictable circumstances. AMICO does not license individual pictures but compiles and edits complex multimedia documentation from many museums for educational use. AMICO's intellectual property lies in the value it contributes in the compilation of this multi-authored work.

Distributors: AMICO clearly separates the creation from the distribution of its Library. AMICO partners with those who can best distribute the work to specific audiences through their own interfaces, tools and information delivery services. AMICO now works with RLG, OhioLINK; H. W. Wilson; SCRAN; VTLs Inc. and the University of Michigan. Distributors do not own any copyrights in The AMICO Library, but may have rights in their delivery systems and interfaces.

Subscribers: Standard terms and conditions for agreements are determined by the type of subscribing organization. Licenses have been created to respond to the different kinds of uses important for K-12 schools, for public libraries, for museums and galleries, and for higher education, where, for example, institutions are eager to pursue distance education initiatives. The agreement assures AMICO members that policies and practices are in place at subscribing institutions. Subscribers must have an Intellectual Property policy in place and have procedures to follow in the case of inappropriate activity. AMICO has now established a broad circle around a set of uses that museums are regularly enabling for a wide range of users. A single subscription, under a common license simplifies rights administration for everyone involved.

Users: Although these are still early days, AMICO is seeing new uses by many new users across the range of the curriculum. Art and museum content is now drawing students from cultural studies or technical studies into a broader cultural discourse.

Ultimately, Trant said, AMICO has been able to codify a chain of rights relationships through a standard set of open and transparent agreements by negotiating with all the stakeholders all the way through the rights chain. This has eliminated the inefficiencies in renegotiating individual IP agreements for a set of a fairly consistent sympathetic uses within the educational community

Discussion

To the question about the difference between AMICO and ArtSTOR and whether they should combine forces Shulman answered that ArtSTOR is still evolving its program,

will listen for what specific community needs it can help with and will periodically test the value of what it is doing.

Trant replied that there was no silver bullet for solving these digital issues; just as there are many sources for information in the traditional library, so also will there be in the digital library. She hoped that ArtSTOR would surface academic needs that have yet to be articulated and explored in a way that might intersect with AMICO's articulation of a set of museum requirements. AMICO is also exploring the possibility of self-sufficiency for such an operation. AMICO Members are reconceiving how they might publish the illustrated catalog of their entire collections and are exploring new ways of distributing their digital documentation. AMICO is not recreating traditional resources digitally and it was critical to discover the relations between the two.

From the audience, Christine Sundt said that in all these initiatives, she missed the access to non-museum-related art historical documentation: supplying this could be a task for ArtSTOR. Shulman stated that ArtSTOR was looking at a variety of productive ways to help researchers.

David Bearman ventured that the fact that information is still held in silos comes back to rights issues. AMICO's strategy in reconnecting fractured cultural complexes of information rested on the importance of understanding and managing rights on the granular level, without itself having to negotiate the rights for each object and use. It has done this partly by creating legal and contractual arrangements with an array of rights holders. In addition, it had contracted with certain distributors partly because of their rights to tools such as the Avery Index, the Art Index, the Art & Architecture Thesaurus, etc. Fortunately, Bearman said, the educational market is a good one in which to release these cultural objects, where risk is generally low. However, the expense in creating an AMICO Library lies in building the architecture and maintaining the infrastructure that enables cultural information to reconnect beyond the silos. He added that broad frameworks for such construction are still urgently needed.

Trant underscored the importance of policies for managing intellectual property within organizations. The provenance and associated rights of objects is an area of great confusion. An IP audit can give an institution a confident sense of what it owns and what it can do with it. This is key as the community moves ahead in thinking through distributing digital documentation in different contexts and different ways. This knowledge would help institutions negotiate contracts with photographers and writers for particular projects should they want to reuse that content later in a different context.

Sundt stated that the broad community was still very risk-averse in an area where there is little legal case law for guidance. Recently when she was willing to shoulder the risk for using public domain imagery in a book, her publisher refused.

Trant replied that museums take risks regularly, as part of managing highly valuable collections. What is key is that they communicate as transparently as they can the intricacies of rights situations. Her experience showed that very often what one thought of as the whole rights picture was only a "small corner of the carpet." Trant reflected that, in the years since she directed the Museum Educational Site Licensing Project (MESL), museums have opened up to many digital uses within the "safe" environment of education. Outside that space they still need to be more cautious in protecting potential revenues as their funding is not necessarily assured. ..

Shulman said that he took Sundt's question to be what "what is the risk within the educational space?" There are clearly some uses of digital images revenue streams that threaten commercial and publication revenue streams but which are different from other uses that might be acceptable as fair use and he hoped that this distinction could become more widely apparent as we all explored these issues together. There are indeed different shades of risk in different environments. Trant agreed, adding that under the AMICO licenses there is no limitation to fair use. In fact, she said, partly because the AMICO licenses operated in several different national legal environments, they enumerate allowed uses and are very clear, very often surpassing what one could do under the U.S. concept of "fair use."

III. CHANGES IN COPYRIGHT LAW AND MUSEUMS' RESPONSE

Siva Vaidhyathan, 10 Simple Things You Can Do to Save the Information Ecosystem

Vaidhyathan declared his purpose was to begin to encourage a vocabulary and an agenda for the general public in copyright in particular and in information regulation in general. He wanted the complexity of these issues to be understood and a less radical set of policies than we now have to be enacted. He felt that the U.S. has abandoned its tradition of balance in copyright and invested decision-making powers with engineers.

The ecosystem metaphor was inspired by media critic Herb Schiller ([see obituary](#)), by Duke Law Professor, James Boyle and his call for a public domain movement analogous to 1970s environmentalism (see, [A Politics of Intellectual Property: Environmentalism for the Net?](#)), and by Jane Jacobs who encouraged us to think about all systems organically.

Broadly speaking, Vaidhyathan thought the ecological values we need to take seriously in this context include:

- Diversity (cultural and point-of-view diversity)
- The interdependence and complexity of our information and cultural systems (changing U.S. practices and policies have worldwide impact)
- Common global interests; having a system that's too restrictive chokes off creativity and flow in different ways

Another of Vaidhyathan's goals is to move us beyond the vocabulary of property and natural rights, what he labeled "property talk," which he chronicles in his book, *Copyrights and Copywrongs*. Property talk, he maintained, involves us in a closed rhetorical proposition: by trying to move beyond it you can only talk about theft. The ubiquity of property talk makes any public interest discussion futile.

Two problems with using the phrase "intellectual property" are that, first, it conflates radically different forms of protection that issue from different needs and cover different forms and, second, that these different forms are being engaged to overprotect material: he pointed to the "triple coverage" of the coffee cup protector around his Starbucks coffee (covered by patent, copyright and trademark).

Vaidhyathan's list of what we could do was as follows:

1. Question the information policies of our institutions: we should be encouraged to discuss those policies and we might start with a discussion of allowable use
2. Argue for the most open platforms.
3. Practice fair use: the more we exercise our rights, the stronger they will be. Here he noted the three current levels of definition of fair use: the statutory (it's a defense); the legal/economic (it's a byproduct of high transaction costs for low-value transactions, now threatened by the relative ease of deploying digital micropayments); and the republican (fair use exists as a public good, part of a penumbra of civil or social rights).
4. Use open-source, freeware and shareware: encourage the diversity of creativity in the software field and the policy choices this implies.
5. Buy real books, go to movies and play CDs: although these are available through peer-to-peer networks we should value them in other legitimate forms.
6. Volunteer space on your hard drive for distributed and filesharing systems
7. Use your public libraries: return your books, volunteer for public programs, donate books, materials and money and defend the library's budget. Recognize the library as more than a node in the matrix of information flow but a public site that can foster and enrich a sense of public trust and a flowering of the public domain.

8. Support live music and theater.
9. Easily grant permission for others to use your own copyright materials freely and easily; put welcoming notices rather than forbidding ones on your web site.
10. Avoid proprietary online services: use open, local ISPs, read agreements carefully and choose those that put the fewest restrictions on users.

Overall, Vaidhyathan's goal was to work for a larger sense of public engagement on these issues and to forge an agenda to change the terms of discussion and stem the effects of recent legislation, such as the DMCA and the Copyright Term Extension Act.

Rina Pantalony, *The Carrot v. The Stick: Can Copyright Be Used to Enhance Access to On-Line Cultural Heritage Content*

See [Presentation Slides \(PDF\)](#)

Rina Pantalony opened by declaring that copyright law was clearly not keeping up, legally or conceptually, with the social and behavioral changes that digital technology was bringing. With issues and cases including Napster, Fair Use and First Amendment challenges, and now privacy, recent US copyright legislation had for many people exacerbated a frustrating situation, in which access to material was being increasingly restricted. So, knowing that we need to think differently about information flow and management in a globalized economy, how can traditional copyright law help us?

She reviewed the assumptions behind the origins of some national systems: in the UK, copyright was created to guarantee limited economic rights to publishers; in Europe, civil copyright, rooted in the French Revolution gives authors "fundamental rights" of expression (equivalent to a Bill of Rights); in Canada, the system attempts to balance the civil and British systems; and in the U.S. there is a constitutional guarantee of the free flow of information and the affirmation of a social contract.

The social contract theory is often spoken of as a balance of interest between owners and users of copyright material, but it really is not. It defines authors' rights as economic and against them it offers privileges to users that guarantee first amendment rights and promise to stimulate creativity. As Michael Shapiro has written, "Copyright is not primarily about money or control [but] about stimulating activity and progress in the arts for the intellectual enrichment of the public."¹ So it's really about the balance between authors' (or *de facto* owners) versus the greater public good.

What does this mean in terms of access? Recent case law has both increased and curtailed access. In the *Kelly v Arriba* case, returning thumbnail images on a search engine was deemed fair use.² In “The Wind Done Gone” case, parody was upheld as a legitimate fair use. In the *Tasini* and *National Geographic* cases, the Supreme Court declared an electronic right was separate from a print right.³ And the cases arising from the DMCA’s anticircumvention provision (preventing reverse engineering to break protecting software for any reason) have either been dropped or misfired.

So, for many owners, traditional copyright doesn’t seem to be working and increasingly we are seeing the holders of content resort to contract law to control access to works. Thus, we are now dealing with a playing field that is not only not level but also undefined. Pantalony suggested we were in a situation where possession is nine-tenths of the law. If a work can’t be protected by copyright, the holder of the material is increasingly likely to say: "you are going to agree with me that you are not going to reproduce this." What this does is to effectively negate all the statutory carve-outs (the safe harbors, the educational exemptions) in copyright law. Ultimately, Pantalony said, the tensions increase and the parties become more polarized.

Pantalony’s conclusion was that in North America we now have “digital irony.” Because copyright protection has been denied in several cases, contract law is being used to control access and where contract law is used then access becomes more restrictive. The end result appears to be that users of the analog have greater access to material than the users of digital content.

Try as we might, she said, we cannot get away from the traditional parameters that inform this debate. We have to understand that there’s a delicate balance to how social contract theory works. Although there has been a paradigm shift in thinking about the information economy, we may be worse off by denying the robust strength of traditional copyright law.

Footnotes

1. Michael Shapiro. "Not Control: Progress." *Museum News* 76, no. 5 (September/October 1997): 37-38.
2. *Kelly v Arriba* decision was upheld on appeal
3. See news account of *Jerry Greenberg and Idaz Greenberg v. National Geographic Society, National Geographic Enterprises, Inc., and Mindscape, Inc.* <http://www.infotoday.com/newsbreaks/nb011022-2.htm>
4. See news report on final court decision of *The Wind Done Gone* case: http://writenews.com/2001/052501_wind_done_gone_reverse.htm.

DISCUSSION

Risk Management and the Cease-and-Desist Letter

As a web artist, Richard Rinehart agreed with the advice to practice fair use, he simply asked for credit when his work is used or repurposed by others. As a museum professional at the Berkeley Art Museum, he noted that the museum's web site defines what users can do with material and then links to the UC Berkeley Copyright Information Resources page for further copyright information. Many institutions seemed frozen in indecision about what might happen to a work if it is put online, so he asked the panel, what they considered the real risk to a museum if it puts a work online without being able to define its copyright status? He reported the Berkeley Museum once did this and, after receiving a letter from the Artists Rights Society, simply took it down.

Vaidhyathan elaborated a little on his encouragement to "practice fair use" by citing the unnerving 1991 music sampling case, in which Biz Markie was accused of over-sampling Gilbert O'Sullivan. The defence was "everybody does it," which did not play well with the judge, who recommended criminal penalties.

Rina Pantalony advised that there were real risks but these would be different for a commercial operation than for a nonprofit museum. As educational institutions, museums have certain obligations to ensure the continuation of fair use and so may push the envelope a little, but she said, museums are not natural infringers.

Siva Vaidhyathan continued by speaking of his fascination with the cultural power of the "cease-and-desist" letter: it has inordinate power to alter behavior; it costs little and usually succeeds in shutting down a publication without any discovery or due process. If a complaint is made to a university, the chances are that there will be some attempt to find out whether infringement really has taken place. But with a commercial ISP, such as AOL, there will almost certainly be an automatic take down on receipt of such a letter. Suzanne Quigley, as chair of the AAM's Rights & Reproductions Information Network (RARIN) Task Force, asked for a good example of a cease-and-desist letter that she could post. Sam Quigley commended an article on AOL Time Warner in *The New Yorker* that stressed how big the dangers of such intimidation are.

Contract Law

To Christine Sundt's comment that it is not simply copyright law that might prohibit or control access but also property law, contract law, ethics and other factors, Pantalony agreed. Many problems she put down to the lack of a common ground when viewing copyright. When it came to licenses, she said, most people think that it has mostly to do with copyright. In fact, beyond the grant that allows you to do something with some material most of a license is contractual, is mostly open for negotiation and the outcome will depend on who has the most clout. Siva took up this

point by declaring that this was a big problem for the noninstitutional user: individuals cannot negotiate a contract that lets them into a website or beyond the shrinkwrap of software. Currently, most of these licenses are unenforceable, although proposed amendments to the uniform commercial code (known as UCITA) threaten to enforce these non-negotiable contracts.

Siva took up the issue of contracts replacing copyright law. It's not only databases lacking originality that are protected by contract. Increasingly, cultural products are becoming triple wrapped by copyright, contract and software code. Most content providers are happy with copyright because it has democratic fail-safe provisions and exemptions: it is a democratically negotiated system. But large corporate interests are now both enjoying the copyright rights then encasing the product with software protection. So, in Siva's view, the 1998 DMCA marked the point that the nation gave up on copyright and moved on to a technologically regulated era.

Where Museums Fit In

David Bearman found this discussion disturbing in the museum community where museums are, among other things, very poor academic publishers, who he said, will get demolished in a weak copyright regime. Museums could lose a lot through unscrupulous commercial publishers ruthlessly appropriating expensively produced arts resources, for example, by making deep links to a site and reusing material in a commercial publication, or acquiring images, wiping the text and reusing the expensively researched and produced images in foreign contexts. Rigid and strong contracts and copyright law are crucial in protecting both the integrity of museums' marginal academic publication and the legitimacy of the expensive relationships with the material they are trying to preserve. Art material is very expensive to produce and if museums move to the digital realm where it is now plausible to publish the way they want then they need a regime strong enough to protect that product.

Pantalony agreed up to a point (much of her talk was about the need for strong traditional copyright) but emphasized the need for a more holistic view. Siva also agreed that Bearman's concerns were legitimate up to a point. Socially, it was unfortunate that museums need such strong protection for their commercial activities while depending on artists' ability to produce art that re-uses copyright-protected material. You need to ensure that you're taking into account how copyright laws affects the entry of materials in to the cultural system.

The Holistic View Reaffirmed

Trant essentially agreed by asserting that the ip system will not work if there's not mutual respect by provider and practitioner alike for the rights of the other: the challenge is for both parties (or both sides of the same institution) to behave responsibly and acknowledge their joint role in the system. Trant warned that rhetoric

employed in these debates can quickly become divisive and counter-productive, which in turn saps the value of the contribution by the educational and cultural community to the international discussion on these issues.

Emphasizing the larger picture again, Siva asked the group to think what the social and cultural costs and returns are for deciding to take action to prevent deep links into a web site from other web sites or CD-ROMS. Are we better off living with such a level of regulation? He also wanted to point out that image replication on a web site is not replacing that image in the marketplace. Art books are not replaced by websites as people use the media differently.

At that point Diane Zorich, thanking all participants, adjourned the meeting.