Beyond “Putting It Up”: Licensing Museum Content for Educational Use

J. Trant
Archives & Museum Informatics
jtrant@archimuse.com

AMICO
- licenses a collective library digital multimedia documentation of museum collections for educational use

Why License?
- Specify terms and conditions under which materials can be used
  - Control who can use materials
  - Specify what uses they can make
  - Clarify conditions of access
  - formally express relationship between museum and user

Why License Collectively?
- economies of administration
- efficient distribution
- predictability in market
- improved service to users

Why a Museum Collective?
- Members control governance
- Activities led by museum concerns and priorities
- Profits remain within community
- Organization reflects members’ missions and goals

What is in a License?
- Parties
- Content delivered
- Authorised users
- Authorised uses
- Prohibited uses
- Term of use
- Means of access/distribution
- Warranties and indemnification
- Requirements for security
- Termination
- Payment
- Acknowledgement
- Reporting
Licenses are not Fees
• Licenses state an agreed upon fee, BUT:
  – Fee structures are established independently of terms and conditions of use
  – Fees may reflect the value of a use
  – Often reflect concessions to particular users

Licenses are not Distribution Methods
• May specify means of delivery BUT:
  – Users and Uses may be served by a different distributors under the same license
  – Different distributors could have the same license to different content

Licenses are not Products
• Licenses refer to specific content, BUT:
  – terms and conditions of use are different from the content that is licensed
  – the same set of terms and conditions can apply to a single item or a collection

What makes Educational Licenses Different?
• Museums and Educators share common interests and goals
• Uses can be enabled in a sympathetic environment
• Licenses can be more permissive than commercial
• Extend “Fair Use”

University License
• Users
  – Faculty
  – Staff
  – Students
  – Affiliates
  – Visiting Faculty
  – Researchers
• University declares its community of users
• NOT
  – Subscribers
  – Alumni
  – Tennants
  – Families

University License ...
• Uses
  – classroom teaching
  – research
  – student assignments
  – display in academic and professional contexts
  – maintain in portfolio
  – incorporate into dissertation
• NOT
  – redistribution
  – commercial use
  – publication
  – fundraising or promotion
  – long-term storage
  – distribution of modified image
  – display without credit
  – display without data
Museum License

- Users
  - staff
  - researchers/scholars
  - trustees
  - volunteers/docents
  - visitors
  - students
  - affiliates
  - visiting professionals

- NOT
  - subscribers
  - members
  - tenants
  - families

Museum License ...

- Uses
  - gallery interpretation
  - lectures and teaching
  - research
  - assignments
  - dydactic display in gallery
  - professional display
  - incorporation into museum records
  - educational program materials

- NOT
  - redistribution
  - commercial use
  - fundraising or promotion
  - long-term storage
  - reposting of modification
  - display without credit
  - mounting without data

Future Licenses

- Identification of new audiences
  - Public Libraries and K-12 Education
- Clarify values of museums
- Identify needs of communities
- Define terms incollaboration
- Licenses reflect agreement on shared interests and desires

Role of the License

- clarify relationships
- developed in dialogue with users
- reflect shared values and goals