



Title	Digital cultural data and the "hybrid archive"
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Citation	Cho, S.. (2015). Digital cultural data and the "hybrid archive". (Thesis). University of Hong Kong, Pokfulam, Hong Kong SAR.
Issued Date	2015
URL	http://hdl.handle.net/10722/223420
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Digital Cultural Data and the “Hybrid Archive”

Sumin Cho

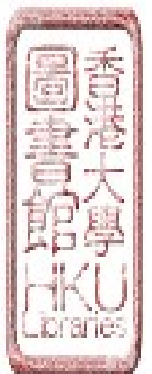
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This research is submitted as fulfillment of M.Soc.Sc. (Media, Culture and Creative Cities)

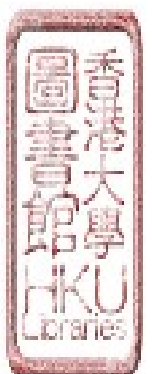
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Abstract

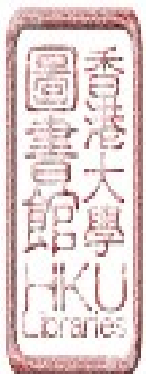
This paper is an exploratory study into the field of “hybrid archive”, or an archive with both digital and physical materials. This study focuses on the case of Asia Art Archive to illustrate the realities and challenges in providing online access to digitized cultural data (data of any cultural material such as literature, performance or artworks) in the current copyright, technical and cultural paradigm through gathering of empirical data. The study is approached in both production and reception directions by surveys and interviews of Asia Art Archive’s internal staff as well as its users. Existing studies regarding hybrid libraries, art libraries, art museum libraries, copyright law for digital images, copyright law exceptions for libraries and archives, the Open Access movement, challenges of art publishing and emotional response to journalism in digital and print media are referenced to provide context for the empirical data gathered.

Keywords: art archive, art library, copyright exceptions, digital images, hybrid archive, hybrid library, open access in the arts



Acknowledgement

I would like to take this opportunity to express my gratitude to my supervisor, Dr. CH Ng, as well as Chantal and David at Asia Art Archive, without whose guidance, insight and gracious support this study could not have been completed.

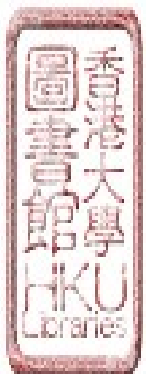


Digital Cultural Data and the “Hybrid Archive”

No one can deny that most people now live in the digital age, which is characterized by an overwhelming abundance of information available and instant connectivity. Rigorous research and discourse regarding digitization and access of cultural artifacts is still in relatively early stage, much of which concerns itself primarily with textual documents, whether it is publications or scholarly writing. Preservation of archival material through digitization, distribution on either online-only or hybrid (both online and offline) channels, and access of such materials, especially those of artworks and related ephemera, on the other hand, pose many more unique challenges that require further research and discourse.

It is the traditional belief that art archives’ preeminent *raison d’être* is to preserve the often rare, fragile and valuable artifacts for posterity as well as facilitating research and education. This complicates providing access to materials in traditional, physical manner which may stem from the traditional belief that “copies degrade originals and ubiquity lessens value.” (Prelinger 2009) However as some archivists are beginning to speak out, the endlessly reproducible, easily transferrable nature of digitized data which until now has repelled many archives may in fact hold the key to expanding the archives’ future survival. As more and more archivists and librarians advocate for increased access, an empirical evaluation of the real-life challenges that art archives face as well as users’ research habits is imperative.

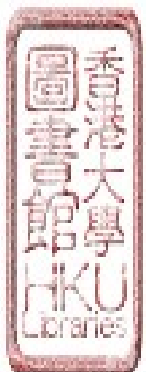
Unlike the Open Access movement that has been gaining momentum in scholarly writings, achieving the same for visual art-related artifacts, most notably for copies of images has been vastly complicated by issues of copyright, fears of reproduction and modification, as well as the general consensus of the art world. Studying this struggle



between openness and public good against protection and private interests is one of the principal objectives of this study. Another objective is to empirically analyze how art professionals access and experience cultural artifacts via both online and offline channels.

The author has partnered with Asia Art Archive as her Community Partner in this Capstone Project. Asia Art Archive is a nonprofit archive with a strong focus on Asian contemporary art, whose aim is to “facilitate understanding, research, and writing in the field, enrich existing global narratives, and re-imagine the role of the archive,” according to their website. Asia Art Archive has a physical location in Hong Kong, as well as a website that hosts the catalog, digital collections, information about the organization, upcoming events and videos from previous events. Some of the archived materials are available only in physical format, some are in digital format but accessible only by visiting the physical space, whereas some are digitized and made available on their website, accessible from anywhere with an internet connection. Opportunely, Asia Art Archive was just embarking on a new strategic initiative in renewing their digital presence at the time of this research, therefore this study was carried out alongside Asia Art Archive’s efforts in assessing their users and feedback from internal staff.

Through partnership with Asia Art Archive, this paper is intended to be an exploratory study in the setting of an independent art archive that is not ancillary to a larger organization such as national libraries or art museums, therefore it does not commence on the premise of a hypothesis nor does it try to answer a specific question. Rather, this study can be considered as an initial probe into a highly specialized environment that is seldom studied, but holds vast potential to aide in furthering huma



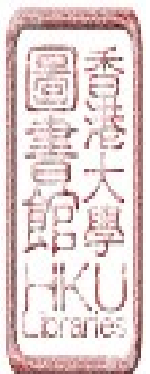
knowledge and culture, particularly in conjunction with information and communication technology.

Literature Review

Entities calling themselves “art archives” are much less common than “libraries”, and research concerning “art archives” are much rarer than those concerning “libraries”. However, oftentimes the exact distinction between an archive and a library is not so clear. The dearth of research pertaining to art archives specifically suggests the need for further, more comprehensive research in the sphere of art archives and online access. As one archivist has proclaimed, “[m]any new ideas originate at the periphery and re-invigorate the center.” (Prelinger 2009, p.170) The highly specialized field of art archives and the experimentation that occur within may be beneficial to other fields germane to art and public good.

There are existing research for online access of materials for libraries, art libraries and art museum libraries that provide a constructive background for contextualizing the data examined in this study. This was supplemented by research about the Open Access movement in other fields such as scholarly journals and repositories. Scholarly journals and repositories, especially in the field of science, is one of the first fields to show significant progress towards Open Access, because of the tradition that authors of research papers do not submit their writings to scholarly journals for monetary gains, but for recognition and citation, thus simplifying the profit interests of the copyrights holders. This provides a strong juxtaposition to images of artworks. (Suber 2012)

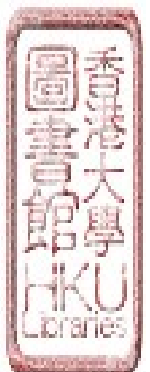
Background legal information for the issue of copyrights, arguably the biggest challenge to Open Access in art research, was gathered as well. Much of the legal discourse regarding copyrights of digital copies of images are concerning the landmar



cases of *Bridgeman Art Library v. Corel Corp.*, 25 F Supp. 2d 421 (SDNY 1998) and *Bridgeman Art Library v. Corel Corp.*, 36 F. Supp. 2d 191 (SDNY 1999) in which rulings were reached based on copyright laws of both United Kingdom and United States that caused much controversy and continues to be studied even in recent years. Asia Art Archive’s materials may originate from various countries including China, India, Philippines, and Vietnam, however their rights management is based on Hong Kong law. Thus some additional research was conducted regarding Hong Kong copyright law, which is based on 1911 Copyright Act and 1956 Act of the United Kingdom, then localized as Copyright Ordinance (Cap 528) during the handover in 1997 and remains the controlling law today with several amendments over the years. (Weisenhaus 2007)

Methodology

The methodology used in this study is aimed at both the production side (i.e. the archive), as well as the reception side (i.e. its users). The production study was conducted primarily through gathering data from the staff of Asia Art Archive as to how they would like to improve their practices and offerings via participation observation and correspondences. The reception study was approached in two directions, by in-depth interviews with “heavy users” in 1-2 hour long sessions each, as well as by quantitative analysis of responses from online survey intended for “casual users”. Ideally, equal significance should be placed on both the heavy users’ perspective and those of the casual users. However, the data captured in the casual user survey was of inadequate quantity for a meaningful analysis and was thus omitted from this study. The focal point has shifted to the heavy users’ perspectives on this occasion, however an additional quantitative study of a wider audience may be beneficial in future research.

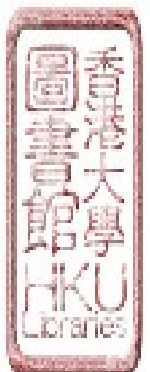


Terminology

The name hybrid library is intended to reflect the transitional state of the library, which today can neither be fully print nor fully digital. ... The hybrid library tries to use the technologies available to bring things together into a library reflecting the best of both worlds. (Rusbridge 1998)

The dominant user view of a library is of a physical space. But libraries are services which provide organized access to the intellectual record, wherever it resides, whether in physical places or in scattered digital information spaces. The “hybrid” library of the future will be a managed combination of physical and virtual collections and information resources. (Carr 2001)

The “hybrid library”, which is “one of the most potentially valuable things to emerge from the LIS (library and information services) world in the 1990s...; and... one of [the] greatest challenges for the opening decade of this new millennium.,” not least as a way of managing “all our massive and growing collections of traditional and digital materials in a coherent way, for the benefit of our users, by harnessing and exploiting the new technology in appropriate ways” (Carr 2001) has long been contemplated in the library science sphere. The author has found the translation of this terminology - “hybrid archive” - as appropriate for Asia Art Archive, which has both online and offline presence and is spearheading the future of art archives through their experimentation and strategic realignment.

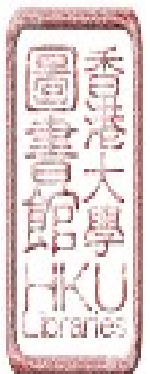


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Open Access (OA) refers to scholarly writings that are available on the internet, accessible free of charge and without strict restrictions regarding its use. This movement first gained traction in the field of science, technology and medical scholarly journals and repositories, because of the tradition that scholars receive no remuneration for submitting their writings to journals and repositories, but their primary motive is to have their ideas circulated and recognized by others in the field which may lead to other financial gains. The advocates for Open Access hope that one day this will be the standard for all scholarly publishing, and that it may spread to other fields as well. (Suber 2012, Tomlin 2011)

Insider’s perspective: “What can we do better?”

As Asia Art Archive’s vision statement (appendix A) represents, qualities such as free and open access, active digital presence, and resisting existing norms are part of the integral foundation for the organization’s identity and endeavors. As a preliminary step in their realignment of strategy concerning online access, feedback was captured from



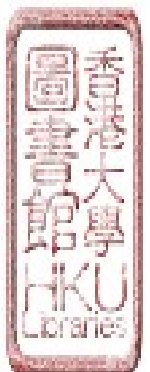
members of Asia Art Archive’s various departments, including: Library, Development, Learning, Communication, Digital, Collection Development, and Projects and Programmes. The total number of suggestions received amounted to 83 from 7 departments. The author has coded the responses into five categories: content and presentation (the feedbacks relating to gathering of content and its presentation to the audience); copyright and donor management (those concerning managing relationships with donors and copyrights holders of material); marketing and promotion (those concerning efforts to promote Asia Art Archive’s offerings to both specialist users in the art world as well as the general public); data management and technical issues (those related to the technical aspect of building and maintenance of entry, indexing, revision, and management of cultural artifact database both for internal use and services provided); and organizational process (those relating to Asia Art Archive staff’s ways of working). Some of the feedbacks are multi-layered and may qualify for more than one categories.

Out of these five categories, the three most numerous categories will be discussed further in depth here. Firstly, content and presentation was found to have the most number of feedbacks, with 32 suggestions which amounts to over one-third of the total. Examples of content/presentation-related feedbacks are as follows:

“How to present the content as a single collection between the digital and physical - bridging the gap between digital and physical and physical to digital”

- Library team

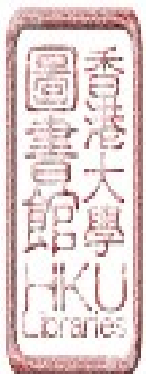
“A website that encourages users to explore more - Instead of the current static website, a move towards a more welcoming, visually engaging way to



communicate budget information; simplify language for non-arts community. [It depends on] Better, high-quality images; editorial and design support. [Perceived challenges:] High quality images; backend flexibility.“ - Development team

“Dynamic Content - Magazine style content that narrates and puts [AAA] content into wider context. [It would depend on] Staff numbers; Content manager / curating; Flexible webpage; [the challenges are] Money to pay for commissions; Workflow & HR to ensure regularity and consistency; Added pressure on team to produce content; Content production cycle.” - Digital team

As Rusbridge has pointed out, “in so many cases the results of adding technology piece-meal are unsatisfactory”, (1998) a similar phenomenon and side-effects can be observed in Asia Art Archive’s case as well. Interviews with the staff revealed that the organization’s procedures of acquisition, preservation, digitization, organization and exhibition of material have evolved through trial and error, resulting in sometimes-inconsistent policies that may perturb and confuse both the ways of working for the internal staff members as well as the experience of the users. Also, the range of content offered from Asia Art Archive runs the gamut from Catalog, Collection Online, Editorial, Guides, Video, Curated news, and Special Collection online, to publications, periodicals, manuscripts, films and original artworks in the physical space. Presenting such a vast range of content in a well-organized, uniform fashion is indubitably an immense challenge.

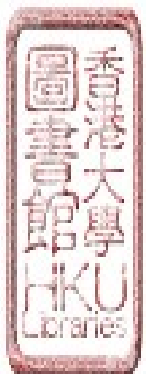


Concomitantly, data management and technical issues, which is closely related to the previous category, was ranked as the second most mentioned, with 19 feedbacks that fall under this category. Examples of such feedbacks are as follows:

“Simplified people database system: creating better systems and functionality for managing [people's] information. [It would depend on] clean metadata, development of new requirements; [challenges are] issues with the existing people database.” – Library team

“Back end ability to have multiple tree structures (curated, original fonds): [having] more than one tree for collections. [It would depend on having a] definition of what is the 'one true tree', technical development to make this happen; [the challenges are] Developing requirements and build.” – Projects and Programmes team

This is another area that requires a great organizational oversight from the very beginning and affect the performance of the organization greatly. For example, the method of calculation for each digitized “item” had changed over the time, therefore one book with hundreds of pages, digitized at one point of time, would result in one record on the system whereas another similar book digitized at another point of time would be tallied for each page, becoming hundred of records. This is understandable “growing pains” for innovation in such a highly specialized field, however their lessons should not be lost but rather shared to educate and inspire other similar organizations that has yet take the digital and Open Access plunge.

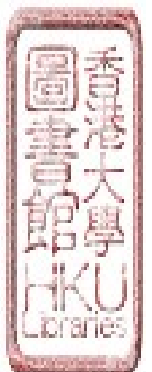


Finally, marketing and promotion, as well as copyright and donor management shared the place for the third most mentioned types of feedbacks. Here are some excerpts from the internal survey regarding marketing and promotion:

“To increase AAA's interaction with friends via online platforms - Less content overlap between e-newsletter and Facebook as the information gets dull; more content needed for 2-3 tweets per day. [it depends on] More AAA content; [challenges are] Creative ways to showcase more of AAA programmes and collections.” – Communication team

“Cultivate appetite for Archive and Digital Collection: Develop a need/taste among potential audience to engage with the Archival side of art and eventually the Digital Collection. Increase their knowledge of how accessing digital collection via AAA could achieve/satisfy this need/[appetite]. [The challenge is that it will] Take longer time to see the results of seeding.” – Digital team

The fact that there are many questions asked and feedbacks raised about promotion of their services indicates how seriously accessibility is being considered in the organizational efforts and signals constructive momentum towards more accessibility within the organization. In fact, in a research, Asia Art Archive’s Open Edit: Mobile Library program is cited as a case study of playful and open way that library patrons can experience the material. Various materials such as monographs, exhibition catalogs and magazines were added into the Mobile Library collection and patrons were encourage



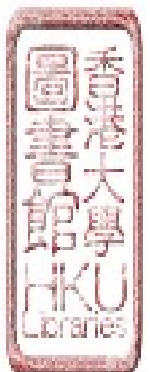
consume as well as “edit” them by adding their own drawings and writings, and even taking pages out of them. (Cheinmann, 2014, pp.49-50)

However, despite the efforts to increase audience, one of the major setbacks hindering these efforts is copyright clearance. The differing copyrights clearance for primary resources (digital and available online, or digital and available only at the physical location, or physical only), and secondary resources (mostly available only at the physical location) also contribute to the confusion for staff and audience alike. The following are some of the feedbacks raised in regards to copyright:

“Increasing the amount of content available to researchers with less restrictions - preferably on CC license to facilitating sharing and re-use/interpretation. [It will depend on] The owners of the content AAA collects being willing to allow an increased level of sharing. AAA's ability to ensure all its products are clear of open re-use. [The challenges are having] to develop of culture of sharing both within the organisation and with our external clients who may see the material as having a financial value.” - Library team

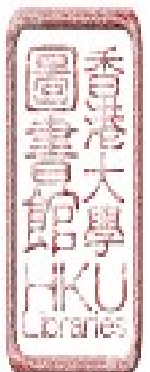
“Content Re-use - Content sharing and [re-versioning], creating new value from our content. [It would depend on] Freely accessible open content; API; Clean data; External awareness and interest; [the challenge is to] Sort out copyright clearance.” - Digital team

“Sort out the policy side of the business - single organizational position on rights commons etc.” - Projects and Programmes team



From the feedbacks collected from the archive’s staff, the organizational obstacles and challenges can be further categorized into the following four groups: economic, legal, technical and cultural. Economic challenges may not be unique to Asia Art Archive but to all non-profit cultural organizations: fundraising and donor management is crucial as well as strategic allocation of their resources, which is presumed to be one of their primary motivation behind the current strategic re-alignment. Secondly, as discussed above, technical issues are a substantial challenge for the archive. Many departments call for a creation of more user-friendly infrastructure for adding and presenting contents. Making and maintaining high-quality archival digital copies of materials requires particular skills and other considerable resources as well. Subsequently, managing and preserving the archival data, metadata and the catalog is a colossal task. The cultural hurdle is double-edged. The public’s taste for the highly specialized collection that Asia Art Archive offers will have to be developed, through continued promotion, education and familiarization. At the same time, the internal practices and policies may need to undergo some transformation to allow increased accessibility. The key factor to achieving enhanced accessibility is the legal challenge: managing of intellectual property rights.

Perhaps it may not be evident from these feedbacks, however, from the conversations with Asia Art Archive staff that took place during the course of this research, there was a prevalent sentiment of immense respect for copyright present from these professionals, as well as a certain *resignation* with which they accepted that this often works as a great impediment to what they are trying to accomplish. It is at this point that the author would like to further examine the issue of copyright in the art world. The literature review revealed that the copyright for images has been one of the biggest



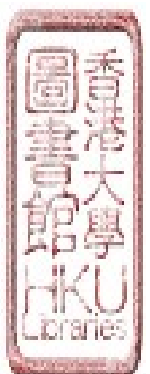
obstacles in the Open Access movement in the field of scholarly publishing in the arts. This issue is rather particular to the field of arts, unlike others such as science, technology or medical field. It was found to have such profound ramifications not only to scholarly publishing but all areas related to art, including art libraries and archives, therefore a review of this subject is deemed to be beneficial to this research, if not a required background.

Copyrights and exceptions

It would be a gross understatement to say that the matter of copyright in the art world in general is a sensitive subject. This section will begin by reviewing the oft-cited cases of *Bridgeman Art Library v. Corel Corp.*, its judgments and subsequent development in the art world to illustrate the point of just how delicate and complex it really is.

Bridgeman Art Library, which retained a library of both digital and physical photographic copies of paintings in public domain (meaning that their original copyright had expired), claimed that it has copyright on the photographs of the artworks and licensed copies for profit. Corel Corporation had sold a CD in the United Kingdom, United States and Canada, containing digital copies of painting by European masters, and Bridgeman sued Corel claiming that it was the only entity authorized to make copies of the artworks, by the museums that possessed the works, therefore Corel had infringed its copyrights, despite Corel’s claims that the copies were acquired from another, now-defunct compa

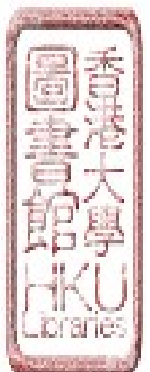
Judge Lewis Kaplan presided over the proceedings and two judgments were issued. The first judgement in 1998 applied UK law to determine whether the photographs were copyright-protected whereas the question of infringement was



governed by US law. Judge Kaplan concluded that under UK law, the photographs were not protected by copyright as they did not meet the requisite level of originality; furthermore, under US law, no infringement could be deemed to have occurred because the only way in which Bridgeman's and Corel's photographs were similar was that "both are exact reproductions of public domain works of art," so the only similarity between the two works was an uncopyrightable element: the public domain material itself. (Stokes 2001, Wolff 2007)

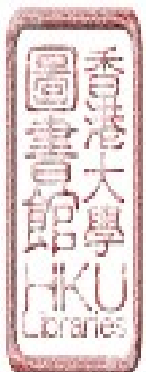
Bridgeman filed for motions with additional materials, amongst which was a certificate of copyright issued by the United States Register of Copyrights for one of their photographs (the "Laughing Cavalier"), asserting that the certificate established copyright and that UK law was misapplied. In 1999, Judge Kaplan applied US law to determine once again whether the photographs are copyright-protected. Kaplan cited an influential treatise on US copyright law, Nimmer on Copyright, which stated that there "appear to be at least two situations in which a photograph should be denied copyright for lack of originality", one of which, directly relevant in this case, is "where a photograph of a photograph or other printed matter is made that amounts to nothing more than slavish copying." "[S]lavish copying" would lack originality, therefore under US law the photographs could not be found to be copyrightable.

This case was not a binding precedent in other federal or state courts, as it was the decision of a federal district court, nevertheless it caused much shockwaves throughout the art world. Responding to this decision, Museums Copyright Group in the UK had commissioned a report on the importance and application of the decisions, which concluded that "not only was *Bridgeman* not binding in the UK but it was 'of doubtful authority even in the US.'" (Wined et al, 2000, Deazley 2010) According to another



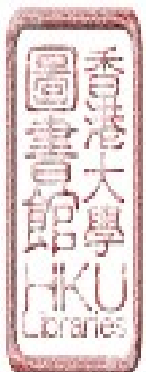
research, many museums in both the UK and US are ignoring this decision while some museums in US consider this decision only relevant in the state of New York. (Bielstein 2006) Subsequent researches were released criticizing the court’s interpretation of the originality requirement and that its analogy of “photocopier” was “overinclusive and inapt”. (Allan 2007) Bridgeman Art Library’s website still holds a disclaimer at the bottom denoting “All contents © 1972-2015 Bridgeman Art Library Limited, All rights reserved.” Although some museums are partnering with other organizations (such as Google), or embarking on their own ambitious digitization projects (The Smithsonian, The Met) both for preservation as well as to make some or all of their collection available online to the public, this iron grip on licensing of many public domain images continues.

Investigating why the Open Access movement does not seem to take hold in the arts discipline as it did for the scientific, technical and medical field, Tomlin cites a key difference between the fields that helped to shape the relatively lukewarm response from the arts in regards to the Open Access proposition, which focuses on journals: unlike the scientific, technical and medical field, where scholarly writings are dispersed by journals and repositories, art and design scholars “remain profoundly invested in the print monograph, both as a model of exhaustive research and as a means of professional advancement.” Such critical differences aside, art book and scientific journals are showing similar trends: the commercial publishers, who sustain this industry, having taken on the role once subsidized by the academy, are asking the question of “will this manuscript *sell*?” to academics. This question leaves a profound consequences on the field, as institutions determine tenures based on an academic's publication record, and “burgeoning scholars publish or perish on the basis of narrowly defined dissertation topics.” (Tomlin 2011, p.6)



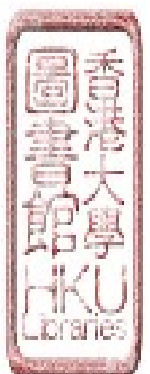
Citing an instance when an idea of showing Francis Bacon’s work from Tate Museum’s collection had to be dropped due to “prohibitive” fees, an editor of The Burlington Magazine wrote: “The ever increasing cost of reproduction ... is one of the most pressing problems facing the world of art publishing today. ... Fees [for reproduction of copyrighted works, frequently collected by agencies who manage licenses for artists or their estates] have long been the bane of fine art publishers. Because such agencies work to a percentage of taking, they have little interest in making any distinction between ‘commercial’ and ‘non-commercial’ publishing.” (Stone 2003)

With such a tradition of monograph publication prevalent in the art field, not only is the distinction between “for commercial use” and “for research and education” rather obscure, but finding the actual copyrights holder (usually the artist or their family, in their death) or dealing with the agencies to whom the artists have transferred all or some of the copyrights, is often a gargantuan task, requiring much effort, time and of course, money. As the head of Asia Art Archive’s Digital team disclosed, “Sometimes the donors are not copyright holders and a work may have multiple rights vested in it.” Perhaps the following statement might put into perspective just how *sticky* it is: even Google, one of the world’s biggest corporation and arguably *the* biggest in ICT business, could not overcome the issue of copyright for their “Art Project” in an ambitious effort to make culture more accessible through Information and Communication Technology (from which Google is contractually barred from making a profit). (Canes 2013) Many images of artworks are obscured beyond recognition on Street View, at the request of galleries and museums involved, forcing the public to view the images by visiting the museums’ physical location or their website, on their terms.



Whilst no one doubts the necessity of copyright law which is required in practice to protect the artist’s interests, both intellectually and commercially, “the pseudo-copyright like regulations of images asserted by many cultural institutions necessarily restricts the circulation of image-based scholarship.” (Tomlin, 2011, p.8) There are news articles criticizing the museums’ “ownership mentality”, that visitors are expressly forbidden from taking photographs or even sketching the works, in some cases. (Carab, 2015) This has been especially the case for digital data on the Web, where images can be freely downloaded, re-uploaded, distributed, and manipulated with such ease. Even through the employment of scripts and codes to display the images without providing the user the ability to right-click and copy or save (as is the case in Asia Art Archive’s materials available online), most technology-savvy users can easily bypass such restrictions with their own scripts or browser add-ons easily found online, and copy or download the image (which technically occurs when the image is viewed, in the temporary folder) for their own use. More than one “heavy user” of Asia Art Archive interviewed has stated that being able to download the materials onto her own hard drive or to print out hard copies is a particular concern. This will be discussed further in detail in the later section.

Most countries have some form of “fair use”, or “fair dealing” terms amending copyright law for libraries and archives, and/or for research or education use. According to the World Intellectual Property Organization (WIPO)’s Study on Copyright Limitations and Exceptions for Libraries and Archives, each country’s terms of copyright exceptions for library and archives use is a “reflection of cultural, historical, and economic objectives” that are in conflict with one another. (Crews, 2008, pp.7-8) Most of these exceptions often are relatively limited, having specific applications and/or subje



to detailed conditions, because copyright law’s original structure is a set of rights granted to owners. Generally, the scope of the exceptions focus on reproduction, however questions of distribution, display, performance or “making available” may also be raised as the libraries or archives provide copies to users or let users access the content online. (Ibid., pp.27-8)

Exceptions to copyright for library and archives use have a rich history. Firstly there was the English Parliament’s first copyright exception for libraries in 1956. In 1967, the famous “three-step test” of the Berne Convention provision was established. It stated that countries may enact statutory exceptions for libraries and archives only if under the following criteria: “(1) certain special cases; (2) no conflict with normal exploitation of the work; and (3) cannot unreasonably prejudice the author’s interests.” In 1994, this “Berne three-step test” provision, which was only concerned with reproduction rights, was further elaborated in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization (WTO) to include exceptions to any of the owner’s rights. Furthermore, TRIPS is enforceable to any nation seeking to meet their WTO obligations. (Ibid., pp.7-21)

However, these exception clauses may be subject to open and conflicting interpretations, as well. In one case study of Canadian law, a university library struggled with the Section 30.1 of the Copyright Act of Canada that allows libraries to make a copy “in an alternative format if the original is currently in an obsolete format or the technology required to use the original is unavailable.” The library wished to digitize a slide collection and inquired at two respected law firms who gave opposing advice: one saw the digital preservation copies as lawful and the other saw them as infringements. The in-house legal counsel was called upon to decide which interpretation was correct

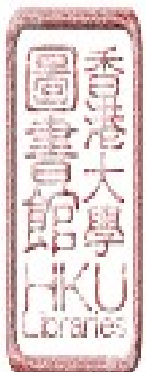


and finally the broader interpretation allowing the preservation project was chosen. However, if the university had gone with the other interpretation, the resources required for identifying copyright holders and securing permissions would have been too great and the preservation effort would most likely be abandoned, effectively making the collection inaccessible to users as the slide-viewing technology (which is already seldom used) becomes harder to access. (Ibid., pp.28-9)

Another case study is of South Africa, whose library exceptions in copyright law is interpreted to bar digital copying of any material. Local librarians cite many services that are hindered by this. One librarian anonymously reported a dilemma they face regularly: there is a reference work in high demand. The budget is insufficient for purchase of multiple copies, but in order to meet the demand, the library has made a digital copy that can be simultaneously used by multiple users at the library. However, the current law does not permit services that are demanded by library users. (Ibid., pp. 37-8)

The above mentioned case studies illustrate that despite the widespread availability of “fair use” copyright law exceptions for libraries and archives or for research use, they are fraught with many nuances open to diverging interpretations which may spell liability and vulnerability to organizations such as Asia Art Archive. Furthermore, due to the openness of the Web it is virtually impossible to ascertain that a material will be accessed strictly for research or education use, without implementing some sort of “wall” of subscription or authentication of research or education status.

Much of the interactions between the staff and users, or how users access archived materials is based on a relationship of trust: trust that the user will use this for their research use; trust that the user will not make unauthorized reproductions and

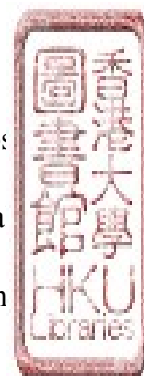


distribute them, because once they do, recalling them from the Web will prove to be practically impossible.

How users access content: “The human touch”

Alongside taking stock of internal staff’s opinions for the strategic realignment, Asia Art Archive used it as an opportunity to learn more about its users, as well. Based on previous relationships and interactions, four types of primary and four types of secondary user base were identified as follows. Firstly, the primary type includes researchers, overseas art professionals, local art community and local students: researchers such as art historians and academics who access for their research purposes, primarily located overseas and other art professionals such as curators and arts administrators access Asia Art Archive to make use of their networks and programmes. Many members of the local art community such as the curators, critics and artists based in Hong Kong as well as local high school and university students are found to be among the primary audience. Secondary audiences included teachers, patrons and the media. It is amongst the primary audience base, or those identified as “heavy users”, that the in-depth interviews regarding their research habits (with stronger focus on online usage) were conducted. Protecting the users’ personal information, arranging of all interviews were handled by Asia Art Archive.

Nine in-depth interviews were conducted, in total. Two of the subjects were in-house senior researchers, and the rest were “heavy users” who have left their contact details in previous dealings with Asia Art Archive. Their age was not expressly disclosed however most are presumed to be in twenties to forties. Eight of the subjects are female and one male. There were no other criteria for the interview subjects other than that they fall into one of the primary audience categories, have previously accessed Asia Art

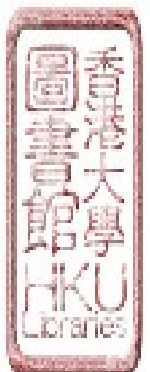


Archive to view and interact with the material, and that they were able and willing to participate in the interviews. Some of the interviews were carried out online due to the subjects’ current location overseas, whilst some were conducted in person. The subjects’ real identities are redacted and are only indicated by pseudonyms to protect their identity. Three interviews were chosen to showcase the findings and will be discussed further here in detail.

The first subject, Kirsten, is female and presumed to be in her twenties. She is an American PhD candidate from an American university, currently in Manila researching contemporary art in the Philippines in 1980s. Her primary mode of access to Asia Art Archive is via online while she is in Manila. She makes use of the Chabet Archives (a collection of digitized materials on the Filipino artist, teacher and curator Roberto Chabet) Special Collection to supplement her research for materials that are not available in the local archives, museums and personal collections.

Kirsten mentioned a warning from her advisor that was noteworthy: you never know when the online material may suddenly become unavailable, therefore the ability to download the information is of utmost importance. She understood that the current Asia Art Archive website does not allow copying and saving directly, but utilized other methods to bypass the restrictions and build her own saved collection in her hard drive. She cited navigation and download speed as things that can be improved upon. The search function built into the Asia Art Archive website is difficult for her to use, so she uses Google to search what she is looking for in Asia Art Archive’s website.

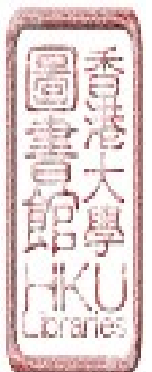
Kirsten mentioned that personally she likes tangibility of books and objects, so she prefers to visit the physical space if possible. When asked, “If all the materials we available online, can you do research in the US or do you have to go to Manila?” She



answered: “A lot of research is carried out locally by talking to people. By talking to people, I can understand their feelings and their lives, their strong sense of camaraderie and shared social lives. For example, going to CCP [Cultural Center of the Philippines] was different from reading about it. Manila has a strong sense of contemporary art history, so being there is important.”

The second subject, Bonnie, is also female, presumed to be in her forties. She is the associate professor of art history at a distinguished American university, specializing in Indian contemporary art and has written several books about the artist Vivan Sundaram and Geeta Kapur, art historian, art critic and curator, featured on one of Asia Art Archive’s Special Collections. She is considered to be a world authority on Indian contemporary art, especially concerning these individuals.

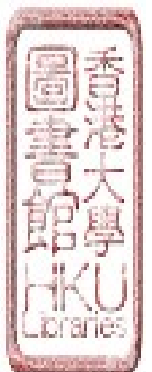
Unlike many other subjects, she did not cite any difficulties in navigating the tree structure that the collection is sorted in. This may be attributed to her being older and having been more experienced in similar structures of other libraries and archives and the trend was present from another interview subject, also an older, seasoned researcher. As a matter of fact, she was extremely impressed with the way the collection was laid out, commenting that “It’s like you constructed a tube map which to me is extremely elemental representation of a very complicated career.” The scope of the materials available in the collection was also something she regarded very highly. There was a series of artworks from Sundaram that was constructed out of engine oil and charcoal which decayed quickly and was “never really exhibited properly.” There was only a pamphlet left available on the series, so even Bonnie, the expert who wrote about the works in 2003, is revising her book based on some of the newfound images from Asia Art Archive’s collection. She marveled how it was “revelatory.”



Bonnie was not the only one to comment about the usefulness of the metadata, which is a valuable resource that can be difficult to find. She found it extremely helpful in creating her teaching materials, to have the size, the media used and the title information of the works and found it “an excellent reference.” She was also able to bypass the proprietary reader which has disabled copy and save functions, to make reproductions for her own use, albeit in a lower resolution. The relatively low resolution could be an issue if one were to print out the works, however it was not an issue to Bonnie as she was using them for her teaching presentation slides.

As for Kapur’s writings available in the collection, they are manuscripts (textual material) but available online in image data format only. Viewing this image data, which is only available through a proprietary configuration, was cited as a major difficulty for Bonnie. Viewing the images on both her laptop and tablet PC proved to be immensely troublesome. The script may not have been compatible with the mobile Web browsing environment, so she mentioned the text being too small to read on the default display size, but if she zooms in, she was unable to move around on the document making the experience “very frustrating”.

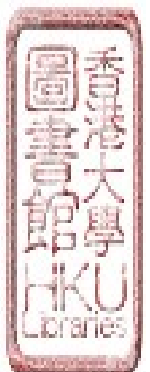
She also mentioned that she would normally print out such documents and highlight or underline words and make notes, interacting with the physical copy more naturally. The Asia Art Archive staff members conducting the interview together also thought this was very regrettable and sympathized with the user. The head of Digital team commented thusly which summarized their position aptly: “The reader was created more to protect the writer than for the reader. It’s really a copyright thing. It’s clearly not very well suited. It doesn’t seem to be helping people very much, which kind of defeats the objective of digitizing and making them available.”



Finally, Agnes is the third subject to be showcased in this study. She is an American researcher of Chinese contemporary art, currently located in Beijing, working at a renowned Chinese university. She proactively asked questions to better understand Asia Art Archive’s aims, and was the subject that brought forth the greatest amount of suggestions during the interview.

Agnes has attended the New York University, and pointed out a system called “ebrary” that may be considered as a benchmark: ebrary allows users to “rent” ebooks for 14 days. In other words, the system allows users to download ebooks to their PC or mobile devices for offline reading, note taking and highlighting, but has an expiry date on the access to the data. The ebrary system is developed and maintained by ProQuest, one of the world’s largest provider of digital solutions to libraries, museums and other cultural organizations such as the Royal Archives and the Associated press. Needless to say, many non-profit organizations would face many difficulties with such an infrastructure, without the resources of such a large, profit-driven company.

During her previous research, she travelled to Hong Kong and stayed for two months, exploring the materials at Asia Art Archive. She worked closely with one of the senior in-house researchers, and discovered a part of the collection that was only available on-site which proved to be invaluable to her study: the correspondences between the artist Zhang Peili and the curators that he was working with, as well as other supplementary materials such as photographs from his production of video works. The head of Digital team explained that the materials being withheld from being available online is more due to an organizational position. Some of the correspondences are seen to be personal, “and not necessarily what either would want in the public sphere.” Howe

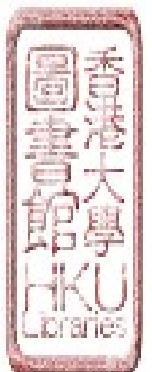


if you request to the researcher directly, they will send a digital copy based on trust that the researcher will not “upload this to [their] blog”.

The archive staff are fully aware of this paradoxical arrangement, commenting: “I think it’s strange that we maintain this facade of the material being onsite until you email one of the researchers and they will happily send it to you. Let’s get rid of that, and let’s see if there is a formalized way of doing it. Maybe you click on the file to get limited access and that locks the file down so no one else can access it at the same time, like an old school library loan system.” Creating a formal procedure and policy for users to ‘rent’ or access the materials online that satisfies protection of copyrights and open access is a Herculean task and will require some creativity on the organizations’ part. It is rather intriguing that the traditional library loan system can be spliced into the digital environment for a manageable, copyright-friendly access to cultural data online.

When Agnes was also asked the question of, “If [Asia Art Archive] had everything online, would you travel to Hong Kong?” She mulled the question over for some time and answered, “It’s never even occurred to me that I wouldn’t be traveling to Hong Kong. It depends, because I think there is something about being onsite, and I can’t imagine looking at special collections without Anthony [Yung, one of the in-house senior researchers] to bounce ideas off of - the human resource aspect of it.” It is the author’s opinion that this response epitomized what other interview subjects have also mentioned and the way that art professionals currently access, consume and utilize cultural data online.

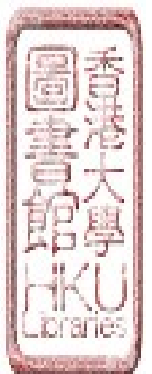
Although it is stated earlier in this study that it is meant to be exploratory and does not predicate upon a question or a hypothesis. However it is worth noting that the author has involuntarily developed an assumption that many researchers located overs



would be more inclined to accessing the materials online, especially with the younger, “Google Generation” art professionals. This assumption could not have been more wrong. *All* of the subjects interviewed understood and acquiesced that their in-depth research in the field of art will require a physical visit to the local archives, libraries and museums. In Agnes’s words, she did not feel it “as a surprise or an inconvenience that [she] would have to come and look onsite, so [she] took that as a normal function of an archive to do so.” Depending on one’s outlook, this may be considered as nothing but a self-evident tradition of arts research, or an indication of bleak levels of open and transparent online access in the art field thus far.

For many people, it still feels “more natural” to consume and interact with research material in analog formats: printed out on paper, tangible to hold in one’s hands, flip through, highlight, underline and scribble notes on. Are we, humans, as creatures, designed to handle physical format of materials better? Or are we just in a transitional phase until it is a matter of time when ‘the screen’ becomes the norm over paper? There are numerous outspoken critics of the ways “the screen” negatively affect our ability to intake information and contemplate deeply without being easily distracted. Among those critics are Nicholas Carr, whose writings focus on the detrimental effect of the Internet on the way we think, citing “the patience deficit” as what we should be worried about. Other researchers such as Maryanne Wolf have released studies that when we read on screens, the text is read in a non-linear fashion, readers are easily distracted and do not remember as well. (Carr 2008)

A study was conducted by the Columbia Journalism Review and the George T. Delacorte Center for Magazine Journalism in an effort to better understand to test this theory. The experiment was designed to gauge the difference in levels of emotional

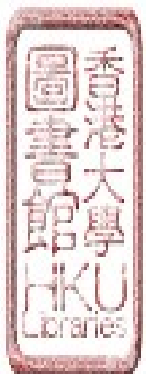


response felt by a group of subjects who read the story in print, comparing it to those who read it on screen. “On practically all measurable levels, the two groups yielded surprisingly similar results: Print and digital readers remembered the same level of detail. They felt equally engaged in individual parts of the narrative, and in the story overall, and were similarly likely to act on their emotional responses by donating money or time to a cause associated with the story.” The study concludes that “the real differences between paper and screens likely lie in the cultures we have built around them.” (Sillesen 2015)

Conclusion: How to let users *play* with the material

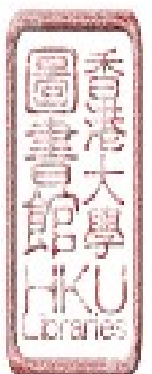
Access is a primary mission, not an incidental result. Use justifies archives. ... If use justifies archives, consumption ennobles them. Archival records are not exhausted by use; on the contrary, use augments their value. ... Cultural capital finds itself not on scarcity but on abundance. We must ensure that the most significant collections are the most readily accessible to consumptive users. (Prelinger 2009, p.165)

There is still no definite answer as to what is the “right” direction that online access of digital cultural data should progress. The findings reviewed in this study illustrate how fraught with difficulties this field truly is. The uncertain openness of the web, the quagmire between private interests and public good and technologies that are within grasp but requiring great resources to implement are all such obstacles. However the biggest difficulty may be the cultural awareness of consuming cultural artifacts digitally, both as users and as providers. Art archives must reevaluate whether their priorities lie in the preservation of material and continue with the tradition of providing access to trusted parties under controlled conditions, or to focus on accessibility, redef



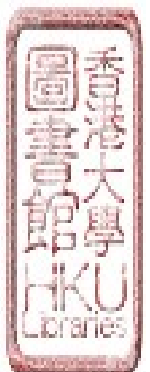
terms of use in the new age, and learn to embrace the uncertainty as to how the materials may be used by the multitude of new audience that the Web opens them up to.

One thing seems to be certain: just like a cat-and-mouse chase, no matter what additional restrictions the institutions place while making the data available online, the users will find a way to copy and save the material. Therefore it is a question of whether to make the materials available online *freely* or not at all. Even more and more museums, one of the main culprits behind the “proliferation of inconsistent and opaque licensing practices” (Tomlin, 2011, p.8), are moving towards openly making their materials available online, for any use. The Dutch Rijksmuseum is one early adopter of such reforms. They now offer downloads of high-resolution images of the European masters free of charge or restrictions of use, encouraging the public to do with the images what they will. Taco Dibbits, the director of collections, spoke in an interview, “We’re a public institution, and so the art and objects we have are, in a way, everyone’s property[. ...] With the Internet, it’s so difficult to control your copyright or use of images that we decided we’d rather people use a very good high-resolution image of the ‘Milkmaid’ from the Rijksmuseum rather than using a very bad reproduction[. ...] If they want to have a Vermeer on their toilet paper, I’d rather have a very high-quality image of Vermeer on toilet paper than a very bad reproduction”. (Segal 2013)

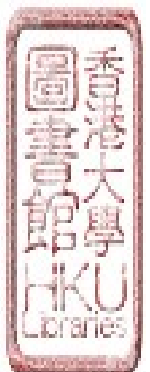


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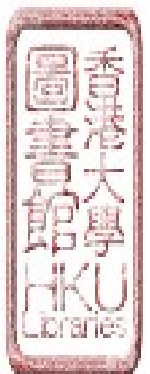
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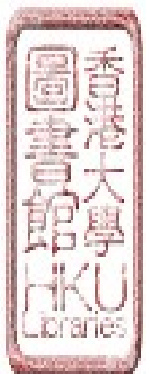
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Appendix A

Asia Art Archive vision statement

- Free and open access to all AAA materials is fundamental to the organization
- We are an instrument for the creation of new knowledge
- An active digital presence is our future
- We do not claim authority over any area or field—we present nuanced shades of complements, contrasts, and complications
- Transparency of our processes and aims is crucial—our biases are revealed in our choices and left for the audience to consider
- We capture parallel histories to enrich existing narratives on art
- We are suspicious of categorical absolutes
- We welcome diverse, critical perspectives that keep us on our toes
- The archive is a catalyst for new interpretations of itself
- We strive to make the invisible visible
- Collaborations are necessary
- Our audience is varied, and no one is excluded
- The collection is a cultural resource and, we are a research toolbox
- We are a node in an wide and active network of like-minded individuals and organisations
- We address the urgent need to document materials on artists in the region before the are lost
- We approach the world differently using art as a means of inquiry
- We support other arts organisations and initiatives in reciprocal development
- We are not the traditional archive—we explore and create many definitions of it

