



Images

The newsletter of the VRA



April 2006 vol. 3, no. 2

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Baltimore Conference Notes

The 24th Annual VRA conference, "Image is Everything" was held in Baltimore and included a wide variety of sessions, seminars, user groups, and workshops. Over 320 participants attended this year's conference. A new record! The VRA Distinguished Service Award was presented to Lynda White, University of Virginia. Conference highlights included the Reception at the Walters Art Gallery. The reception was sponsored by Saskia Ltd. in celebration of its fortieth anniversary. Other member favorites returned, the VRAffle and the Luraine Tansey Education Fund-Raising event with this year's "Tansey Bowl," the members' reception with the keynote address by Dr. Pier Massimo Forni from John Hopkins University, Romance Languages and Literatures Department. Dr. Forni's spoke on the importance of civility to the quality of life in both the workplace and in society as a whole; his web site is at: <http://www.jhu.edu/civility/>. For those who were unable to attend, there is a link to the conference photos below. Last, but not least, a special thanks to the Executive Board, the Local Arrangements Committee, the many volunteers for another great conference and our sponsors and exhibitors!

Conference photos can be viewed at: http://www.vrweb.org/2006ConferenceBaltimore.html/BaltimorePictures/VRAConference2006_Baltimore_Pictures.html

Summer Educational Institute (SEI) Task Force

By Virginia (Macie) Hall, President, Visual Resources Association

ARLIS/NA and The Visual Resources Association are pleased to announce the appointment of a joint SEI Long-Term Planning Task Force. The Task Force will be co-chaired by Eileen Fry, University of Indiana, and Amy Lucker, Harvard University. Other task force members are: Hemalata Iyer, SUNY Albany; Trudy Jacoby, Princeton University; Jeanne Keefe, Rensselaer Polytechnic Institute; and Martha Mahard, Simmons College. This group, together with the presidents of VRA and ARLIS/NA, will meet for the first time at the ARLIS/NA conference in Banff in May 2006.

The SEI Long-Term Planning Task Force is charged with 1) establishing a five-year strategic plan to develop the pedagogical goals for the SEI, including the consideration of an advanced track to provide continuing education for those who are seasoned professionals, the consideration of a certification program, and the establishment of instructor qualifications; and 2) exploring the long-term management, direction, and structure of the SEI. As part of its charge, the SEI Long-Term Planning Task Force will conduct an analysis of the educational needs of image professionals. Consultation with the VRA Education Committee, the ARLIS/NA Professional Development Committee, the investigators of the IMLS grant studying the educational needs of image professionals, and other appropriate professional groups is expected.

The SEI Long-Term Planning Task Force will report to the Boards of ARLIS/NA and VRA, submitting an interim report by October 1, 2006, and final recommendations to both Boards by March 1, 2007.

Copyright Act Update:

Section 108 Study Group Public Roundtable Discussion

By Carl Johnson, (Brigham Young University¹)

The Section 108 Study Group was convened in April 2005 under the sponsorship of the Library of Congress' National Digital Information Infrastructure and Preservation Program (NDIIPP), in cooperation with the U.S. Copyright Office. The group was named for Section 108 of the Copyright Act, which provides special exceptions to the exclusive rights of copyright owners for libraries and archives. The Study Group is charged with examining how the Section 108 exceptions and limitations may need to be amended, specifically in light of the changes produced by the widespread use of digital technologies.²

The Section 108 Study Group convened public roundtable discussions seeking comment relating to the exceptions and limitations applicable to libraries and archives under Section 108 of the Copyright Act. The Washington D.C. roundtable held March 16, 2006, consisted of four 90-minute sessions receiving comment and discussion related to the specific topics described below.

Topic 1 - Eligibility for the Section 108 exceptions

This session began with the moderators asking the group to focus its discussion on the following specific questions:

1. What criteria should be used to determine institutional eligibility to take advantage of the Section 108 exceptions—should eligibility be based upon the nature of an institution, the institution's activities, or a combination thereof?
2. Should eligible institutions be limited to nonprofit and government entities?
3. Should non-physical or "virtual libraries" be included within the ambit of Section 108?
4. Should museums and other cultural repositories qualify for the benefits of Section 108?
5. How about outsourcing? Do outsourcing entities and related activities qualify for Section 108?

If a new statutory definition is considered, it should not be narrower or more restrictive than the present language of Section 108, which states in part:

"... that the reproduction and distribution be made without any purpose of direct or indirect commercial advantage ...that the collections of the library or archive be (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field."³

Many of the participants' comments addressed the need to clarify and distinguish a non-profit entity from a non-profit activity. Care should be taken not to provide broad, all-encompassing privileges to non-profit entities and then have those entities engage in for-profit activities. Museums and other groups would be able to qualify if the definition for qualified exceptions is focused on non-profit activities rather than non-profit institutions. The qualifications for becoming a non-profit entity are mostly governed by business regulations and tax structuring rather than copyright compliance activities. An important question to answer in this context: "What non-profit activities qualify?"

A good portion of the time in this session centered on what qualifies as a responsible or trusted institution and what is defined as responsible behavior within the framework of non-profit/profit activities. A responsible institution should insure responsible behavior by its individual members through formal policies governing the use of copyrighted material within Section 108 privileges. A few participants recommended that qualifying Section 108 institutions meet pre-established criteria and formally apply for approval and receive a certificate representing their approved status as a trusted institution.

Most of the comments regarding outsourcing or contract services centered on institutional accountability; for example, liability should not be contracted away. The qualifying institution should assume responsibility and accountability for the legal activities of the outsourcing entities and related services.

Topic 2—Proposal to amend Subsection 108(b) and (c) to allow access outside the premises in limited circumstances

The specific questions for comment and response during this session were:

1. What are the circumstances and conditions under which electronic access to digital preservation or replacement copies is permitted under Subsections 108 (b) or (c) outside the premises of libraries or archives?
2. If off-premise access is allowed, what type of conditions or restrictions should apply?

The publisher/copyright owner representatives expressed “serious concern” about off-site access and suggested that this type of activity—if allowed at all—should be allowed only by licensing mechanisms rather than an automatic exception provided through operation of copyright law. The library and institutional representatives countered by explaining the need to provide traditional library services, i.e. delivering content to a defined set of library community users. In the realm of digital capability, the remote library user should be able to digitally access content available in the library collection.

A possible model to use as a pattern for considering revisions of Section 108 (b) and (c) is Section 110 (4). Section 110 (4) states in part:

“...the following are not infringements of copyright: performance of a non-dramatic literary or musical work otherwise than in a transmission to the public, without any purpose of direct or indirect commercial advantage and without payment of any fee or other compensation for the performance to any of its performers, promoters, or organizers, if—

(A) there is no direct or indirect admission charge; or

(B) the proceeds, after deducting the reasonable costs of producing the performance, are used exclusively for educational, religious, or charitable purposes and not for private financial gain, except where the copyright owner has served notice of objection to the performance ...”⁴

Topic 3—Proposal for a new exception for preservation-only restricted access copying

The specific questions for comment and response during this session were:

1. Are there compelling reasons to create a new exception that would permit libraries and archives to make copies of published works in their collections solely for purposes of preserving those works?
2. Does the inherent instability of all or some digital materials necessitate up-front preservation activities, prior to deterioration or loss of content? If so, should this be addressed through a new exception or an expansion of Subsection 108(c)?
3. How could one craft such an exception to protect against its abuse or misuse?

Yes, preservation-only copies by responsible institutions should be allowed. The important distinction is “preservation only” and not access copies. The definition and criteria for preservation copies can be easily defined and clearly set forth. The definition of access copies requires different criteria and consideration.

In the realm of digital processes, a trusted custodian was an important concept because digital preservation is hard to get right. In this context, the concept of an authorized (a formal process for becoming certified to carry out long term permanent preservation activities) preservation institution was discussed. Not just any person or institution can achieve quality preservation standards and practices, especially in the digital arena. A few of the participants suggested that more research and focused analysis be conducted by the Section 108 study group to establish suggested standards and best practices for authorized preservation entities and activities.

Topic 4—Proposal for a new exception for the preservation of websites

The specific questions for comment and response during this session were:

1. Should a special exception be created to permit the online capture and preservation by libraries and archives of certain websites or other online content?
2. Should such an exception be limited to a defined class of sites or online content?

3. Should there be an opt-out provision, whereby an objecting site owner or rights-holder could request that a particular site not be included?
4. If libraries and archives are permitted to capture online content, should there be any restrictions on public access?

One of the main points early in this discussion was the comment that “the universe of online content is much bigger than the entire library enterprise.” How does an individual library or even a group of libraries begin to get their arms around the enormity of issues, including strategic and resource planning? There was a recommendation to let the marketplace and courts resolve this issue; attempting a statutory solution at this time is premature. Others suggested a default procedure of allowing automatic preservation activities to occur unless the copyright owner/publisher exercises an opt-out action. Conversely, another option is to have a default of opt-in, that is, there is no automatic preservation activity unless the rights holder exercises an opt-in approach.

1 Carl Johnson, Director of the Copyright Licensing Office at Brigham Young University and a member of the VRA IPR Committee attended and provided input to all sessions of the Washington D.C. roundtable

2 The nineteen-member Study Group is made up of experts in copyright law, from the various copyright industries, as well as from libraries, archives, and museums. The group intends to submit findings and recommendations on how to revise section 108 to the Librarian of Congress by late 2006. More detailed information regarding the Section 108 Study Group can be found at <http://www.loc.gov/section108/>

317 U.S.C. 108

417 U.S.C. 110 (4)

Digital Scene and Heard

Submitted by Jacquelyn Erdman, Florida Atlantic University – Digital Initiatives Advisory Group

This is the debut of a new column meant to provide information about upcoming projects and resources supporting shared digital initiatives. The Digital Scene and Heard is your connection to news on shared digital image resource initiatives as well as tools, technologies, and funding supporting them. It will complement *The Digital Scene*, resource web pages brought to you by VRA’s Digital Initiatives Advisory Group. As upcoming opportunities for sharing images or metadata become more numerous and diverse, this column will make an effort to keep you informed. Additional information can be found on the *Digital Scene* site. Please send all submissions to Jacquelyn Erdman at jerdman2@fau.edu, column editor.

Spotlight On Inscriptifact

By Jacquelyn Erdman

InscriptiFact, <http://www.inscriptifact.com/>, is an online database of high-resolution images of ancient inscriptions from the Near Eastern and Mediterranean worlds. Created by the West Semitic Research Project at University of Southern California this image database contains high quality images of such culturally significant artifacts as the Dead Sea scrolls and is free for anyone to use (<http://www.usc.edu/dept/LAS/wsrp/information/>). Images may be downloaded for personal and scholarly use. If the scholar wishes to publish, InscriptiFact will direct you to the copyright information for each institution that supplied the artifacts for the site. In general, the images may be used without fees.

For those photography enthusiasts, a new, innovative technique to photograph difficult artifacts was developed. Through a collaboration between Hewlett-Packard Labs and WSRP, a new invention, dubbed the geodome facilitated solutions to the problem of 3D graphic rendering technologies. The geodome¹ is a plastic dome that holds 50 flashbulbs mounted on the inside surface. Each bulb flashes individually as the digital camera snaps a shot of the artifact. Using such a technique the surfaces that are usually not reflective, such as clay tablets, will appear very glossy. Due to all these different lighting techniques those portions of text, which were difficult to read can finally be deciphered.

When developing the database, there was concern about displaying metadata. The resident librarian wanted Dublin Core while the anthropologists wanted identifiers that fit more closely to their needs. The solution was to build into the application both sets of attributes, Extended Dublin Core and Functional Requirements for Bibliographic Records (FRBR), to best support both groups of people.

The next stage of InscriptiFact is to develop a new functionality called Field Review. While team members are on site photographing a new artifact, a select group of scholars will have access to each image within 24 hours. This allows for collaboration between the photographers and the scholars to help the InscriptiFact team to create a more complete database with useful images.

I highly recommend looking at this wonderful database both as a great model for developing a scholarly image database and as a great place for finding interesting images. One of the key points I took from this year's VRA conference was that visual resource management is not defined by any discipline. As we develop new ways to organize, display and share images, it is important to remember that each discipline is trying to resolve the same types of technology problems.

1 An article about the Geodome can be found at:
<http://www.hpl.hp.com/news/2000/oct-dec/3dimaging.html>

Resource Sharing Among MDID Institutions

By Christina Updike (James Madison University)

During the DAMS Right! Using MDID for Managing Metadata and Sharing Collections session held at the recent VRA conference in Baltimore, Tina Updike reported that James Madison University now hosts four collections with almost 4,000 images available for sharing with other institutions that use MDID2 release 0.5.0 or newer. She thanked Allan Kohl of the Minneapolis College of Art and Design and Kate Monger, Curator of the JMU Madison Art Collection for freely sharing these collections. Also during that session, Heather Cleary of Otis College of Art and Design, reported on her institution's work in digitizing and cataloging the Artists' Books collection of the Millard Sheets Library, and their decision to freely share that collection with the public and other MDID installations. This collection is comprised of approximately 4,700 images of approximately 2,000 artists' books. Using the Dublin Core elements as a standard in data mapping facilitates the ability for MDID to support remote collections and to search across collections. The remote collections feature allows access to image collections on other MDID2 installations or other supported systems. To users, remote collections look and work like local collections – a user can search for images, add images to slideshows, and add annotations. For universities with separate campuses and multiple MDID servers and for institutions offering public domain content to others, this feature is particularly useful. To gain access to most remote collections, contact the support person for the MDID2 server that hosts the collection. A list and description of shared collections is available at http://mdid.org/mdidwiki/index.php?title=Shared_collections

At the VRA conference MDID Users Group session, Allan Kohl described a new image collection project he is compiling of historic architectural plans and drawings that he will freely share beginning in the summer of 2006. Announcements of other shared remote collections will be forthcoming. If your institution owns a collection of images that can be shared or a collection that is in the public domain in your MDID installation, follow the steps on the MDID website <http://mdid.org> described under "Sharing a Collection."

There are currently eleven institutions linking to the remote shared collections, with one international connection in the United Arab Emirates.

UNIVERSITY'S VERY OWN: GERMAN EMBLEM BOOKS

By Jacquelyn Erdman (Florida Atlantic University)

There are countless university and museum image collections that depict great jewels. At the University of Illinois, Urbana-Champaign a collection of German Emblem books were scanned and made available to the public through their digital imaging project <http://images.library.uiuc.edu/projects/emblems/>.

Books, Articles and More
Submitted by Max Marmor (ARTstor)

"An Interview with ARTstor's James Shulman". Coalition for Networked Information (podcast)
(Dec. 13, 2005)
http://connect.educause.edu/James_Shulman_Interview_CNI_2005

"Art Imagery Brightens Lectures". The Daily Californian (November 23, 2005)
<http://www.dailycal.org/sharticle.php?id=20551>

"The Right Picture: Finding it, Organizing it, Showing it, Storing it". The Berkeleyan (Oct. 26, 2005)

http://www.berkeley.edu/news/berkeleyan/2005/10/26_artstor.shtml

"ARTstor's Digital Landscape". Library Journal (July 2005)

<http://www.libraryjournal.com/article/CA623002.html>

Upcoming Conferences

Transcontinental Perspectives

ARLIS/NA In the Canadian Rockies
34th Annual Conference of ARLIS/NA
May 5-9, 2006
www.arliscanada.ca/banff2006

Access To Assets: Return On Investment

34th Museum Computer Network Conference
November 8-11, 2006
Pasadena, CA
<http://www.mcn.edu/mcn2006/>

Chapter News

Greater New York

by Jenni Rodda (Institute of Fine Arts)

Three members of the Greater New York Chapter were named recipients of local travel awards in support of attending this year's national conference in Baltimore: Paula Giragosian, Bard Graduate Center; Trudy Jacoby, Princeton University; and Barbara Treitel, The Jewish Museum. Paula received the workshop-underwriting grant sponsored by the Education Committee, and Trudy and Barbara received funds in support of general conference expenses or registration fees. The Chapter is pleased to be able to continue to offer funds in support of local members' conference attendance!

In Baltimore, the Chapter fielded a six-person duckpin bowling team as part of this year's Tansey Fund fundraising event. The Greater New York team took away a trophy for 'Unique Bowling Form.'

VRA/NY's web page has a new look and new resources, thanks to Eric Wolf at the New York School of Interior Design, and Don Beetham of Rutgers. See <http://www.nysid.net/vra-ny/> for our updated home page.

The Chapter's spring meeting is scheduled for April 24 at the Metropolitan Museum of Art. Please contact the Chair, Jenni Rodda, for further information, or to subscribe to the local listserv.

Southern California

by Anne Blecksmith (Getty Research Institute)

The VRA Southern California chapter would like to congratulate and welcome Jackie Spafford, University of California, Santa Barbara as incoming Chapter Chair and Deb Lenert, Getty Research Institute as Chapter Treasurer. Both officers will serve until the end of the 2007 calendar year.

Upstate NY Chapter

By Marcia Focht (Binghamton University)

The Chapter is planning a chapter meeting for the 2nd of June at Cornell University. Marcia Focht will present a report on her attendance at the XML workshop