

Nineteenth-Century Art Worldwide

a journal of nineteenth-century visual culture

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Editors' Welcome

Nineteenth-Century Art Worldwide 9, no. 1 (Spring 2010)

Citation: Petra ten-Doesschate Chu, Isabel L. Taube, and Gabriel P. Weisberg, "Editors' Welcome," *Nineteenth-Century Art Worldwide* 9, no. 1 (Spring 2010), <http://www.19thc-artworldwide.org/spring10/vol-9-issue-1-editors-welcome>.

Published by: [Association of Historians of Nineteenth-Century Art](#)

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Editors' Welcome

We all just came back from Chicago where we attended the annual meeting of the College Art Association, a group that represents art historians and artists teaching in academia. One of us spoke and participated in a session on art publishing, which was both interesting and informative. There were two main themes of the session's papers. The first was—no surprise—electronic publishing. And this immediately led to the second: the issue of image rights and licensing.

By "image rights" I mean the copyright of a work of art held by an artist or his/her heirs—rights that may be enforced by them or by copyright protection and collection societies, such as DACS or SPADEM. By licensing, I mean the customary practice of museums to license the use of reproductions of works in their collections, even those not under copyright, for a fee determined by the museum.

There was general agreement that some headway has been made in the past few years in the area of image licensing. Many museums have begun to allow limited free use of reproductions of works in their collections that are no longer under copyright. One of the speakers in the session, who represented the Victoria and Albert Museum, told the audience that recently the V&A has vastly increased the number of reproductions of works in their collection on their website, allowing limited use of those images at no cost (for their policy, see www.vam.ac.uk/resources/buying/index.html). One of the reasons for the museum's decision to go this route, he said, was the fact that the V&A was not making much—if any—money from the licensing, as the bureaucracy needed to coordinate and implement it largely consumed the licensing income. A representative of ARTSTOR announced that several museums, including the Metropolitan Museum of Art, have transferred small groups of reproductions of works in their collections to ARTSTOR, again allowing limited free use of these images (see <http://www.artstor.org/what-is-artstor/w-html/services-publishing.shtml>) in publications. The situation is much more difficult when works are still under copyright. While many living artists are happy to waive reproduction fees, the copyright protection and collection societies, which, for the most part, represent dead artists' heirs, are completely unwilling to make any allowances.

While image rights are undergirded by copyright law, image licensing, as it is practiced by museums, has no legal underpinning. Most works in most museums (except those specializing in modern and contemporary art) are in the public domain. All of us, whether or not we are directly involved in art publishing, must put pressure on museums to change their licensing practices, which have a detrimental effect on art publishing, causing high prices of art books at best, preventing their publication at worst.*

Notes

* Some of our readers may not know that university presses generally transfer the cost of photographs and licensing fees (which may amount to thousands if not tens of thousands of dollars) to a book's author. This is especially difficult for first-time authors—often junior faculty members—who need to publish a book in order to get tenure.