You already know the answer - it is YES.

Welcome to Indianapolis and hope you can all come to the IMA this evening for the festivities.

Invitation for “Indy Culture Matters” rally tomorrow on the Circle downtown. Give details.

Announce that presentation is posted on ARLIS conference blog under session 13.
How can we best protect artist rights and the rights of other content providers while furthering the missions of our own institutions? as we venture onto new technology horizons?

My purpose here is twofold.

1. to stress the importance of artists rights in tandem with the rights and mission of our institutions

1. to offer you resources to make the procedures related to this function more satisfactory.
This obviously isn’t “me” but I had fun choosing images from our collection that I enjoy. Not that it is really important for this type of presentation, I used the works of living artists who have signed licensing agreements with IMA to allow us to use images of their works in a variety of non-commercial applications.
Arrived at the IMA in 1990

• same year VARA (Visual Artists Rights Act) came into being

• first challenge was to educate myself and the IMA staff that this museum or other owners of works of contemporary art exhibited here did not necessarily own the rights to those works - that the artist held on to certain moral and intellectual rights as well as financial rights to his/her works for a specified and often confusing period of time depending on a multitude of even more confusing factors
We just about figured this out when. . .
this appeared!
and this!
and these!

and these!
and online searches of our permanent collections!
and this!
and this little guy!
and this!
and this!

and this!
and this!
because there is always something even more spectacular around the corner.

IMA is celebrating the online presence of our new site: ArtBabble.org - open to the public since April 7th.

- on-going, dynamic compilation of videos produced by art museums
- goal is to further engage our online audiences by making high quality video format focused on art and artists available to a wider public

(Bumper stickers on the hand-out table for everyone)
Invite to try it out during Sunday evening’s festivities at the IMA.
How do we all squeeze onto the same page - or at least a near-by page?
What to do?

After 20 years of working with rights I’ve discovered that
- there is no one answer for any rights-related problem
- sometimes there are two conflicting correct answers
- there are lots of wrong answers
- sometimes there are no answers at all

But one thing remains sacred:
Many see technology as a means of saving time and effort. But in much of what you and I do the requirements of technology add another layer to our responsibilities.

We simply remember that no matter how complicated or fast paced our tasks become as a result of these new technologies, the artist’s focus on this little symbol is no less than our own:

The rest can be sorted out.
Copyright is a form of legal protection provided by the laws of the United States (Title 17, U.S. Code) to the authors of “original works of authorship” fixed in a tangible form of expression. The protection is available to both published and unpublished works.

- **What can I Copyright?**

  Copyrightable works include intellectual property such as web sites, computer code, software, databases, literary works, music, lyrics, dramatic works, writings, poetry, graphic and sculptural works, motion pictures, audiovisual works, sound recordings, and architecture.

- **What is “fair use” of Copyrighted material?**

  Under U.S. Copyright law, “fair use” of a copyrighted work is allowed for the limited purposes of non-commercial comment, criticism, news reporting, scholarship, classroom use, or research and is not an infringement of copyright. Any other use is a violation of U.S. Copyright laws.
Before VARA - owners, not artists, had complete control of works

VARA - Visual Artists Rights Act of 1990

In addition to and independent of the U.S. Code VARA grants artist the rights to (regardless of who owns the work)

- claim authorship of his/her work
- prevent the use of his/her name in the event of distortion, mutilation or other modifications of a work which would be prejudicial to his/her honor or reputation
- prevent any intentional distortion, mutilation, or modification of the artists’ work
- prevent any destruction of the work
As I began this presentation I mentioned that there was an element of “improved ease” linked to ©
Creative Commons - attempting to simplify the unsimplifiable and comes very close

Creative Commons (CC) is a non-profit organization devoted to expanding the range of creative works available for others to build upon legally and to share.

The organization has released several copyright licenses known as Creative Commons licenses. These licenses allow creators to communicate which rights they reserve, and which rights they waive for the benefit of recipients or other creators.

and as a result we are all allowed to

- Share, Remix, Reuse — legally — under their licenses as specified by artists (or anyone, for that matter) - to control or release - or anything in between - their works
- Creative Commons provides free tools that let authors, scientists, artists, and educators easily mark their creative work with the freedoms they want it to carry. You can use CC to change your copyright terms from "All Rights Reserved" to "Some Rights Reserved."
Sometimes tracking down a living artist (and his or her rights) is a tricky issue because a lot has happened since the creation of the work and its accession into a museum collection. And sometimes that artist is not a living one but a dead one. Here are some questions to research in tracking down permissions:

- Did the artist set up an “easy-to-Google” foundation, leave heirs squabbling over the estate, leave a loving child or a grieving spouse wishing to know where certain works have found homes?

- Did the artist subscribe to an artists rights organization that oversees the use of images of his or her works?

- Did the artist donate the rights to his or her work to a university or other institution?

- Did (or does) the artist use an established gallery as an agent for rights?

- Or, as is sometimes the case, did the artist just vanish into thin air leaving a body of work as his or her only earthly reference?

Here are some of my favorite tools for searching out the information I need.
• usually where I begin

• a database of copyright contacts for writers, artists, and prominent figures in other creative fields

• run jointly by the Harry Ransom Center of The University of Texas and the University of Reading Library
and of course, Google, and other search engines.
RARIN - Rights and Reproductions Information Network
(My personal favorite - as I serve as editor)

- WIKI format - so anyone can join and contribute

- collaboration of the Indianapolis Museum of Art and the Registrars Committee of the American Association of Museum

- offers a variety of online and other resources for the museum professional

- also offers some alternative ways to think about some of the rights issues of today and tomorrow

There is a card on the hand-out table about this wiki.
We need and welcome your participation.

www.rarin.org
Artists Rights Society - arsny.com

serves as a clearing house for artists rights

• links to all international rights organizations
• fees are charged if rights are granted
Contact Information:
Visual Artists & Galleries Association (Vaga)
521 5Th Ave Rm 800
New York, New York
10175-0899
USA
212-808-0616 Phone

Email
rpanzer.vaga@erols.com

VAGA - Visual Artists & Galleries Association

This is another important rights agency - although you wouldn’t know it by their web presence - which is none.
What is Fair Use?

**Great Fair Use checklist:**

Bound by Law

- produced by the Duke Center for the Study of the Public Domain
- comic book format - lots of examples - fun yet serious

The Fair Use Network

- excellent information - facts, news, thought provoking items
FlickrCC -

- a compilation of images with share alike attributions that can be modified or used in projects if attribution is given
Have licensed this presentation with a CC license - viewer is free to download, add to or alter in anyway for any non-commercial use. In addition to crediting the new creation the presentation needs to attribute “Ruth Roberts/Indianapolis Museum of Art”. The original or the new work may then be shared. This is a good example of how Creative Commons licenses are used.

Thank you for your attention and while you are visiting the IMA this evening please enjoy our newest installation, Robert Irwin’s Light & Space III. 2008.
I don’t really care who “created” this portrait or who holds the rights. All have experienced their “15 minutes of fame”. It is going to the National Portrait Gallery and I’m impressed!