Scare Them, But Not Too Much:
Fostering an Institutional Awareness for Copyright, Licensing, & Rights Management

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About Hillwood

• Historic House, 25 acres of gardens, visitation of 80,000+ year
• 19,000+ accessioned collection items, 385 linear feet of archives
• 85 full time staff, 40 active DAM users

Hillwood Estate, Museum & Gardens, photographed by Erik Kvalsvik
About Hillwood’s Digital Collections

Object Collection Images

Digitized Archival Material

Marketing/Documentary Photography

Left to Right: Blue Monogram Egg, Fabergé, 1896, 11.63; Movies of Scampi, 1960, Hillwood Estate, Museum & Gardens Archives; French Drawing Room, photographed by Erik Kvalsvik.


Use Cases

• Publications
• Web Usage
• Social Media
• Exhibitions
• External Licensing

Introduction of a museum publication from 2015 featuring an unlicensed image that is rights managed by the Karsh Estate.

Instagram Post from Hillwood's platform from August, 2015, featuring an image that is rights managed by TIME LIFE.
Scare Them

• Use concrete, relatable examples when possible


(ALeft) Gianfranco Gorgoni’s photograph, Running Fence, Sonoma and Marin Counties, California, 1972-76, © Gianfranco Gorgoni
Scare Them

Balancing Fair Use with the Cultural and Relational Intricacies of Copyright

It Must Meet All Four Factors:
1. The purpose and character of use
2. The nature of the copyrighted work
3. The amount and substantiality of the portion taken
4. The effect of the use upon the potential market

But even if it does…
• Does use of the work affect your relationship with the rights holder?
• Does the cultural background of the creator change the circumstances of use?

Grachev Brothers, Cupid, acc. no. 12.176, Hillwood Estate, Museum & Gardens, photographed by Alex Braun
But not too much

A Blend of Copyright Education and Change Management

• Fair Use Education
• Accounting for Non-Digital Natives
• A Solutions-Oriented Approach

G.W. Peters, The Dangerous Servants: Evils of Coffee, Tobacco and Alcohol, acc. no. 51.232, Hillwood Estate, Museum & Gardens
Fostering Institutional Awareness

Strategies that Worked for Us
1. Strategic Planning
2. Inclusive Practices
3. Metadata Governance
4. Diligence with Contracts
Goal 3: Maintain and enhance the financial health, professional reputation and the campus to comport with Marjorie Merriweather Post’s standards.

Update, maintain, and foster a campus-wide awareness for copyright and licensing concerns to maintain professional, academic, and legal reputations.

- All stakeholders will be retrained within the calendar year
- Implement a single pipeline for external image licensing for each upcoming publication and exhibition, tracking all licensed images with associated costs
Inclusive Practices

Copyright Training is for Everyone
• Anyone with DAM access should be copyright trained (a measurable KPI)
• Be present and accessible
• Be aware of the departments that use external images and how they use them

Positive Reinforcement
• Highlight good questions
• Recognize adherence to best practices

Development staff with the a gold star for inquiring about copyright for web usage. Staff photo.
## Metadata Governance

### DAM Maturity Model

Maturity Model Enables Audit, Improvement of Digital Asset Management Capabilities

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Ad Hoc</th>
<th>Incipient</th>
<th>Formative</th>
<th>Operational</th>
<th>Optimal</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PEOPLE</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Technical Expertise</td>
<td>Little to no exposure to the application of DAM technologies, including managing repositories and workflow systems</td>
<td>Casual understanding of DAM technologies, often starting in the form of web or document management systems, and centralised document repositories or shared drives</td>
<td>Demonstrated experience with the implementation of functional DAM systems and specific DAM core competencies, such as ingestion, cataloging, transformation, transcoding, distribution, etc.</td>
<td>Managing DAM-specific repositories and creative workflow systems is core to IT with organised knowledge transfer</td>
<td>Understanding and participating in forecasting enterprise DAM technical needs, key technical integration points, and data schema design, in preparation of future business requirements</td>
</tr>
<tr>
<td>Business Expertise</td>
<td>Little to no exposure to the use of DAM technologies, including repositories and workflow systems</td>
<td>Casual understanding of the value of DAM, often starting in the form of existing web or document management systems</td>
<td>Demonstrated experience with implementation of functionally specific DAM systems and workflows</td>
<td>Assets managed through repositories and workflow systems is core function with</td>
<td>Understanding enterprise DAM capabilities to uncover current and future asset management needs</td>
</tr>
</tbody>
</table>

[Screenshot from dammaturitymodel.org]
Diligence with Contracts

Internal Contracts
- Example: photographers we hire
- The dangerous “non-exclusive rights” clause
- Communicating long term reuse of assets

External Contracts
- Example: Contracts we sign for licensing
- AAMD & Fair Use Clauses
- Destroying Files After Use

Contract photographer, Brian Searby, photographs “Leo.” Staff photo.
Conclusion

Fostering Institutional Awareness

• Identify the problem areas and use cases
• Provide real examples, but also provide resources
• Create a plan with actionable tasks and measurable results
Resources

- “DAM Maturity Model.” *DAM Maturity Model*, dammaturitymodel.org/.
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