



TOWARDS  
A NATIONAL  
COLLECTION



Arts and  
Humanities  
Research Council

# COMMISSIONED REPORT

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## ART UK: OPENING UP ACCESS TO THE NATION'S ART

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# TABLE OF CONTENTS

Executive Summary.....	1
About Art UK .....	4
Artwork and Image Copyright Management .....	12
Art UK’s Licensing Framework .....	16
Benefits & Key Lessons.....	24
Where we go next.....	27
Glossary.....	29
Appendix .....	31

## About

This report gives an overview of Art UK’s approach to image rights management and how its policies and practice have enabled the charity to ensure that artwork records shown on artuk.org include a digital image with minimal risk to the charity and the participating collections. Art UK presents a particular example of an aggregated national collection in which the audience’s ability to view images is critical and in which image rights are exerted by thousands of collections and tens of thousands of creators. This report explains how our Intellectual Property Rights policy, licensing framework, rights clearance processes and digital licence logic work together with the technology in making images available to view online. It ends with our plans for the future and the lessons learnt that are applicable to Towards a National Collection (TaNC).

Front Cover image: [Music Hall Audience \(detail\) by Thérèse Lessore \(1884–1945\)](#), photo credit: [Birmingham Museums Trust, CC0](#)

# Executive Summary

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Art UK is a cultural education charity and the online home for every public art collection in the UK. Its mission is to open up the UK's national art collection for enjoyment, learning and research using a digital infrastructure that is shared by some 3,400 UK institutions. Art UK enables a global audience of principally generalist users to learn about the nation's art collection by digitising artworks, telling the stories behind the art, offering schools learning resources and creating exciting opportunities for public interaction with art. In 2021 some four million unique users visited the Art UK website. Art UK is funded by a mixture of public funders, grant-giving trusts, corporate supporters, individual patrons and subscription income paid by a subset of the participating collections. The participating collections, as key stakeholders in the initiative, are represented at all levels of its governance structure.

Images matter to Art UK. Showcasing the nation's art collection and telling its stories would be impossible without the ability to show images of the art. This report gives an overview of Art UK's approach to image rights management and how its policies and practice have enabled the charity to ensure that 92% of the artworks shown on Art UK include a digital image with minimal risk to the charity and participating collections. The report explains our digital infrastructure and how our Intellectual Property Rights policy, licensing framework, rights clearance processes and digital licence logic work together with the technology in making images available to view and share online. It ends with our plans for the future and the lessons learnt that are applicable to Towards a National Collection.

Rights clearance and licensing runs through everything that Art UK does, from digitisation to content creation, and from Art Detective<sup>1</sup> to our online shop. It is a complex, multi-layered process, embedded within our relationships with collections, artwork copyright holders and project partner organisations such as the BBC. We ensure that we respect the rights of both the collections' images, and the artists' and artist estates' copyright in the underlying artworks we show online.

Our approach to copyright mediates between the needs of the wide range of rights owners (including the 3,400 participating institutions) and audiences. Our model allows for collections, artists and artist estates to take the route of providing greater open access to their images whilst also having the option to generate commercial income from their high-resolution images through the shared e-commerce infrastructure that is the Art UK Shop.

Since 2015 we have provided all participating collections, through our updated Art UK image reproduction agreements, with the option to apply one of the six types of Creative Commons (CC) copyright licences<sup>2</sup> to their low-resolution images. 51% of all collections have now updated their agreement with us and 36% of those have opted into making their low-resolution images available for reuse under the terms and conditions of a CC licence type (in total 31% selecting a non-commercial use type of licence). Since 2018 we have provided collections with Public Domain tools<sup>3</sup> to make their images of public domain works<sup>4</sup> open access<sup>5</sup>. There are now 14 collections on Art UK<sup>6</sup>

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<sup>1</sup> Art Detective means the free online network that connects public art collections with specialists and other members of the public to improve knowledge of the UK's public art collection.

<sup>2</sup> <https://creativecommons.org/about/cclicenses/>

<sup>3</sup> <https://creativecommons.org/publicdomain/>

<sup>4</sup> Public domain works means a work where there is no longer any copyright protection or similar restrictions on use

that have chosen to make their images free of any restrictions. A further 42 collections have selected to release their images open access, provided the work is attributed when reused or shared, through attaching a Creative Commons Attribution and Attribution-Sharealike licences (CC BY and CC BY-SA). Content that is not protected by copyright, such as the artwork metadata, is made available to our users under CC0<sup>7</sup>.

Our model also allows collections to generate revenue through making their high-resolution images available through one or all of the Art UK Shop revenue streams. For example, licensing their high-resolution images under contract law through our automated image licensing service or making their images available for print on demand.

At the time of writing (December 2021) there are over 51,000 artists represented on Art UK and 58% of them remain in copyright. We make every effort to trace owners of copyright in the artwork and obtain the necessary permissions to reproduce their works on Art UK, and the collections' own non-commercial websites. For those rights holders we track down, we have a high success rate in gaining their consent and we now have over 10,000 agreements with artists and artist estates and thousands of artwork copyright licences secured through agencies such as the visual artists' rights management organisation DACS and Bridgeman Images. As an indicator of our success only 92 artists or artist estates have refused to grant permission for their images to be shown on Art UK. 50% of the artwork copyright holders are unknown or untraceable and we take a risk-managed approach to reproducing orphan works on Art UK, subject to the necessary reasonable searches and risk mitigation measures, including taking out insurance. These works account for 15% of all images on Art UK.

People visit Art UK for a variety of reasons. There are now over 262,000 artwork records with images available to view on Art UK and 25% of these images can be freely downloaded under the terms of a Creative Commons licence or Public Domain (PD) dedication. However, so far, the public's requirement for downloading such images is dwarfed by the number of people who visit the site simply to view low-resolution images of artworks. In 2021 there were 14.1 million page views but only 20,980 images were downloaded with a CC licence or PD dedication (83% of which have been downloaded under the terms of a non-commercial type of CC licence). As we continue to promote the use of more open access images, we expect more people will download images on this basis – particularly in due course as we are able to do this for higher resolution images, where collections so desire. However, we must not lose sight of the principal requirement from audiences which is to view images and not re-use them.

The challenges we have had to address and lessons we have learned over the years have shaped our policies, procedures, and digital infrastructure and now set us in good stead for the future. A key focus for us over the next few years is expanding dramatically the number of artworks on the site through seamlessly harvesting artwork records from participating collections. This will result in access to hundreds of thousands of artwork records, particularly works on paper and fine art photographs, that we will share with our growing audience. Plans on how we will do this will be

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<sup>5</sup> Open access as defined by the Open Knowledge Foundation: "Open means anyone can freely access, use, modify, and share for any purpose (subject, at most, to requirements that preserve provenance and openness)." <http://opendefinition.org/>

<sup>6</sup> Yale Center for British Art; York Museums Trust; Bath Postal Museum; Bradfield Parish Council; Corbenic Camphill Community; East Sussex County Council Libraries; Greater Manchester Record Office; Llyfrgell Genedlaethol Cymru / The National Library of Wales; Norfolk and Norwich University Hospital; Royal Watercolour Society; Tenby Town Council; The Royal Hampshire Regiment Collection; Wellcome Collection; Birmingham Museums Trust

<sup>7</sup> <https://creativecommons.org/publicdomain/zero/1.0/>

announced soon. Another key focus for us is to put in place a IIF<sup>8</sup> viewer service to ensure that images can be viewed with a zoom facility (provided we have rights holders consent) and enable secure sharing of images. We are also working on creating more flexibility for collections that may wish to make their higher resolution images more freely accessible under certain conditions (such as academic use) or fully open access. Finally, we are continually exploring ways of improving our processes and framework to ensure they are as frictionless as possible for all rights holders and our audiences.

Art UK presents a particular example of an aggregated online national collection in which the audience's ability to view images is critical and in which image rights are exerted by thousands of collections and tens of thousands of creators. The rights management and copyright clearance benefits we offer to collections, artists and our audience, are considerable and include copyright diligent searches, copyright licensing, a risk managed approach to reproducing orphan works online and the tools for collections and copyright holders to open up access to their images to a global audience. The full list of benefits is in section 5 of this report.

Due to our experience we believe there are lessons that are relevant to Towards a National Collection as it considers the creation of a national collections research infrastructure (for a full list see section 5):

- **Be adaptable.** Collections take a range of positions on open access and the protection of their images. Rights management systems need to be adaptable to accommodate collections' and creators' varied requirements and allow for these to change over time.
- **Document rights.** It is of utmost importance that rights and permissions are well documented and recorded in structured rights data fields and that the recorded data is easily accessible, searchable and machine readable.
- **Budget for resources.** Image copyright clearance and risk assessment takes time. It is the diligence and judgement of rights clearance staff that mitigate risk for the organisation and build valuable relationships with third-party rights holders. Ensure adequate resourcing is budgeted for at the start of a project and for ongoing sustainability.
- **Technology matters.** Do not underestimate the funding required to implement, improve, sustain and manage digital infrastructures.
- **Remember the audience.** Fulfil the needs of the audience by delivering good user experience through consistent user testing, effective design, and clear messaging about rights and permitted image reuse.

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<sup>8</sup> IIF means International Image Interoperability Framework



## About Art UK

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The principal public-facing offering of Art UK is a website, [artuk.org](https://artuk.org), which is showing an increasing proportion of the national art collection. It offers mainstream audience opportunities to enjoy, learn and research art in an accessible, authoritative, and user-friendly way. Our online platform shows, at the time of writing (December 2021), over 282,000 artworks by over 51,000 artists, and is an ambitious collaboration between 3,400 institutions, making it one of the largest arts partnerships put together in the UK. This network of knowledge is a valuable asset where curators and other collection staff can come together on a shared platform to research and share the artworks in their care.

Given our experience of working in the sector for nearly 20 years, and the relationships we have built with thousands of public art collections, we estimate that over 80% of the nation's art is not on public view, and until Art UK started its work much of this art had not been photographed. Meanwhile, few collections have the resources to put their collections online. Therefore, what is publicly owned is often not publicly accessible.

In 2020, 59% of collections told us that they show less than 10% of their artworks on their own websites. This was consistent with our 2018 survey in which 49% of collections said that Art UK was the only place they could show their art online. The survey bias towards more digitally engaged collections completing this survey means that the true figures are probably higher. Similarly, most of these collections are not able to effectively create access to their images for more open access reuse or take advantage of e-commerce opportunities on their own. The benefits to the participating collections principally revolve around the use of a shared digital infrastructure, which would in most cases be out of the reach of individual collection budgets. In addition, the benefits include Art UK supplying collections with free high-resolution digital images of the artworks during third party-funded digitisation projects, better cataloguing records, greater public recognition and the encouragement of cultural tourism. Evidence amassed by Art UK confirms the view that seeing art online encourages audiences to physically go and see artworks at collections.

Art UK comprises a small and dedicated team of skilled professionals who provide a service that supports participating collections, ensuring their data and image assets are published accurately and are quality assured, protected and discoverable on a shared national platform. Our current workforce consists of 28 FTE staff spread across England and Scotland, working on data, image and rights management and enhancement, creation of online content and learning resources, fundraising, operations and HR, as well as management of the digital infrastructure.

Copyright is an important legal responsibility for Art UK and the heritage organisations we work with. We now have over 15,000 licences with participating collections, artwork copyright holders and collaborating partners underpinning the Art UK platform. We have a Copyright and Licensing team that seeks permission to show works from the collections that own the rights in their images, as well as from artists and estates where the underlying artworks are still in copyright. Our copyright team has, so far, searched for and where possible contacted, the copyright holders (or their representatives) of artworks by over 29,700 artists and recorded our due diligence, licences and permissions within our bespoke content management system.

Our rights holder searches and copyright clearance work enrich the website's artist profile pages, ensuring we are attributing artists and their works correctly, enriching data and providing external links for further discovery to artists' own websites and other biographical source pages.

The shared digital infrastructure that has been created by Art UK has been extended to include a shared e-commerce platform, the Art UK Shop, to allow Partner Collections to generate much-needed commercial income for themselves. Organisations joining the scheme (our Partner Collections) pay an annual subscription and receive an enhanced online presence on Art UK and commercial benefits that they may be unable to afford to set up independently. The Partnership Scheme forms an important part of our organisation's sustainability and contributes recurring revenue towards our core running costs.

As well as working with collections and artists, Art UK has built partnerships with specialist organisations whose knowledge and reach is broad and deep, including Bloomberg Philanthropies, BBC, Oxford University Press, Paul Mellon Centre, The Guardian, Culture& and Arts Award.

Groups and individuals contribute their expertise to Art UK in numerous ways. Curators, writers, artists and researchers write content, producing stories and Curations. Subject Specialist Networks, curators, researchers and members of the public assist Art UK through the Art Detective project. Art UK also looks to take guidance on developing its activities through its Advisory Board and Steering Panels (the key one being the Art UK Steering Panel), whose memberships are drawn from across the cultural, technology and heritage sectors. However, ultimately, the Board of Trustees has the responsibility for the strategic development of the charity

## 2.1 Audiences

Our principal audience focus is a 'mainstream' audience, or in other words generalist users. Results of an audience survey conducted in November 2020 and Google Analytics give us a good picture of our audience. For example, we know that 'personal interest and research' is behind 75% of visits to the site, with professional users such as curators and academic researchers in the minority. Whilst the main reason for using Art UK is to find out about a particular artist or artwork, 22% use it to find artworks of subjects that interest them and 5% use it to plan visits to galleries (normally much higher but for COVID-19 related closures).

From the calendar year of 2021, we had 3,942,212 unique users, up 29% on the previous year and up 66% on the year before that. In 2021 there were 14.3 million page views.

Overseas visits constituted 50.3% of total users versus 49.7% from the UK. After the UK, the USA is by far the largest source of traffic at 21.77%. The next five largest traffic sources are, in order, Canada, Australia, the Netherlands, France and Germany.

### Social Media

Social media platforms provide a key alternative vehicle for sharing the nation's art with audiences, particularly younger audiences. Art UK currently has over 100,000 followers across [Instagram](#), [Twitter](#) and [Facebook](#). Sharing the content of the Art UK site with a younger and more diverse audience is a key priority for us. One of our primary rights clearance directives is ensuring that we have our stakeholders' permission to share their images through these social media platforms.

## 2.2 The Art UK Digital Infrastructure

The Art UK digital infrastructure is shared by 3,400 collections across the UK and significant investment has been made to reflect the needs of participating collections and our audiences.

### 2.2.1 Art UK website

The website is the public facing element of the Art UK platform, where artwork and data records are published for public use; alongside Art UK's longer form content and interpretation. Search interfaces allow the user to perform keyword searches, filtering and faceting (meaning narrowing down searches through applying multiple filters) of all artwork records. Users can also filter by image licence, based upon licence logic that considers the copyright status of an artwork and corresponding licence permissions from a copyright holder. In cases where artworks are licensed for reuse the user can download the image from the artwork page. The artwork database is fully integrated across the platform to allow easy cross-referencing of relevant content – e.g. a user can explore stories, learning resources, art terms.

### 2.2.2 Art Detective

Art Detective is a public- and collection-facing interface that enables registered users to submit information or pose a question relating to artwork records – e.g. identifying a place that an artwork depicts, or suggesting possible attributions. Both Art UK and owning collections can respond to these submissions, with new and accepted information passed back to collections for recording within their own records (as well as updating the Art UK record itself).

As well as these submissions, Art UK and the collection can agree to publish a question as a discussion, which is publicly accessible and open to all registered users for input and debate.

### 2.2.3 Qi Collections and Content Management

Art UK's Content Management database is a bespoke version of Qi 5.8, built by and maintained by London-based agency Keepthinking. Art UK's primary information management system, covers the following areas:

#### Collections Management

A database of artworks ingested from the Collections Portal and/or Art UK digitisation projects, alongside related information records managed by Art UK, such as artist/makers, collections data remains editable, either from collections via the Collections Portal, or by Art UK, with audit trails available to review the history of a record. In addition to core artwork data, Qi is also used to manage data enhancement (e.g. linking works to art terms and topics, adding tags) and establishing relationships between other types of content (e.g. stories, learning resources, Art Detective discussions).

#### Content Management

The application is also used to manage general website content – for example stories, learning resources, web pages, etc.



## Rights Management

Our rights management database allows for the creation of different licences with associated permissions, the assignment of rights properties against relevant artist records, and for these to be applied to the relevant artworks in the collections database – for example, assigning licences and agreements to collections, artists and artwork records.

### 2.2.4 Collections Portal

The Collections Portal provides collections with a facility to manage the presentation of their records on the Art UK website. It provides a self-service administration interface to update and add small numbers of new artwork records to the site, which are then passed into Qi and placed into a review queue for Art UK to assess prior to release. It also has a bulk import facility which allows for import of larger numbers of records using a CSV import, although this is rarely used by collections. In due course the Collections Portal will be replaced by a more sophisticated data harvesting mechanism although this will still allow for collections to manually add or update very small numbers of records. Importantly this mechanism will allow us to grow sharply the number of works that are shown on the site.

### 2.2.5 Permissions Portal

The Permissions Portal is a collection-facing interface that provides collections and artwork copyright holders with a facility to review and electronically sign different types of image reproduction agreements with Art UK. Incorporated is a Creative Commons licence picker to help rights holders decide if they would like to apply a public domain dedication (for collection users only) or a type of Creative Commons licence to their images. Depending on the agreement type, these licences can be assigned at a top level (e.g all artworks under a collection or artist), or can be assigned to individual artwork records. Signed agreements are passed into Qi and linked to the relevant collection/artist/artwork records. We are currently considering the future of the Permissions Portal in line with developing a data harvesting mechanism, and how integration of licensing frameworks would apply as part of the new data repository.

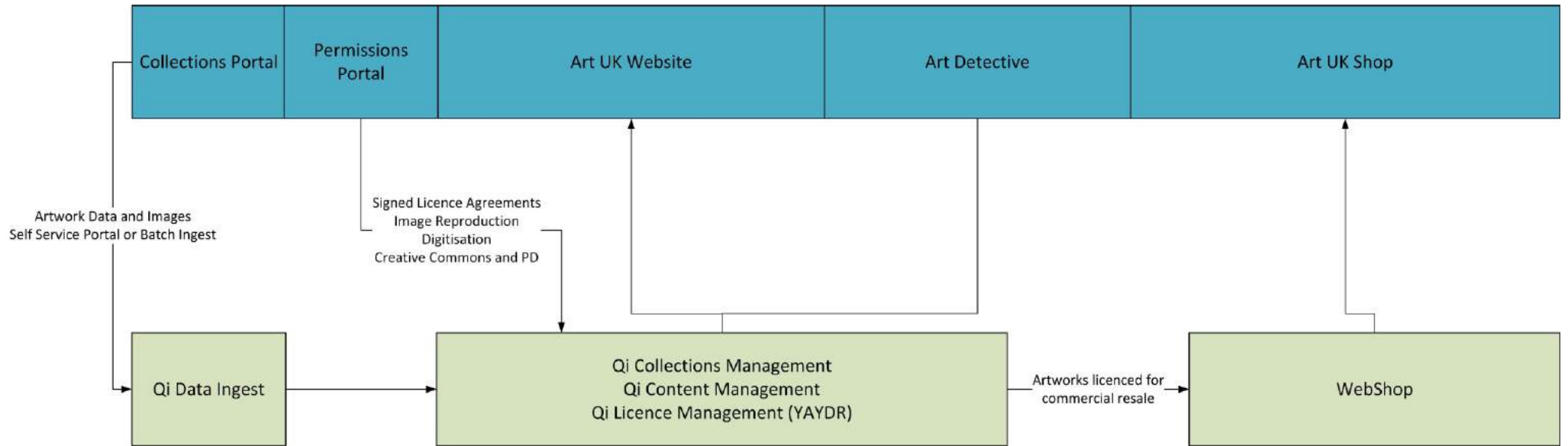
### 2.2.6 Shop

The Art UK Shop is a shared e-commerce platform that Partner Collections can use to sell products through a common marketplace. Examples include:

- Merchandise from their own retail inventory
- Print on demand and print to order products from artworks in their collection (e.g. framed prints, mugs, etc.)
- Licences for reuse of high-resolution images

Print on demand and image licensing are managed through the licence logic process, whereby a collection can assign commercial usage agreements to a selection of their artworks. If they are out of copyright or have a commercial agreement assigned from the rights holder, they are then exposed to the Shop for import and publication as products.

Diagram 1: Art UK Digital Infrastructure



## 2.3 Image Ingest, Management and Preservation

All collection images intended for publication against Art UK records are submitted either through the Collections Portal, or via DropBox for input from Art UK digitisation work. Once received, images are processed and undergo Quality Assurance by the image team to ensure that they are of a suitable quality for publication. Images that do not meet the criteria are rejected by Art UK.

Accepted images will then be stored by Art UK, as follows:

- The original file is stored within Art UK's image archive.
- A Jpeg-2000 derivative is also generated as a standard 'preservation' master. All derivatives for the website are generated from this version.

As the JPEG-2000 files are stored, regular processes will scan for changes to images. When a change is detected, a subprocess is then run that will generate a set of derivative images of different sizes for use on the website. Each of these will have the International Press Telecommunications Council (IPTC) standard artwork metadata injected based on the information stored in the linked artwork record. These are then passed to the public facing storage of the platform for use on the website.

Art UK's image repositories are built on top of Amazon Web Services (AWS) storage solutions, utilising facilities such as file versioning and Cross-Region-Replication to ensure that files are adequately backed up, with reduced dependence on a single data center.

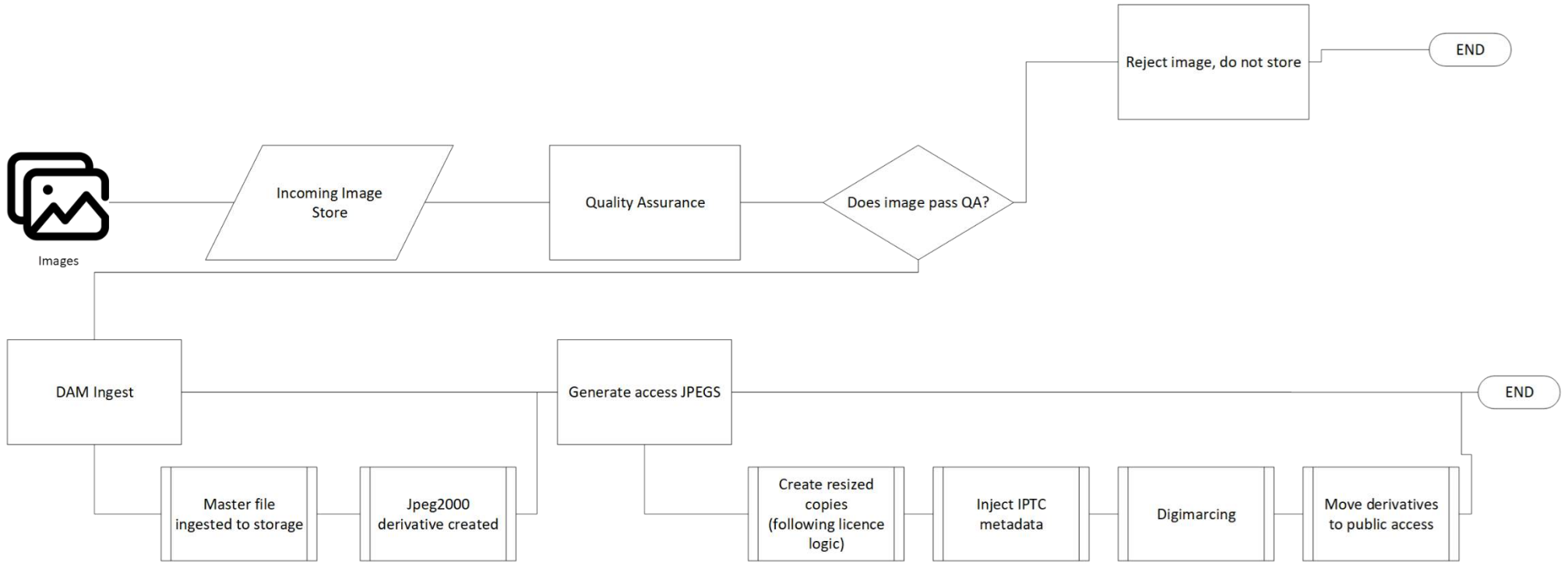
See diagram 2.

## 2.4 Digitisation to Publication Workflow

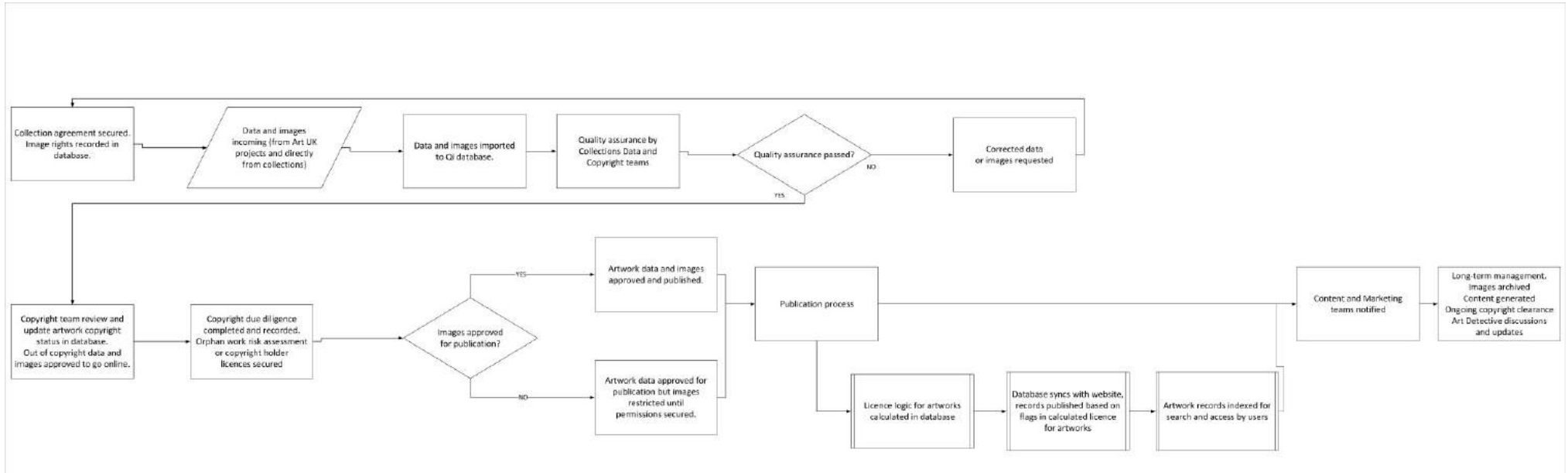
The publication of artwork data and images on Art UK involves a series of procedures, with artwork data and images working their way through several Art UK teams as part of the digitisation workflow. The process starts with a decision from a collection to add their artwork records to Art UK, which are either generated through digitisation projects led by Art UK or by the collection supplying data and images directly to Art UK. The subsequent series of actions and checks is overseen by the Digitisation, Collections Data, Images, and Copyright and Licensing teams. Artwork data and images are not published to Art UK until all the procedures have been followed and completed.

See diagram 3.

Diagram 2: Image Ingest, Management and Preservation workflow



**Diagram 3: Image Ingest, Management and Preservation workflow**



# Artwork and Image Copyright Management

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The content we make available to our users on Art UK is a direct result of our Intellectual Property Rights and Risk Management policies and our agreements with collections, artwork copyright holders (or their representative), volunteer public sculpture photographers and project partners.

## 3.1 Managing the Layers of Rights:

### Digital Image Artwork Reproductions and Copyright

Art UK is committed to respecting copyright<sup>9</sup> and other intellectual property rights. We acknowledge that there may be rights reserved by the collections in the photographic image of an artwork as well as copyright within the actual artwork.

These two layers of rights are managed in our database and referred to as the media copyright (the documented image of the artwork) and artwork copyright.

On the website we differentiate between the media and artwork rights through applying a copyright symbol and copyright byline to images where the underlying artwork remains in copyright. Media rights holders are indicated through a 'photo credit'.

Since Art UK was founded (see Appendix), all participating collections have signed an agreement with us. We have supported the position of collections to gatekeep their digital assets through asserting copyright protection on their images, including images of two-dimensional artworks that are in the public domain, due to the specialist skill required in producing the image. Retention of artwork and image attribution, as well as potential commercialisation of their digital images are noted as collections' main concerns.

During our oil painting digitisation project, which started in 2003, it would have been very difficult to secure the participation of most collections if we had created digital surrogates of their paintings and asked them to waive all rights to these images of their public domain works.

We are aware of the growing uncertainty of this practice in the UK, as outlined in the IPO Guidance notes<sup>10</sup>, and that it is an area of debate due to UK practice being out of step with the global community and hindering further creative and scholarly use. Whilst image copyright ownership has been written into our agreements with collections, we are now also providing Public Domain tools<sup>11</sup> to collections that may choose to make their low-resolution images available on an open access basis.<sup>12</sup>

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<sup>9</sup> In the UK, copyright protection in artistic works generally lasts for the lifetime of the artist plus 70 years after their death, although there are exceptions to the rule.

<sup>10</sup> IPO Guidance Sheet: Copyright notice: digital images, photographs and the internet. Updated 4 January 2021; Are digitised copies of older images protected by copyright? <https://www.gov.uk/government/publications/copyright-notice-digital-images-photographs-and-the-internet/copyright-notice-digital-images-photographs-and-the-internet>

<sup>11</sup> <https://creativecommons.org/publicdomain/>

<sup>12</sup> Open access as defined by the Open Knowledge Foundation means: "Open means anyone can freely access, use, modify, and share for any purpose (subject, at most, to requirements that preserve provenance and openness)." <http://opendefinition.org/>



## 3.2 Creative Commons Licences and Public Domain Tools for Collections

Since 2015 we have provided collections, through our Art UK Image Reproduction agreement (see section 4.3) and the Permissions Portal (see section 2.2.5), with the option to attach a type of Creative Commons (CC) International 4.0 copyright licence<sup>13</sup> to their low-resolution images on Art UK. Since 2018 collections have been able to release their low-resolution images on Art UK with a Public Domain dedication using one of the Public Domain tools.

By the end of 2021, 51% of collections had updated their agreement to a current Art UK Image Reproduction agreement. 36% of these collections have opted into providing more access to their images through selecting a type of CC licence (in total 31% selecting a non-commercial use type of CC licence) or Public Domain dedication.

There are now 14 collections on Art UK<sup>14</sup> that have chosen to make their images of public domain works<sup>15</sup> free of any restrictions (i.e. open access). A further 42 collections have selected to release their images under open access licences, provided the work is attributed when reused or shared, through attaching a Creative Commons Attribution and Attribution-Sharealike license (CC BY and CC BY-SA). Most, however, have selected the licence options that stipulate non-commercial (NC) use and no-derivatives (ND) which halt further creative uses of these images (CC BY-NC-ND; CC BY-NC; CC BY-NC-SA; CC BY-ND).

## 3.3 Managing Artwork Copyright

There are over 51,000 artists represented on Art UK and 58% of these artists remain in copyright. Their work accounts for 39% of all artworks on Art UK.

Where an image has been taken of an artwork that is still in copyright, Art UK Copyright Officers undertake a diligent search process to track down copyright holders to request consent to reproduce their works on Art UK.

Following sectorial best practices, Art UK's policy is to mitigate risks by investing time and effort in tracing rights holders for all artworks that remain, or could be on the fringe of being, in copyright. We record detailed associated searches (due diligence), process notes about our copyright clearance procedural progress, rights holder contact details, copyright consents and copyright holder licence permissions in our rights management database.

Art UK now has a wide range of signed agreements with copyright holders (see section 4.3), built up and managed carefully for almost 20 years. We hold active contact details and agreements for over 10,000 artwork copyright holders.

We hold and process personal data on artists in order to gain consents, rights management and ongoing licensing requirements. We are mindful of our legal obligations in respect to how we hold and process this data, and do so in accordance with data protection legislation to ensure that we are GDPR compliant.

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<sup>13</sup> <https://creativecommons.org/licenses/>

<sup>14</sup> Yale Center for British Art; York Museums Trust; Bath Postal Museum; Bradfield Parish Council; Corbenic Camphill Community; East Sussex County Council Libraries; Greater Manchester Record Office; Llyfrgell Genedlaethol Cymru/The National Library of Wales; Norfolk and Norwich University Hospital; Royal Watercolour Society; Tenby Town Council; The Royal Hampshire Regiment Collection; Wellcome Collection; Birmingham Museums Trust

<sup>15</sup> Public domain works means a work where there is no longer any copyright protection or similar restrictions on use

Circa 500 artists and estates are members with the Design and Artists Copyright Society (DACS) or Bridgeman Images Copyright service, and we work closely with these organisations to secure copyright licences to reproduce their artworks on Art UK. Each year we license through DACS c.5,600 artwork images for reproduction on Art UK.

It can be difficult to know when a work is in or out of copyright. For 39% of in-copyright artists, we do not have birth or death dates recorded but rely on artwork execution dates (when available). The artist record with the most artworks on Art UK is 'unknown artist' with 32,410 works. 4,120 of these records have been marked in copyright (as they are within 70 years of execution date). When we have no dates, we must use our skill, experience and judgment to assess a work and measure the risk when deciding whether to assign copyright status to the work.

Our Art Detective project often provides further information that impacts on copyright clearance and enriches our records, which are being continually being updated.

### 3.4 Risk Management

We have measures in place to mitigate risk, such as employee guidelines, procedures and risk assessments during project development to identify, analyse and respond to risk factors (such as reputational or financial damage). As risks are identified they are logged and managed on our Risk Register which is reviewed monthly by senior management and quarterly by Art UK Trustees.

#### 3.4.1 Orphan Work Reproduction Policy

There are a considerable number of artwork copyright holders who so far have proved to be untraceable. Orphan works are works in copyright where the rights holders are either unknown or cannot be traced. Currently 50% of in-copyright artists have proved to be untraceable and this accounts for 15% of all images on Art UK. We take a risk-managed approach to reproducing their works on the website as we believe the benefit of sharing these works outweighs the risk. To mitigate risk, we have a due diligence search criteria that must be followed and recorded within our rights management database when tracing a rights holder. If all reasonable searches have been exhausted and we cannot find a contact for a rights holder, a risk-managed approach is taken and we may opt to record the work as an orphan work and reproduce a low-resolution image (1200 pixels along the longest length of the image) on the Art UK website for non-commercial use.

Art UK does not reuse images of orphan works for publicity use or commercial purposes and images are released on Art UK with All Rights Reserved. An orphan work can be identified on Art UK through its copyright credit line: *the copyright holder*.

We are covered by Hiscox insurance to protect the charity against any infringement claims. We have had no such claims since the start of the project.

#### 3.4.2 Takedown Policy

We have a takedown procedure in place so that if a copyright holder comes forward and wishes the work(s) to be removed from the website we can act fast and efficiently. Art UK's takedown procedure is recorded in the Art UK Copyright Notice<sup>16</sup>. We endeavour to respond to an initial message within five working days and we aim to process any approved takedown requests within a further two working days. Over the years we have had fewer than 10 image takedowns as a result of

<sup>16</sup> <https://artuk.org/footer/copyright-notice-15>

our Orphan Work Reproduction policy.

### **3.5 Art UK Terms of Use**

Website Terms of Use<sup>17</sup> outline to users how they may use our website, reuse images and other content, register and use an Art UK account and generally engage with our content. A Disclaimer, Privacy Policy, Cookies Policy, Art Detective Code of Conduct and Copyright Notice accompany the Terms of Use under other applicable terms.

The Art UK Shop is operated by Heritage Digital Ltd independently of Art UK, and is a separate part of the Art UK website. If a user accesses and uses the Art UK Shop, then the separate Art UK Shop terms of use and supply apply in respect to that additional use.

As outlined in our Terms of Use, where a Creative Commons licence applies to an image, this will be detailed on the relevant artwork webpage, and users must agree to comply with the terms of that Creative Commons licence. Content that is not protected by copyright, such as the artwork metadata, is made available to our users under CC0.

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<sup>17</sup> <https://artuk.org/footer/terms-of-use>

# Art UK's Licensing Framework

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Art UK's licensing framework is informed by our policies and is built into our digital infrastructure, procedures and processes.

Since its inception Art UK has only been able to succeed thanks to the participation of the many hundreds of art collections across the country. Over the years we have built up partnerships with over 3,400 institutions that hold public artworks, from Shetland to Jersey, and from the smallest collection to national holdings of art.

The charity also invites important private collections such as those in country houses, livery companies and corporations to add their art to Art UK. However, the charity's principal focus will always be on showing art from public collections.

All collections have signed an agreement with Art UK that permits us to reproduce their data and images onto the Art UK website.

Licences are logged in our rights management database and a digital licence logic is applied to ascertain how a collection's image is released on Art UK, for example checking if an image is of an artwork that may still be protected by copyright and if there is a corresponding licence linked to the artist or artwork record.

## 4.1 Development of the Framework

Art UK's licensing framework was developed during our *Your Art–Your Digital Rights* project between 2014-15, ahead of the launch of the Art UK website in 2016.

The *Your Art–Your Digital Rights* project was supported by Arts Council England and its focus was to update our licensing framework, agreements and provide participating collections and artwork copyright holders with a new digital platform where agreements could be reviewed, signed electronically and fed directly back into our rights management system. We were guided by a Steering Panel of senior IPR staff in museums, together with independent experts and pro-bono advice from Freshfields legal service.

Our initial obstacle was how to accommodate the varied permissions we receive from collections and artwork copyright holders, and substantial effort and cost went into not only developing the framework but integrating the licensing framework into our digital infrastructure and database licence logic.

## 4.2 Art UK Licence Logic Summary

The Licence Logic is informed by our licensing framework and policies and is built into our digital infrastructure. It is the complex set of rules and calculations that must be completed in order for an image to be reproduced on Art UK at the right pixel size, with the correct licence and correct credit line.

Referring to our complex licence rights permission matrix, Keepthinking<sup>18</sup> developed the licence logic for Art UK. This dictates the terms under which each of the 282,000 works can be reproduced on Art UK (such as image size and type of Creative Commons licence) and what copyright credit lines

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<sup>18</sup> <https://www.keepthinking.it/>

accompany an image. This licence logic expertly takes into account the permissions that are set by both the media rights holder (usually the collection) and, if the work is in copyright, the artwork rights holder. The licence logic work underwent rigorous testing by both Keepthinking and the Art UK Copyright team.

For each of the works, the logic must take into account the following factors:

- A matrix of where to look for copyright information and licences, based on copyright fields built at Artwork Level. If a work is in copyright, licences are sorted at three different levels within Qi (Artwork, Artist and Collection).
- The logic must produce an initial result based on three overarching licence types. Then, within each licence type, the logic looks for separate Artwork and Media licences. Within each licence, three different choices for pixel size must be considered. At each stage, all possible combinations had to be drawn up and programmed.
- Within the Creative Commons licence type alone, 49 different combinations of licences could occur.

Credit lines can be viewed on the artwork pages of Art UK and there are a number of places in our database that credit lines might be pulled from. The website displays the correct credit lines based on credit line logic.

### **4.3 Art UK Agreement Types**

#### **Art UK Image Reproduction Agreement with Collections**

Our Image Reproduction agreement outlines to collections how images and data will be stored and reused by Art UK and how their images can be reproduced on the Art UK website as part of the Art UK project.

#### **Art UK Image Reproduction Agreement with Artwork Copyright Holders**

Our Image Reproduction agreement outlines to copyright holders how their artwork images will be reproduced on the Art UK website as part of the Art UK project. Importantly, once this agreement is signed with a particular artist or estate, all future works by the artist that are added to Art UK can be shown without any further rights clearance unless otherwise noted.

The Artwork Copyright Holder agreement provides an option to rights holders to permit participating collections that hold the artworks to reproduce the images on their own non-commercial websites and for Art UK to pass on their contact details, saving collections time and money with their own rights holder searches and clearances.

Artwork copyright holders are also provided with options to sign the BBC sub-licence (see below) and select a type of Creative Commons licence (see below).

#### **Sculpture Digitisation Agreement**

A Digitisation Agreement is a separate agreement that is signed prior to Art UK's Photographers and Coordinators visiting a collection during an Art UK digitisation project. The Sculpture Agreement outlines how the data and images will be reproduced on Art UK. It stipulates that all low-resolution images created by Art UK, on behalf of the collections, will be made available online with a Creative Commons Attribution Non-Commercial licence (CC BY-NC).

## **BBC Sub-Licence**

This is an optional licence that permits Art UK to sub-licence the low-resolution images that are part of the Art UK project to our lead partner, the BBC, for non-commercial use on their BBC online service. Rights holders can choose for this sub-licence to apply to all their images or to a selection of images.

## **Creative Commons Licences**

Through our Image Reproduction agreement, we provide collections and artwork copyright holders with options to either attach a type of Creative Commons International 4.0 licence or Public Domain dedication to their low-resolution images reproduced on Art UK. The Permissions Portal includes a CC licence picker to help collections, and artwork copyright holders, understand the different licence types and to make an informed decision.

Tate and National Portrait Gallery were the first collections to log into the Permissions Portal and sign our Art UK Image Reproduction agreement, both choosing to attach a CC BY-NC-ND 4.0 licence to their images of artworks in the public domain (works no longer protected by copyright).

Initially in 2015, we did not provide Public Domain tools, a decision made by the *Your Art–Your Digital Rights* steering panel due to low expectations of collection uptake.

In 2018, the Art UK Collection Administration Image Reproduction agreement and Permissions Portal for collection users were updated to include Public Domain tools. Birmingham Museums Trust was the first collection to make their images of public domain artworks freely available under CC0 and the Wellcome Collection images were made available under a Public Domain Mark.

When a work is in copyright, both the image rights holders (the collection) and the artwork copyright holder will have a say in the type of Creative Commons licence they would like to attach to their work. The Creative Commons licence under which the image of an artwork is released will be the most restrictive chosen by both parties with both parties informed of this.

Rights holders are given a choice of all six Creative Commons licences that are available, with collection image rights holders also provided with a Public Domain Mark and a CC0 option.

Therefore, if both rights holders of an image decide to attach different types of CC licences to the image, for example an artist selects a CC BY-NC-ND and a collection a more open CC BY licence, the image of the in-copyright artwork would result in the most restrictive CC BY-NC-ND licence applied to the image. The collections' images of public domain artworks would be available to reuse under the terms of a CC BY licence.

If an artwork rights holder decides not to opt into attaching a CC licence to images of their artwork, then the images will be published with All Rights Reserved.

At the time of writing (December 2021) there are over 65,000 low-resolution images on Art UK freely available for reuse under the terms and conditions of a Creative Commons licence or that are marked as being in the Public Domain and free from restrictions. This is 25% of all images on Art UK.

## **The Art UK Shop Commercial Agreements**

The Art UK Shop agreements are between Art UK, Heritage Digital and the Collection Administration or Artwork Copyright Holder.



## 4.4 The Art UK Shop

In November 2016 the Art UK Shop was launched and made available to Partner Collections. Partner Collections support Art UK financially by paying an annual subscription and in return receive several benefits, one of which is utilising the Art UK Shop platform through one or all of the available revenue streams: print on demand, commercial image licensing and merchandise.

Currently there are 104 collections<sup>19</sup> participating in one or all of the Shop revenue streams, including: The Courtauld, London; Royal Scottish Academy of Art & Architecture; Amgueddfa Cymru-National Museum of Wales and Leicester Museums and Galleries.

Artwork copyright holders can also choose to make their works available for print on demand, provided the collection has signed an Art UK Shop Print on Demand agreement with Art UK and Heritage Digital.

Art UK brokers this service but does not benefit commercially from the sale of high-resolution image licences or print on demand services.

## 4.5 Commercial Image Licensing Service

Administering permissions is costly and creating an image licensing service for an individual collection will often come with prohibitive costs. We have tried to support collections by providing an automated image licensing service<sup>20</sup> using our shared infrastructure. A small subset of high-resolution images are available to licence for a fee through the Shop on behalf of the collections. The income is shared between our supplier and the collections with the latter taking typically 85% of the revenue.

Currently, there are 53 collections signed up to the Image Licensing service with 14,200 high-resolution images made available to license for commercial use. This accounts for only 5% of all images available to view on Art UK.

Art UK and the Art UK Shop offers collections an image licensing business model whereby they can make their lower resolution images freely accessible, under certain conditions, through the main Art UK website (such as attaching a Creative Commons Attribution licence to their images) and provide their higher resolution images of public domain works (where the copyright in the artwork has expired), and works that remain in copyright, provided the collection own the copyright in the artwork.

The image licensing service offers an automated Art UK Shop licence type and fee matrix (or wizard). It was vastly improved in 2018 by increasing the variety of licence types (nine different usages). Each licence offers placement, duration, print run options and territory options (for example, there are 48 different licence options under Editorial usage and 78 different licence options under Academic usage). We worked to ensure that licence fees are fair and measured against other cultural institutions that offer in-house image licensing services, but we also included licence options that are more competitively priced for academic use to ensure accessibility for scholars.

We are aware that some collections may be open to supplying high-resolution images for scholarly

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<sup>19</sup> <https://artuk.org/shop/featured-collections.html>

<sup>20</sup> <https://artuk.org/shop/image-licences.html>

and creative use. We are exploring options where we can more easily make available images when stakeholders have consented to their higher resolution images being accessible for these types of use.

## 4.6 Notifying Users About Levels of Image Accessibility

One of our key aims is to make our copyright and licensing information and guidance pages discoverable and user friendly. Guidance pages advise<sup>21</sup> our users about how Art UK manages image and artwork copyright, the UK copyright exceptions, guidance on Creative Commons licences and open access images, how to credit an image and how we define commercial use versus non-commercial use.

Having an online global audience adds a level of complexity to our copyright and guidance messaging which is directed towards a UK based user. UK copyright law and our copyright exceptions are no longer harmonised since Brexit and ‘fair dealing’ and ‘fair use’ between British and American citizens can be interpreted differently. It remains a challenge to provide a standardised position to our users.

It is therefore important we have the tools and resources available for users to discover and easily understand how they can safely and ethically reuse images and data we publish online and when extra permissions may be necessary to obtain from rights holder(s), no matter where in the world they might be viewing the website.

We notify Art UK website users on the individual artwork pages and guidance pages that images can be used for non-commercial research or private study purposes, and other UK exceptions to copyright permitted to users based in the United Kingdom under the Copyright, Designs and Patents Act 1988, as amended and revised.

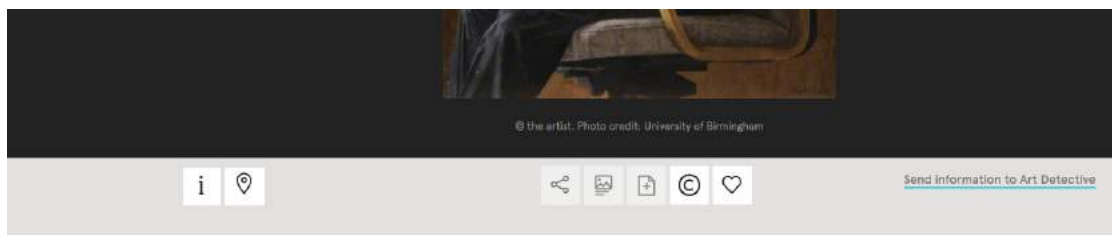
Other types of use will need to be cleared with the rights holder(s) unless it has been noted on the artwork page that the image has been dedicated to the public domain or there is a Creative Commons licence available. When there is a CC licence available, the low-resolution image can be downloaded and reused under a standard set of terms and conditions of the specific licence that the creator and other rights holder(s) have made available.

Users are asked to review the copyright credit lines that are located underneath the image, as these indicate who manages the copyright (©) within the artwork, and the photographic rights within the image.

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<sup>21</sup> <https://artuk.org/about/images-and-copyright>

Artwork page screenshot displaying a copyright icon and All Rights Reserved message:



### How you can use this image

This image can be used for non-commercial research or private study purposes, and other UK exceptions to copyright permitted to users based in the United Kingdom under the Copyright, Designs and Patents Act 1988, as amended and revised. Any other type of use will need to be cleared with the rights holder(s).

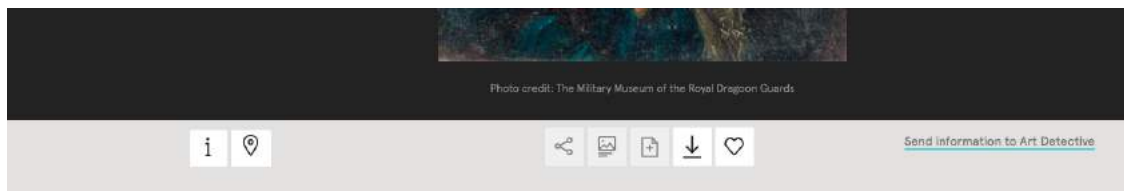
Review the copyright credit lines that are located underneath the image, as these indicate who manages the copyright (©) within the artwork, and the photographic rights within the image.

The collection that owns the artwork may have more information on their own website about permitted uses and image licensing options.

Review our guidance pages which explain how you can reuse images, how to credit an image and how to find images in the public domain or with a Creative Commons licence available.

University of Birmingham  
COLLECTIONS Birmingham

Artwork page screenshot displaying a download icon and Creative Commons Attribution licence:



### How you can use this image



This image is available to be shared and re-used under the terms of the Creative Commons Attribution licence (CC BY). This image can be used in any way, for commercial or non-commercial purposes.

[More information](#)

Wherever you reproduce the image or an altered version of it, you must attribute the original creators (acknowledge the original artist(s), the person/organisation that took the photograph of the work) and any other stated rights holders.

Review our guidance pages which explain how you can reuse images, how to credit an image and how to find more images in the public domain or with a Creative Commons licence available.

Download

York Army Museum  
COLLECTIONS York

## 4.7 Creating an Image Licence Filter

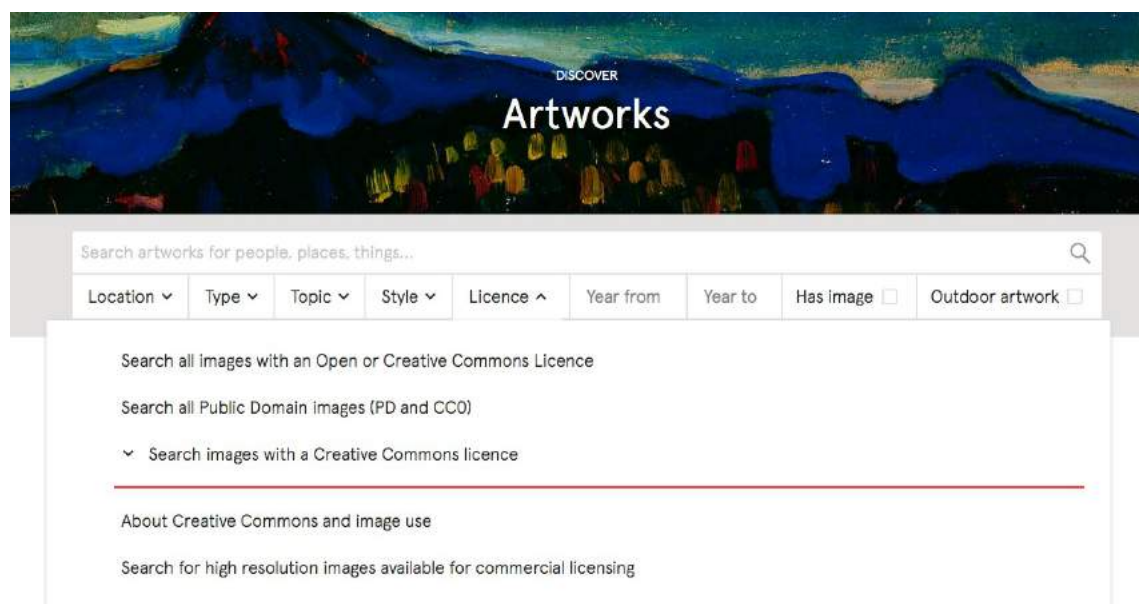
The Art UK Image licence filter allows low-resolution images with a Creative Commons licence or Public Domain dedication to be discoverable to users. This was developed and launched in 2018 and initially did not include a Public Domain dedication option but was added later as more collections made their images available (currently, 14 collections permit their images to be freely downloaded without restrictions, provided the underlying artworks in the images are in the public domain).

Through an instructional video about our licence filter, created in 2018 as part of our Audience Broadening Initiative, we addressed the following questions which we anticipated our users to have:

- Why aren't all images on Art UK made available under a CC licence?
- What does non-commercial use cover?
- What can I do with images that have a CC licence attached?
- How do I clear images for other types of use?

The filter was a difficult development and still requires improvement to make the overall user experience more fluid and accessible. Through our user feedback we are aware that Open Access and Creative Commons licences are still not widely understood and we wish to improve upon our interface design and copy.

Due to budget restrictions at the time of development, the filter is delivered as a faceted browser which means that only one licence filter can be used at a time. We are aware this limits the effectiveness of users searching for all images that may be available as open access (PD, CC0, CC BY and CC BY-SA) or by images that are not available for commercial use (CC BY-NC, CC BY-NC-SA, CC BY-NC-SA). The licence filter does not yet filter images that are also available as high-resolution downloads via the Art UK Shop's commercial image licensing service.



## 4.8 Working with Open Access Funding Requirements

In 2017 Art UK was awarded funding from the National Lottery Heritage Fund (NLHF) to fund the Sculpture Digitisation project. One of the requirements was that all images created by Art UK during the project would be made digitally available online with a Creative Commons Attribution NonCommercial licence (CC BY-NC).

We requested an exception to this requirement because artworks that remained in copyright would need to be licensed from the copyright holders or their representatives and they would likely not be receptive to attaching a Creative Commons licence. The requirement would also limit how we could reproduce orphan works on Art UK. Art UK could still show the images online but possibly under a more restrictive CC licence or All Rights Reserved.

The NLHF understood that a CC BY-NC licence cannot be guaranteed for all images and agreed that images would be reproduced with a more restrictive CC licence or remain All Rights Reserved, especially to gain artwork copyright holder's agreement to their use.

Of the 824 collections which participated in the Art UK Sculpture project:

- 688 collection Sculpture digitisation agreements were signed with a CC BY-NC licence requirement
- 23 collections requested an amended agreement outlining a different type of CC licence that better fit with collections own image accessibility policies
- 113 collections had their sculpture images released under the Art UK Image Reproduction agreement where they may have already stipulated a type of more open access consent for all the images representing their collection.

This resulted in 23% of the 45,888 sculptures with images available having a Creative Commons licence attached (of which 76% have a CC BY-NC licence attached). This was lower than estimated before the project started as more works in copyright were photographed, especially public sculpture works, and images supplied directly by collections were not under the same stipulation.

## 4.9 Art UK's Investment in Rights Management Resources and Infrastructure

Over the last ten years, we estimate that the cost of developing, delivering and resourcing our licensing framework, rights management system and infrastructure, and image rights clearance at around £800,000.

Costs included:

- Digital infrastructure: technology to implement and maintain
- Human resources: a team of skilled people to implement
- Copyright licences: annual licence fees to DACS
- Consultancy support

Art UK is provided with legal guidance by Freshfields, on a pro bono basis.

## Benefits & Key Lessons

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Rights clearance and licensing runs through everything that Art UK does, from digitisation to content creation, and from Art Detective to our online shop. It is a complex and multi-layered process, embedded within our relationships with collections, artwork copyright holders and project partner organisations. We continue to search for ways to accomplish our mission to make art more accessible, including the images we reproduce, knowing that creating better access to our content and clear signposts for our users benefits further creativity and learning around the world. Our IPR policy, licensing framework, diligent rights management, and complex digital licence logic are integral to achieving this, by making images available to view, reuse and license for users of the Art UK website.

With funding and sector support we have been able to ambitiously move forward with how we deliver our digital infrastructure and licensing framework to our stakeholders and website users.

Over the years we have invested heavily in our digital infrastructure and human resources. We have worked diligently on how we deliver, receive and record licences and manage rights clearance, and importantly how we further distribute licences and permissions, or when necessary image restrictions, to our users.

### 5.1 Benefits

There are number of copyright and licensing benefits that we supply to our stakeholders:

#### Collections

- Copyright status assessment and due diligence
- Copyright clearance permissions for Art UK
- Annual copyright licence fees paid (i.e. DACS members)
- Copyright licences for Art UK Shop print on demand
- Copyright clearance for collections
- Rights holder status exports
- Due diligence and risk assessment for orphan work reproduction on Art UK
- Cover by Hiscox insurance to protect the charity against any infringement claims
- Third party clearances for partner projects
- Licensing and Public Domain tools to open up access to images
- A commercial platform to generate revenue
- Guidance to copyright holders to increase accessibility of collections' in-copyright works



## Artwork Copyright Holders

- A growing and unique audit of their works in public collections and in public spaces
- Dedicated artist landing page that groups together all their works that are held by public collections across the UK
- Personalised customer support related to copyright and licensing
- Marketing of their work and raising artists' profiles through stories, curations, social media, learning resources
- Links back to an artist's website and/or Instagram page
- Options for images to be made more accessible to users through Creative Commons licensing
- Option to generate revenue in the Art UK Shop print on demand service

## Users

- Clear messaging about how images can be reused and shared
- Search mechanisms to discover images and licences
- Download facility for images that have been marked in the Public Domain or have a Creative Commons licence attached
- Guidance pages
- User support service about copyright and licensing
- Automated commercial licensing service to access and pay for high-resolution images, in turn helping to support collections generate revenue

## 5.2 Key Lessons

Having operated within the UK's arts and museums sector for nearly 20 years and being focused on continual improvement to our functionality, below are listed some of the key lessons we have learned in relation to rights management:

- 1.** An organisation's IP policy, licensing framework and strategy, rights clearance processes and risk management, and digital licence logic tools are all integral to delivering a successful digital project and must be considered from the start and shared with participants in the project.
- 2.** Open access to lower resolution images can work alongside collections generating revenue through making available their high-resolution image assets under contract law.
- 3.** Do not underestimate the funding required to implement, improve, sustain and manage digital infrastructures.

- 4.** It is important that data is easily understandable from a human and a machine perspective.
- 5.** Standardisation and harmonisation within systems is important to ensure optimal performance and synchronisation.
- 6.** The ramifications of policy change can have serious implications to digital infrastructure, such as rights management systems and licence logic outputs, and will demand time, human intervention and funds to implement updates and testing. Ensure that the embedded licensing framework and logic is flexible and agile to manage updates without impacting on other processes and systems.
- 7.** It is of utmost importance that rights and permissions are well documented and recorded in structured rights data fields and that the process of recording data is accessible to teams, diligently upheld by IPR staff and regularly audited to mitigate risk for an organisation. Structured data fields aid the ability to effectively analyse data through exports and search facilities, as well as accessibility usage for API's and data flows between systems.
- 8.** Clear procedures, processes and training need to be implemented at the start of a project to identify what rights may exist in a work, as works still protected by copyright cannot be made available online without rights clearance and risk assessment.
- 9.** Copyright clearance and risk assessment takes time. It is the diligence and judgement of IPR teams that both mitigate risk and build valuable relationships with third-party rights holders.
- 10.** Collections consider open access and asset protection differently. Rights management systems need to be adaptable to accommodate collections' varied requirements.
- 11.** Work within the rights guidelines set down by funding bodies, but also collaborate with them to find a solution that benefits the organisation, the users and other stakeholders, such as collections and artists.
- 12.** Fulfil audience need by delivering good user experience through consistent user testing and effective design.
- 13.** Take a risk managed approach to reproducing orphan works online, subject to reasonable searches and risk mitigation.

## Where we go next

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It needs to be stressed that although Art UK has digitised oil paintings (all with images) and sculptures in public collections (most with images), the number of records on the site (just over 282,000) is a very small percentage of the total UK national collection of art.

We are not considering any further digitisation programmes on the scale of the oil painting and sculpture projects. Instead, a key focus for us, in terms of adding artwork content to the website will be ensuring we 'harvest' or import digitised artwork records from the medium and larger collections in a way that is effortless and sustainable for the collections and Art UK. This is currently the biggest technical challenge facing Art UK and is a challenge across the sector for collections wishing to share their data across different collections management systems. We are planning to introduce a data harvester mechanism to radically scale up the Art UK infrastructure, to add what eventually will be hundreds of thousands of new records, and to ensure the data is as current and relevant as possible. The benefits to collections and audiences of connecting so much more of the national art collection on one shared digital infrastructure will be substantial and transformative. We are currently seeking funds for this capital project.

It is often asked by our own teams and management how we can re-engineer our rights clearance processes to make them quicker, more cost efficient, and more user friendly for stakeholders. Implementing improvements takes time and cost and what we discovered during the build of the Permissions Portal is that technical development can quickly spiral and the complexity of the system can be counter-productive to saving time in the long run. It also takes considerable time and skill to manage and maintain such systems. Automation of rights clearance tasks may speed up some processes, but may also involve increased risk, and cannot replace the tasks that require human intervention for judgement and risk assessment.

Technology matters, but so too does the effective recruitment, training, and retention of skilled copyright and licensing staff who uphold the organisation's IPR policies through effective processes and tools. Copyright Officers actively deliver the vision of the charity through outreach to the stakeholders who in turn trust us to store, protect and reproduce their image assets as per their permissions they grant us in the contracts they sign.

Our intention is to grow our infrastructure to support the cultural sector, our users and our participating collections. We plan to:

- Improve data ingest and data updating by developing a data harvesting mechanism
- Continually improve functionality through continued investment in our technology
- Improve our processes and framework to ensure they are as frictionless as possible for all rights holders and our audiences
- Implement the International Image Interoperability Framework (IIIF) service to ensure that images can be viewed with a zoom facility, provided we have rights holders' consent
- Improve our digital infrastructure and brand development for the Art UK Shop
- Improve the Art UK Shop image licensing service to ensure that it is adaptable to collections requirements

- Include an Art UK Orphan Work indicator on Art UK artwork pages, with a call-to-action facility for users to supply further information on missing copyright holders.
- Provide copyright and licensing training, support and resources to collections and artwork copyright holders
- Improve messaging around open access and encourage collections to continue to open access to their images.

# Glossary

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**‘All Rights Reserved’:** means the copyright holder reserves, or holds for its own purposes, all the rights in their work provided by copyright law

**‘Art UK Curation’:** an Art UK website tool that anyone anywhere can use to create digital exhibitions from artworks on the site

**‘Art Detective’:** means Art UK’s free online network that connects public art collections with specialists and other members of the public to improve knowledge of the UK’s public art

**‘Art UK Partner Collection’:** means a Collection Administration that pays Art UK an annual membership fee for additional Art UK Project benefits

**‘Art UK Shop’:** means the online shop, operated by Heritage Digital

**‘Art UK Website’:** means the free-to-access website

**‘Artwork’:** means an ‘artistic work’, as defined in the Copyright, Designs and Patents Act 1988, being a graphic work, photograph, sculpture or collage, irrespective of artistic quality; a work of architecture, being a building or a model for a building; or a work of artistic craftsmanship

**‘BBC’:** means the British Broadcasting Corporation, the UK’s public-service broadcaster. The BBC is Art UK’s lead Project Partner.

**‘Bridgeman Images’:** means the copyright administration service (Bridgeman Copyright)

**‘Collection’:** means the collections of Artworks that are identified for inclusion in the Art UK Project

**‘Collection Administration’:** means the party responsible for administering the Collection(s) covered by this Agreement

**‘Collection Venue’:** means a building or site, in or on which any of the Artworks in the Collection(s) are housed (whether by being displayed or stored in that building or on that site)

**‘Copyright’:** means all copyright, and all other rights in the nature of copyright, subsisting in any of the Artworks in the Collection(s) or any of the Images (as applicable) anywhere in the world, whether existing now or in the future

**‘Copyright Holder’:** means the artist, the artist’s estate or their representative who has legal title or authority to grant Copyright permission to reproduce the Artworks, or the Images

**‘Creative Commons’:** means the non-profit organisation that enables the sharing of images with easy-to-use template copyright licences to provide a simple, standardised way to give the public permission to share and use creative works

**‘DACS’:** means the Design and Artists Copyright Society, a not-for-profit visual artists’ rights management organisation

**‘Images’:** means digital and photographic copies and films of the Artworks in the Collection(s), in any media or format, including 3D scans

**‘Open Access’:** as defined by the [Open Knowledge Foundation](#): “Open means anyone can freely access, use, modify, and share for any purpose (subject, at most, to requirements that preserve provenance and openness).”

**‘Orphan Works’:** means works in copyright where the rights holders are either unknown or cannot be traced

**Project Partner**: means an organisation that shares Art UK's public service objectives of improving public access to UK art collections

**Public Domain work**: means a work where there is no longer any copyright protection or similar restrictions on use

**Public Domain Dedication**: means a tool to indicate that there is no known copyright in the work and it is free of any restrictions

**Users**: means users of the Art UK website



# Appendix

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## Art UK Project Timeline

### 2003

The Public Catalogue Foundation charity was launched. Its objective was to make a photographic record of the nation's entire collection of publicly owned oil paintings. This record was made accessible to the public through a series of hardback colour catalogues.

### 2011–12

The BBC and Public Catalogue Foundation launched the *Your Paintings* website in 2011. By 2012 there were 212,000 oil, acrylic and tempera paintings displayed from over 3,000 collections across the UK. The Tagger project also began in 2011.

### 2014

Your Art–Your Digital Rights project began, funded by Arts Council England and Art Detective was launched with the aim of improving knowledge about art in the national collection

### 2015

The Art UK Collections Partnership was formed, with 200 Founder Partners backing the creation of a shared digital platform for UK public art collections. The Permissions Portal was launched in November 2015. Your Art–Your Digital Rights project was completed

### 2016

In February the Art UK website was launched as the successor to Your Paintings. The charity changed its public-facing name to Art UK, with The Public Catalogue Foundation remaining the legal name of the organisation. In September the Collections Portal was launched, allowing Partner Collections to upload already digitised artworks onto Art UK. Art UK's remit opened up further to allow Partner Collections to include their watercolours, prints, etchings and drawings. In November the Art UK Shop was launched and made available to Partner Collections

### 2017

Following four years of planning and fundraising, Art UK secured a £2.8 million grant from the National Lottery Heritage Fund, and a further £1 million of match funding, to launch a multi-year project to digitise the nation's sculpture collection of the last 1,000 years

### 2018

Sculpture photography commenced

### 2019

Sculptures began to be published to Art UK from February

### 2020

Art UK extended its remit to include fine art photography. Curations was launched, an online tool that allows anyone, anywhere to make their own online exhibition

### 2021

Art UK Learning pages and resources launched and Sculpture digitisation project completed

## Art UK's Licensing History

Between 2003-10, collections included in the series of hardback catalogues *Oil Paintings in Public Ownership*, were required to sign an agreement with the Public Catalogue Foundation (PCF). This agreement included a clause allowing the photographs of artworks to be shown eventually on a website run either by the PCF or a not-for-profit partner. At least one copyright officer was employed to manage and record the copyright clearance process and agreements from copyright holders of the artworks that remained protected by copyright.

The BBC and Public Catalogue Foundation partnered to create a website called *Your Paintings* where all the collections' oil painting images could be viewed. Ahead of taking all the images online, a licence audit was completed. This was to ensure that all collections and artwork copyright holders had granted online permissions. Fortunately, most early agreements included a broad clause permitting the PCF to reproduce images and data on a website but an updated image reproduction agreement, better geared to digital reproduction online, was created and sent out to all rights holders.

To this day, Art UK is still reproducing some collection images and data, and artwork copyright consents, under the terms of an older agreement, where we have not yet received an updated Art UK agreement. Fortunately, these older agreements permit us to reproduce images on our website although at lower pixel size (generally 800 or 944 pixels along the longest length of the image, which is smaller than the 1200 pixels we request now). These older agreements also limit our marketing abilities and open access reach.

In 2013 we completed an audit of all our collection agreements, artwork copyright holder agreements and diligent rights holder search results to ascertain how we could best proceed in developing a new framework that supported the charity's aim towards more open access, as well as better support Art UK, the collections and artwork copyright holders in managing image and artwork rights and permissions more effectively.