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COLLECTIONS AND MARKETS: PITFALLS AND POSSIBILITIES

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Abstract
Many archives have special collections that experience or could experience consistent use by publishers and broadcasters to illustrate a particular historical period or subject field. Archives and archives professionals, however, often find themselves uncertain about how to deal with what they see as "commercial" interests. How does one protect the integrity of a collection and even the principle of open access against such interests; when are such interests valid and when are they illegitimate? What is the role of publishers and broadcasters in society and where does this overlap with the mandate of archives to preserve, research, educate and inform? And where do the roles diverge? What is the difference between editorial and commercial publishing?

This paper seeks to explore such questions, moving toward the formulation of clear policies and strategies for interacting with editorial markets. Insight will be provided from a decade of working on the interface between public archives and publishing and broadcast markets. The paper seeks to facilitate understanding and give insights that empower wise choices that protect the long-term integrity of archival collections. Building on the concept of appropriate access, the paper will argue that there is a significant difference between commercial markets for archival content, and editorial markets. Commercial markets in the business of promoting products or services are almost never appropriate channels for the publishing of archival content. Editorial markets, on the other hand, when operating with the mandate that society has given them, should be seen as an extension of the mandate that archives have to educate and inform. In this regard they should be seen as strategic partners.

This paper will also argue for layers of appropriate access and rights to use a collection, indicating appropriate models for interacting with various users and granting usage rights.

Introduction

It is a great privilege to be addressing you today at this important gathering of people who are concerned with the possibilities and potentials of digital archives and libraries in Africa. As we move into the digital era we see more and more convergence and overlap of the roles of memory institutions, libraries, archives and museums, particularly as far as the management of digital collections goes.

When I thought of this conference and what I could bring to it that was, perhaps, unique and so of use to my audience, I thought of the interface between memory institutions and markets. Memory institutions have collections often gathered over years, decades and even centuries in a careful, consistent and purposeful manner; and these collections and related information are held in high esteem by certain markets who put such collections to use.

For many in the heritage sector, this presents somewhat uncharted territory, and for some their belief is that it is best left uncharted. After all, what good could possibly come out of engaging with capitalists and those who exploit collections to make money out of trading in their use?

For many in memory institutions, there were plenty dirty words in that previous sentence. And this is for good reason. This is because memory institutions are usually institutions set up with public funding whose orientation is for the public good. Their holdings have been developed on the basis of public funds. The public has therefore already paid for their development; why then should they have to pay again to gain the benefit of what they have already paid for?

Another widely voiced fear is the loss of control of collections. For the custodians of collections held for the benefit of the nation this is particularly of concern, especially if narrow commercial interests are given access to them and their value is then locked down in some exclusive economic model that benefits some private enterprise more than it does the public good.

Thirdly, perhaps more subtle, is the fear among memory institutions that as soon as you begin to earn an economic return for your collections, there will be increasing pressure from government to justify their existence through

commercial means. This too is a justifiable concern as interaction with markets is certainly only going to be a small revenue stream in much the same way that access charges are for museums. Memory institutions are unlikely in the near future to be self-sustaining apart from government and private funding, and their value to society is often not measurable along such commercial lines. As one expert quoted in the European Commission for the Information Society's DigiCult report said so well:

> The notion that a cultural product is as valuable as its price in the marketplace, determined by the choices of the 'sovereign consumer' and by the laws of supply and demand, is currently a prevalent one, albeit deeply flawed. Its fundamental flaw is the reduction of all value, which is so manifestly various and contestable, to a one-dimensional and economistic logic, the logic of 'the free market (McGuigan, 2002:14).

With this in mind there is good reason to simply stop this session right here and we can all go home, because after all it is late afternoon!

However, were I to leave it there, I do believe I would be doing you a disservice. The truth is that interaction with markets can be beneficial to memory institutions in more than one way. If there is real understanding and the right measures are in place markets, particularly editorial markets, can actually be strategic partners in furthering the mandate given to you as a museum, archive or library by society as a whole.

As two other experts making input to the DigiCult Report said:

> I think there can be two meanings to exploitation. First of all, typically commercial. And secondly, for most memory institutions, something which could be more sensible, maybe you could call it intelligent exploitation (...). So not purely in commercial terms, but looking for, let's say, a return of investment kind of approach (Visser, 2002:132).
>
> Most of the core business of cultural institutions is what we could call public service, something that should be free of charge, and then you have a parallel structure of developing specialised projects or features that would actually form an object for exploitation (Vigh, 2002:137).

Understanding Markets

I think the first step toward a positive interaction with markets is to understand how publishing and broadcast markets work. First let me say that

markets are primarily interested in images. Still images and motion images make up 90% of interest in heritage collections. Interest in sound files and documents is far less common although there is interest from time to time. So we are primarily speaking about images when we speak of markets for heritage collections.

The general view one encounters among practitioners at memory institutions is that markets fall under the general umbrella, in their minds at least, of the "commercial" world. Markets are synonymous with "commercialization" and "commercial interests" and are always interested primarily in the bottom line and therefore not sensitive to the mission and mandate of memory institutions that are concerned with preservation, research and education for the good of the city, region or nation that they serve. This view, however, is rather simplistic and actually largely incorrect when it is applied to the Fourth Estate, commonly called the Press, and also to the myriad educational publications and media outlets.

Let me explain further.

At Africa Media Online, in helping museums and archives interact with markets and in representing their content to markets, we have found it helpful to draw a clear distinction between three different types of markets:

1. Retail markets;
2. commercial markets; and
3. editorial markets.

Retail markets

Retail markets tend to be "Institution to Consumer" (I2C) by nature. Museum shops selling coffee mugs, puzzles and trinkets relating to the holdings of the museum are prime examples of this kind of market. Memory institutions tend to favour this kind of interaction with markets because it is local and controllable and is serving the audience that has actually come through the door into their museum. This is the most immediate audience that memory institutions feel mandated to serve. One tends not to be selling rights to the content of one's collections; rather, one is selling a product that references the collections. That is far safer, it seems, and it is also good marketing to bring more feet through the door, feet that are vital to sustaining the collections.

Commercial Markets

Commercial markets refer to markets that are in the business of promoting a product or service. Advertising, public relations companies and corporate

marketing departments fit in here. Their primary aim is to market and sell a product or service or promote a brand that sells products and services.

Interaction with such commercial media entities tends to be an "Institution to Business" (I2B) relationship. The Canadian Heritage Information Network [CHIN] report (CHIN, 1999) puts the primary focus of such media organizations well when it says they are "concept driven." They are not as interested in content or the context of content as they are in presenting a concept. If, for instance, a digitized still image from your collection fits the concept, then they will happily use it, but they could just as easily use a image from a commercial studio photographer.

For these organizations it is important that they have maximum rights to use content as they please in the service of creating a desire. They are seldom interested in the original context of the image unless it somehow contributes to the brand placement. To facilitate maximum freedom of use and application they demand signed model and property releases so that no one featured in the image, or whose property is featured in the image, can have any claims on them when they utilize it to promote a local or global brand.

While rates for this sort of usage tend to be high, the extent of alignment of the mission of such organizations with the mission of memory institutions tends to be very low. For this reason commercial markets, as described here, are seldom appropriate markets for the collections of memory institutions. Having said that, there may nevertheless be times where it is appropriate: for example, BAHA image and "Take a Girl Child to Work" campaign.

Editorial markets

Editorial markets tend to be far more appropriate outlets for selected collections from memory institutions. This is because editorial publishers and broadcasters have as their mandate the dissemination of information and education of society. When functioning properly they are the Fourth Estate, a fundamental pillar of democracy, balancing the power of the elected government and the courts and providing some accountability of both of those institutions to the electorate.

Editorial media organizations are often sustained by commercial media through advertising in their publications and alongside their broadcasts, but they are supposed to draw a clear distinction between what is editorial and therefore supposedly independent and advertising, which is in the service of the commercial firms paying to get their message across. As long as they do this

and as long as they maintain independent opinion untainted by backhand influences of business and government, they are doing their job.

Their job is indeed very much in line with the mandate of memory institutions, particularly as far as education and information goes. This is why editorial markets can be strategic partners in fulfilling your mandate, primarily because they have access to a readership that may be interested in the holdings of your collections. And that readership tends to be the public that has funded the growth of your collections. In working with editorial publications you are therefore usually fulfilling your mandate to serve the public, whether it is magazines, newspapers, text book publishers or documentary film makers.

As in dealing with commercial markets, so when dealing with editorial markets you primarily do so on a I2B basis. Editorial markets also tend to be content driven, placing high value on the authenticity of content and the context of that content, concerns that you share as memory institutions. Concerned with information and education, they are beneficiaries of the exceptions clauses under the Berne Convention on copyright (to which South Africa is a signatory) and so do not require model and property releases.

Unlike commercial media, most editorial media also have as part of their code of ethics the crediting of sources. This means that published or broadcast items from your collections are credited to you as the source of those items, thus providing some marketing value for you.

Appropriate access

Now that you have in mind, I trust, a clearer understanding of differentiation within the markets, I want to put to you the concept of appropriate access.

As another expert cited in the DigiCult Report said:

> This is not black and white; the same content can be both free and charged, depending on the services offered with it, the use that is made of it and market to which it is offered … Any service with a revenue-generating potential must offer more than just 'content' (Trant, 2002:135)

In addition to the three markets outlined above I want to argue there is actually another audience that you serve, that is made up primarily of researchers and learners. For most memory institutions, this is their core "market" and in one sense, *the* "market," that you really want to reach. At the other extreme, the commercial market is not really what you want to reach or with which you want to align yourself. Giving free and open access to, and use

of, your collections, I would argue, is largely appropriate for researchers and learners, but is wholly inappropriate for commercial advertisers.

Appropriate access is a concept that starts to make sense when you can see the various audience and market segments that you are dealing with. Appropriate access includes both the level of permissions granted in a digital asset management system and the use rights granted to the user. I would argue that for this access to be appropriate, both the use rights granted and the access permissions granted should be aligned in some way. The Smithsonian, for instance, allows anyone complete access to download the high resolution, publishing quality files of many of their picture collections. However, if you do want to use the file to publish, then you need to purchase the appropriate licence. I would argue this is not appropriate access. A level of access has been given that is inappropriate to the commitment to care and responsibility required by the user.

While it is obviously up to each institution to develop policies in this regard and put in place systems to enact those policies, I would argue that the following is appropriate in terms of access and use rights granted.

Open Access for research, learners and personal use

I would argue for researchers, learners and those wanting to make use of content for personal use, particularly if they are taxpayers in your nation, that they should be granted open access to content. Just to give you an example from our own thinking on this matter, we have been developing in our MEMAT system the means of allowing any visitor to a museum web site access to download, for instance, low quality, watermarked images. If, however, visitors sign up and login, they can download a low resolution watermark-free image for personal, educational or research use. The publishing quality high resolution files, however, have to be requested.

Immediate paid access for editorial markets on a rights-managed licensing model

Editorial markets require speedy provision of content and often research services to find the right image or video file. For editorial markets I would argue for immediate access on a "rights-managed" basis. A rights-managed licence is a form of licence where the user pays for the particular use of the content and pays an appropriate amount for that use. Use of an image on the front cover of a magazine, for example, will fetch a significantly higher fee than use inside the magazine in a quarter-page size.

Publishers and broadcasters are prepared to pay the going rate if they can get the right content with the correct associated information and can get it quickly. We try to turn around picture research in 20 minutes and, for long requests, two days maximum. It usually requires full-time dedicated staff and expensive online infrastructure to service this market. What we have however built in to MEMAT is the means for editorial users to come online, choose the content they are looking for, purchase the appropriate licences online and pay by credit card. This procedure, however, only accounts for about 10% of purchases. Most editorial buyers want to deal with a person and negotiate and interact; this involves dedicated staff.

Permission-based access for commercial and retail markets on a rights-managed licensing model

In the case of organizations wanting to use items from your collections either to promote a service or product or to actually create a product such as a T-shirt, coffee mug, calendar or similar item, our recommendation is that use rights are negotiated and considered on a case by case basis. If for instance the Black Sash wants to do a commemorative calendar of the Woman's March of 1955, one might decide that although that has something of a commercial application to it, it is entirely appropriate. And if the District Six Museum is wanting to produce T-shirts of what District Six looked like prior to demolition and you have the appropriate image in your collection, you may decide to donate it for use or you may decide to charge, but either way you are likely to decide it is appropriate use. Conversely, if it is a request for the use of Jan van Riebeeck's image on a cigarette pack, you are likely to decide that this is inappropriate usage. These kinds of negotiations are done all the time in the stock industry and it is worthwhile having experienced people on board or as partners to do this for you.

Conclusion

To refer for the last time to the DigiCult Report: as one participant in a consultation in Edinburgh said (Turnbull, 2002:137), it is true that by their very nature "… cultural heritage institutions cannot easily take risks and do not understand risk". A great advantage of commercial over non-commercial players is therefore "that they can take risks and they have taken some substantial risks. There will be continued examination of models and trials (...) until they reach a situation when they find something that makes money." Institutions seem to really avoid as much as possible anything that is risky or might fail. What they need to learn these days is "that they have to take some risks. Not all of them are money-related. A lot of them are ideas-related".

Interaction with markets does involve some level of risk, even if it is simply being prepared to take some level of risk in your thinking. But it does help to partner with reliable organizations that have already taken the risks and managed to find viable economic models for content from memory institutions. The CHIN report states:

> Industry representatives suggest that the cost to develop competitive licensing systems and processes, as well as to develop and maintain collection catalogues could be prohibitive to entering the market. They recommend an alliance or partnership with an existing agency or broker as an alternative to building an in-house system." (CHIN 1999).

Thank you for your attention.

References

Canadian Heritage Information Network. (1999). *Like light through a prism: analyzing commercial markets for cultural heritage content.* Available online at: http://www.pro.rcip-chin.gc.ca/propriete_intellectuelle-intellectual_property/marches_commerciaux-commercial_markets/index-eng.jsp. Last accessed 2 November 2011.

McGuigan, J. (2002). In European Commission: Directorate-General for the Information Society. *The DigiCULT Report: technological landscapes for tomorrow's cultural economy: unlocking the value of cultural heritage. Full report, January 2002.* Available online at: http://digicult.salzburgresearch.at/downloads/dc_fullreport_230602_screen.pdf. Last accessed 2 November 2011.

Trant, J (2002). In European Commission: Directorate-General for the Information Society. *The DigiCULT Report: technological landscapes for tomorrow's cultural economy: unlocking the value of cultural heritage. Full report, January 2002.* Available online at http://digicult.salzburgresearch.at/downloads/dc_fullreport_230602_screen.pdf. Last accessed 2 November 2011.

Turnbull, G. in European Commission: Directorate-General for the Information Society. *The DigiCULT Report: technological landscapes for tomorrow's cultural economy: unlocking the value of cultural heritage. Full report, January 2002.* Available online at: http://digicult.salzburgresearch.at/downloads/dc_fullreport_230602_screen.pdf. Last accessed 2 November 2011.

Vigh, P. (2002). DigiCULT ERT, Edinburgh, July 24, 2001, in European Commission: Directorate-General for the Information Society. *The*

DigiCULT Report: technological landscapes for tomorrow's cultural economy: Unlocking the value of cultural heritage. Full report, January 2002. Available online at: http://digicult.salzburgresearch.at/downloads/dc_fullreport_230602_screen.pdf. Last accessed 2 November 2011.

Visser,F. (2002). DigiCULT ERT, Edinburgh, July 24, 2001, in European Commission: Directorate-General for the Information Society. *The DigiCULT Report: technological landscapes for tomorrow's cultural economy: unlocking the value of cultural heritage. Full report, January 2002.* Available online at: http://digicult.salzburgresearch.at/downloads/dc_fullreport_230602_screen.pdf Last accessed 2 November 2011.