

Open Access Image Policies: Background Readings

Prepared by Peter B. Hirtle, 7 February 2012

Bridgeman Art Library v. Corel Corp., 36 F. Supp. 2d 191 (S.D.N.Y. 1999)

- Decision: http://www.law.cornell.edu/copyright/cases/36_FSupp2d_191.htm
- Wikipedia entry: *Bridgeman Art Library v. Corel Corp.*, http://en.wikipedia.org/wiki/Bridgeman_Art_Library_v._Corel_Corp.
- Susan M. Bielstein, *Permissions, a survival guide: Blunt talk about art as intellectual property*. (Chicago: University of Chicago Press, 2006).
- Peter B. Hirtle, Emily Hudson, and Andrew T. Kenyon. *Copyright & cultural institutions: Guidelines for digitization for U.S. libraries, archives & museums*. (Cornell, N.Y.: Cornell University Library, 2009): 34-35. <http://hdl.handle.net/1813/14142>

Subsequent Analyses and Responses

- Ken Hama, "Public domain art in an age of easier mechanical reproducibility," *D-Lib Magazine*, 11:1 (November, 2005): <http://www.dlib.org/dlib/november05/hama/11hama.html>
(The classic justification for removing restrictions from public domain works.)
- Max Planck Institute for the History of Science. *Best practices for access to images: Recommendations for scholarly use and publishing*. (Berlin: Max Plank Institute, 2009): <http://www.mpiwg-berlin.mpg.de/PDF/MPIWGBestPracticesRecommendations.pdf>.
(Concludes that "to promote creative scholarship in the humanities and to foster a deeper understanding of cultural heritage, ...open access to visual sources not covered by copyright" is needed.)
- Jason Mazzone, *Copyfraud and Other Abuses of Intellectual Property* (Stanford, CA: Stanford University Press, 2011)
(An expansion of Mazzone's pioneering article in the New York University Law Review in 2006 found at <http://ssrn.com/abstract=787244> that invented the term "copyfraud" to describe institutions that suggest that they have rights over the use of public domain material when in reality none exist)
- Kristin R. Eschenfelder and Michelle Caswell, "Digital cultural collections in an age of reuse and remixes," *First Monday*, Volume 15, Number 11 - 1 November 2010. <http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/viewArticle/3060/2640>
(Argues that cultural institutions "should develop a multiplicity of access and use regulations that acknowledge the varying sensitivity of collections and the varying level of risk associated with different types of reuses.")
- Peter B. Hirtle with Tricia Donovan. "Removing all restrictions: Cornell's new policy on use of public domain reproductions," *Research Library Issues*, no. 266 (Oct. 2009): 1-6. <http://www.arl.org/bm~doc/rli-266-cornell.pdf>
(Extended explanation of the reasons behind the adoption of Cornell's policy)
- Yale University, "Memo on open access to digital representations of works in the public domain from museum, library, and archive collections at Yale University, 5 May 2011": <http://odai.yale.edu/node/155/attachment>
(Background report that led to Yale's open access policy)

