

Licensing Museums' Digital Images through Individual and Collective Licensing Mechanism – A Comparative Study of Taiwan and Germany

Hsiao-Hui Chen ^{1*}, Ming-Yan Shieh²

1 Graduate Institute of Technology Management, National Taiwan University of Science and Technology Department

2 College of Law, National Taiwan University

hsiaohui@mail.ntust.edu.tw^{*}

Started since 2002, Taiwan has been promoting the National Digital Archives Program ("National Digital Archives Program") which, until now, has gathered more than 600 million documents of museums, libraries' archives, universities' cultural heritages, digital data of natural resources, and information provided on the homepage of the website "Digital Taiwan - Culture & Nature" (<http://culture.teldap.tw/culture/>). The information authorized for use has been taken in the following manners;

- (1) For public use, authorization can be given through their selection from creative commons licensing, or
- (2) By entering into a licensing agreement with another party individually.

Among these, the individual licensing has been carried out via the project called "TELDAP Bridge Project" provided by the government in order to guide manufacturers and digital archives to deal with various difficulties ranged from digital archives to product development, law on sales, and other commercial problems. The main difficulty of individual licensing has been encountered is seen particularly on;

- 1) Inevitability of manufacturers to get numerous digital archives involved in order to produce or complete a finished product
- 2) Many digital archives are not specialized for licensing. There is also no rule stipulated for such licensing.
- 3) As a condition of granting a license and for a purpose of royalty fee consideration, digital archives require a lot of documents and time for correspondence which causes difficulty and inability to meet customers' schedule.
- 4) Though the digital archives can actually produce, the content of the digital archives of image files may also be separately copyrighted as an artistic work or

literature work. It is sometime also impossible to contact with the copyright owner.

Many of the museums and libraries in Berlin, Germany, all are a part of the Prussian Cultural Heritage Foundation, are now actively advance their digital data collections to integrate with a department of the Berlin State Library, bpk - Bildagentur für Kunst, Kultur und Geschichte, in order to launch for commercial licensing for external use. Bpk, which is considerably as an agency, has a network platform (www.bpk-images.de), known as the "Art Museum Image Portal" (das Bildportal der Kunstmuseem). The platform provides and displays various digital archive portals, with floating watermark, and the right status labeled clearly, and available for interested users to be able to accomplish all various digital collections of different digital archives by just logging into the website. Moreover, bpk also works closely with the artist, photographers and graphic designers' collecting society, BILD-KUNST. This somehow tells the public that the copyright of the artistic work, provided through BILD-KUNST, can actually be obtained.

This study will describe the current practices used by bpk and discuss its suitability to apply with Taiwan digital archives in order to solve the aforementioned problems and difficulties on individual licensing mechanism and accelerate proliferation of digital archives accomplishment in final.

Keyword: Licensing, Image agency, Digital images, Digital archives, TELDAP, bpk