

## Open Access Images from the Davison Art Center, Wesleyan University

*The Davison Art Center at Wesleyan University exists to enable teaching, learning, research, exhibition, publication, and other educational and academic uses of the DAC collection of some 24,000 objects, chiefly works of art on paper. The efforts that support this serve in-person access to objects and online access to information about them. That information includes images. The best, most forward-looking way to use digital images to serve the DAC's mission is via formal Open Access for all suitable images.*

*This is a moment of positive change in digital image policy at a few leading museums. In 2011 and 2012, several museums have led the way by providing Open Access digital images of works of art believed to be free of all rights encumbrances. Also in 2011, Wesleyan University President Michael S. Roth [signed the Berlin Declaration](#) on Open Access to Knowledge in the Sciences and Humanities, which states in part: "The Internet has fundamentally changed the practical and economic realities of distributing scientific knowledge and cultural heritage" by offering us "the chance to constitute a global and interactive representation of human knowledge, including cultural heritage...."*

*Embracing these contexts, following through on DAC momentum in this direction in recent years, and noting that these policies are good for students, scholars, and society at large, the Davison Art Center, Wesleyan University is pleased to join the ranks of institutions offering Open Access images of as many objects as our legal rights and imaging resources allow. These DAC Open Access Images will serve the University's strategic objectives by energizing Wesleyan's distinctive educational experience, through wider use by students; enhancing recognition of Wesleyan as an extraordinary institution, via public access; and helping us work within a sustainable economic model while retaining core values, by streamlining image provision. The DAC Open Access Images policy took effect December 12, 2012.*

### **DAC Open Access Images Policy**

The [Davison Art Center, Wesleyan University](#) (DAC) now has an Open Access policy for all suitable digital images of DAC collection objects that the DAC believes to be in the public domain and free of all rights restrictions. DAC Open Access Images are free of charge from the DAC for anyone to download and reproduce for any use, non-commercial or commercial, with no need to contact the DAC for permission or authorization and no need to pay the DAC any fee of any kind. This Open Access policy serves the DAC's educational mission by fostering the creative use and re-use of these images from the collection in teaching, learning, research, and other social practice, and through those activities by educating and inspiring new users and viewers around the world. The following ten notes for users of DAC Open Access Images provide more details of this policy.

1. This DAC Open Access Images policy applies only to images specifically identified by the text "DAC Open Access Image." The policy does not apply to any other images or other DAC website content. Any image not specifically identified as a "DAC Open Access Image" may be protected by copyright or other legal rights.
2. As a courtesy to the DAC and to enable others to learn about its collection, the DAC encourages you to include the following credit, in precisely the form stated here, with any use of a DAC Open Access Image:  
**Open Access Image from the Davison Art Center, Wesleyan University.**
3. DAC Open Access Image users may not state, suggest, or imply in any way that the Davison Art Center or Wesleyan University endorses, approves, or has participated in projects using DAC Open Access Images.
4. Each image user is solely responsible for her or his use of images obtained from the DAC. The DAC aims to determine the rights status of its collection objects and believes its Open Access images to be in the public domain, but the DAC can only give permission with respect to rights it actually holds. The DAC makes no representations or warranties that use of DAC Open Access Images will not violate rights that other persons or entities may have under the laws of various countries. Before using any DAC Open Access Image in any way, it is your responsibility to determine whether any third party may hold copyright or other rights which may restrict your use of the image, and to secure any required permission from any third-party rights holder(s).
5. The DAC asks users aware of any legitimate rights claim associated with an image being provided under this DAC Open Access Images policy to please contact the DAC with detailed information about that claim.

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6. No copyright or other proprietary right in any digital image itself, or in the work of art it represents, is conveyed by making the image accessible under this policy. Furthermore, in making the image accessible, the DAC does not grant any user an exclusive right to use or reproduce such an image or work of art.
7. As digital representations, DAC Open Access Images are affirmatively placed into the public domain to the greatest degree possible. These images represent objects believed by the DAC to be free of restrictions, but because the DAC cannot guarantee that the underlying works are free of third-party rights in all jurisdictions, DAC Open Access Images are provided under the Creative Commons "No Rights Reserved" Mark known as CC0 (<https://creativecommons.org/about/cc0>), not under the Creative Commons Public Domain Mark (PDM).
8. The DAC respects the doctrine of fair use of copyrighted works. Nothing in this policy is intended to limit the application of fair use doctrine to the reproduction of these or any images of objects in the DAC collection.
9. This policy allows automated harvesting of DAC Open Access content once doing so is technically feasible. The DAC does not yet provide machine-harvestable Open Access images or object metadata, but such work is under way (for example, to provide [LIDO](#) metadata from object records via [DAC Collection Search](#) online).
10. If you reproduce a DAC Open Access Image in a print publication or other physical work and can send one copy to the DAC, the DAC would appreciate it. Because these are Open Access images, this is not required.

### **DAC Open Access Images Implementation**

In order to contribute to the timely momentum of Open Access image policies in museums, the DAC has put this policy into effect as early as possible. At present, actual DAC Open Access Images comprise a few existing, suitable digital images of objects believed to be in the public domain and free of rights restrictions. Suitable images of most DAC objects do not yet exist, but photography is ongoing as resources allow, and the number of DAC Open Access Images will grow as it proceeds. (If you wish to request new photography of specific objects and receive a quote for the associated photography fees, please contact the DAC.) Works believed to be in the public domain are those believed to be subject neither to copyright (because the legal term of copyright has expired or no evidence has been found that copyright restrictions apply) nor to any other rights. Although the process of determining rights status can be time-consuming and inconclusive, the DAC intends to clarify the status of its collection objects and to create Open Access images of them if and when there is reason to believe they are in the public domain. In so doing, the DAC respects intellectual property rights and complies with applicable copyright law; respects privacy and publicity rights; and abides by provisions in donor and other agreements that may restrict the use of some objects. So, an Open Access image of a DAC object may not be available for one or more of these reasons:

- the work has not yet been photographed or the quality of existing photographs is insufficient
- the work is still under copyright or its copyright status is unclear
- privacy or right-of-publicity issues are believed to exist in regard to the work
- the work is not fully owned by the Davison Art Center, Wesleyan University
- contractual restrictions specified by the artist or donor preclude Open Access

For as many works as possible in the categories above, the DAC still intends to provide thumbnail images in accordance with the Guidelines on Fair Use from the [Association of Art Museum Directors](#).

### **How to Find and Download DAC Open Access Images**

An initial, publicly searchable group of DAC Open Access Images soon will be made available via [Davison Art Center Collection Search](#) online. This will be supplemented by access via several major image aggregators for wider discovery, once agreements with those aggregators are in place. The first use of this policy was in regard to a private, inter-museum image request in December 2012.

*This policy is online via <http://www.wesleyan.edu/dac/openaccess>. "DAC Open Access Images" and "Open Access Images from the Davison Art Center, Wesleyan University" are synonyms, as are "DAC Open Access Image" and "Open Access Image from the Davison Art Center, Wesleyan University." This policy and certain language in this document were based in part, with permission, on Open Access documents from the [National Gallery of Art](#) (U.S.), [Yale University](#), and the [Los Angeles County Museum of Art \(LACMA\)](#), three early leaders in providing Open Access images from U.S. art museum collections.*