What We Talk About When We Talk About “Rights Management”

What is Right(s) at the Georgia O’Keeffe Museum?

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Mission Statement: To inspire all current and future generations, the Museum preserves, presents, and advances the artistic legacy of Georgia O’Keeffe and Modernism through innovative public engagement, education, and research.
I have things in my head that are not like what anyone taught me.

- Georgia O’Keeffe

To create one’s own world takes courage.

- Georgia O’Keeffe

Detail of a letter from Georgia O'Keeffe to Alfred Stieglitz, with enclosed photographs, July 6, 1944. Georgia O'Keeffe Museum.
Conditions for the Alfred Stieglitz Photographs and Photogravures

1. The photographs and photogravures by Alfred Stieglitz received from the Alfred Stieglitz prints are to be known and designated as the Alfred Stieglitz Collection.

2. Since the prints are selected from those which Stieglitz had made and kept from his negatives, it is requested that should you be given original Stieglitz prints other than those from the Stieglitz Collection at the American Place, these prints should be clearly designated as coming from a source other than the Stieglitz Collection.

3. All photographs were mounted and matted by Stieglitz. They are to be left mounted and matted as received, except for the removal of glass and frames, which is optional. They are to be placed as received in rag board handling mats similar to those used for your fine etchings and engravings.

   If you should consider it necessary to rescan or remount the prints for the sake of their preservation, this may be done at your discretion. If it is necessary to rescan or remount the prints, it is requested that it be done as nearly as possible to resemble the original presentation, with a rag mat of the same overall size as the original Stieglitz mat. The opening in the new mat is to be the same size and in the same position as the opening on the Stieglitz mat. It is to be placed on the print in the same relative position as in the original presentation. The exact placement could be made certain by making a pin prick at the corners of the print in the original mat opening, before the Stieglitz mat is removed. Under no conditions may the dimensions of the mount or mat be changed.

   The Stieglitz photographs are to be mounted and matted on rag board, in the same manner as your other fine prints.

   Prints may be framed for hanging if desired.

4. It is understood that the Stieglitz prints are to be stored properly in an air-conditioned space, if possible, to minimize the chances of deterioration, and that they will be kept in your Print Department and stored, handled, and shown in the same manner as the fine etchings and engravings.

5. It is understood that all persons from outside the staff immediately in charge of the prints will be watched at all times while handling the prints.

6. No pen or ink may be used on the table while prints are on it.

7. The prints are to be kept in boxes of not more than two and one-half inches depth.

8. No one is to touch the print itself, or the paper on which it is mounted. This means that the prints may only be handled and examined by picking up the hanging mat.

9. Prints may not be loaned at any time for any reason to any person or institution with the exception that for the purpose of the definitive catalogue of Stieglitz prints (now being made by Doris Bry) that I, Doris Bry, or anyone else that I may designate, may remove temporarily any prints necessary for this work.

10. The prints of myself are to be received an deposit as a loss returnable to me at my request. They are to be considered as part of the Alfred Stieglitz collection of photographs and handled and mounted from the time of receipt under the same conditions as the other Stieglitz prints.

11. No copy prints or reproductions are to be made from the Stieglitz prints, except at the discretion of the Metropolitan Museum of Art. The Metropolitan may grant permission for reproductions up to the number of ten prints. I should like to be consulted for permission authorizing more than this number of reproductions, or for permissions related to the publication of any book.

Georgia O'Keeffe–After Return from New Mexico, 1929
Alfred Stieglitz
Gelatin silver print
Gift of The Georgia O'Keeffe Foundation (2003.01.015)
© Georgia O'Keeffe Museum

Conditions for the Care of the Alfred Stieglitz Collection.
Georgia O'Keeffe Papers. Georgia O'Keeffe Museum.
RIGHTS AND REPRODUCTIONS

Much Foundation staff time is spent responding to requests for reproductions. We have recently engaged the Artists Rights Society to assist with the many issues that arise in this area; however, the policy governing reproductions is consistent with the principles established by the artist.

GENERAL POLICY

The Foundation will be generous in granting permission to reproduce works it controls, particularly if the request is for an article or book that will promote O’Keeffe’s art and the worldwide knowledge of it. Standards of quality in reproduction – including color, guttering, scale, texture, and margins – must be maintained. If these standards are not met, permission will not be granted.

If permission is granted for reproduction in trade books, posters, or note cards, the Foundation will apply the strictest standards of quality and will enforce these standards rigorously. If the conditions for reproduction, as described below, are not followed, the Foundation will attempt to stop publication and will seek damages.

The Foundation will collaborate only with projects that extend rather than exploit public knowledge of O’Keeffe’s art. Permission will not be granted for commercial ventures such as T-shirts, aprons, or bags.
Considerations

• The law

• Artist intent

• Formal agreements, relationships

• Revenue

• Resources

• Trends in scholarship and field
Permission to Publish Application

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Please attach list including the call no. or accession no., title, date, and/or description.

Please carefully read the following policy and regulations concerning publication:
All requests to reproduce material in the collection of the Georgia O'Keeffe Museum must be submitted to the Museum. By signing these forms, the applicant agrees to abide by all the terms, conditions and provisions of this agreement.

Permission for reproduction is granted only when this application is countersigned by an authorized representative of the Georgia O'Keeffe Museum. Permission is for reproduction limited to the applicant and is non-transferable. Permission for reproduction is only granted for the expressed purpose as described above, and is non-exclusive.

Permission is for one time use only. Any subsequent use, including additional presentations, printings and promotions, constitutes re-use and must be applied for in writing to the Museum and the fee paid. Any change in use from that stated on the application (e.g. increased size of edition, change in market) requires permission from the Museum.

The Georgia O'Keeffe Museum reserves the right to refuse reproduction of its holdings and to impose such conditions as it may deem advisable in its sole and absolute discretion in its best interest.

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Archives Citing and Reproduction Credit Standards

Citing for use of materials from the archives
For any use of the materials or content of the Museum archives, researchers must cite the source of the original material with a description of the item and details of location. If a specific item or range of items is referred to, include the item title, description, date, and item number if known. At the minimum include the collection and repository name.

- If owned by the archives: Item or item range title, date, Collection name, Georgia O'Keeffe Museum.
- Example: Letters from Georgia O'Keeffe to Maria Chabot, 1943-1944. Maria Chabot Archive, Georgia O'Keeffe Museum.
- If owned by another organization or individual: The researcher should contact the owning institution to review the original material.

Reproduction credits for materials from the archives
Permission to reproduce materials from the Museum archives must be requested and approved through the proper channels. A permission to publish application must be completed, signed, submitted, and approved.

- If copyright is owned by the Museum:
  ☐ Photographs
     Title, Date
     Creator
     Materials
     Collection, Repository
     Gift line (Accession no)
     Copyright
  ☐ Correspondence and written materials
     Letter from Name to Name, Date
     Collection, Repository
     Gift line
     Copyright
     Accession no

- Examples: The Black Place, 1944
  Maria Chabot
  Photographic print
  Maria Chabot Archive, Georgia O'Keeffe Museum
  Gift of Maria Chabot (RC-2001-002-1110)
  Copyright Georgia O'Keeffe Museum

  Letter from Georgia O'Keeffe to Charles Wilhelm Moore, undated
  Letters to Charles Wilhelm Moore, Georgia O'Keeffe Museum
  Gift of Frances Moore Gagepin (RC-2006-001-002)
  Copyright Georgia O'Keeffe Museum

- If copyright is owned by another organization or individual: The researcher should contact the owning institution for reproduction and proper credits.

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Collections

The collections of the Georgia O’Keeffe Museum explore her role in the development of the art of her time. When the Museum opened in 1997, its collection of 116 works included 94 by O’Keeffe. In the last 10 years, the collection has grown steadily with the extraordinary help and continuing generosity of The Burnett Foundation as well as the support of many individual donors, whose gifts include works by O’Keeffe as well as works by a number of her contemporaries.

In 2006, the collection expanded dramatically when The Georgia O’Keeffe Foundation transferred its remaining artworks to the Museum. This included 981 works by O’Keeffe: 163 finished paintings, drawings, and sculptures, 669 sketches; and 149...
FAIR USE POLICY

OVERVIEW

In an effort to reduce barriers to image use in art scholarship, the Robert Rauschenberg Foundation (the “Foundation”) takes the following stance on fair use, licensing, and use of copyright materials:

A. Recognizes and supports reproductions of Rauschenberg artworks, for which the Foundation owns the copyright, based on the doctrine of fair use.
B. Utilizes fair use in the Foundation’s scholarly initiatives when reproducing Rauschenberg-related materials, for which the Foundation does not own the copyright.
C. Provides grant(s) for royalty-free image use to museum and educational partners permitting reproduction of copyrighted Rauschenberg artworks in select situations that (a) do not qualify as fair use or (b) the partner is not comfortable publishing as fair use (referred to as the “License Agreement”).
This project is led by the above organizations. Creative Commons is providing advice and support.
Moving Forward

• Digital Asset Management System – clean and linked metadata

• Updated and formalized policies and procedures

• Revised rights statements – clear and user friendly language

• Rights research project – case by case review of works in the collection
“What reason have I for getting the notion that I want to say something and must say it - Of course marks on paper are free - free speech - press - pictures - all go together I suppose”

Letter from Georgia O’Keeffe to Anita Pollitzer, January 4, 1916, writing about her first set of charcoal abstractions shown to Pollitzer and Alfred Stieglitz.

Questions, comments, more information or discussion? Please contact me. Thank you!

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