# Putting digital images online

## Consider the risks before you share visual resources

Sharing digital images is commonplace these days. People routinely post their pictures on photo-sharing web sites such as Flickr and on YouTube, the wildly popular platform for sharing videos. Both sites make anyone's digital pictures instantly available to friends, family and, really, the whole world.

Libraries, archives and historical organizations are following suit, making plans to put digital images from their collections online. Minnesota's historical organizations already are doing something like that through the Minnesota Reflections project, in collaboration with the Minnesota Digital Library (see box, page 4). The digitization project has made many of the state's unique visual resources and special collections widely accessible.

But there are several factors to consider before making digital images available online – technological and legal issues that warrant caution for both hosts of image-sharing sites and users of those images.

### Technology issues

There are two ways to manage an online image archive. One is the Flickr model – hosting an application that allows people to upload their photos to a site you manage. This saves time and money for the host because contributors do their own scanning and create their own metadata. But leaving those tasks to others means that quality and conformity are not ensured.

Another challenge posed by this model is that it requires a rather sophisticated application. Increasingly, wiki and blog applications support some of the functions necessary for online sharing. But managing a site will still be a stretch for most small institutions.

Alternatively, the host organization can do the scanning and create the metadata. In this model, someone loans a photo to a repository, which then digitizes it and returns the original to its owner. This method ensures better quality control and conformity of digital images. The challenge comes with the scale of the project. Because the digitization process is labor-intensive, it is harder to manage as the number of photos in the online archive grows.

### Legal issues

Whichever technological approach you choose, you are bound by legal issues governing intellectual property rights. Although all computer users have the tools at their fingertips to copy, manipulate and distribute any image, the laws on intellectual property spell out many usage restrictions. Without taking precautions, both users and hosts of digital images can encounter serious problems.

The Minnesota Digital Library offers this caution to its contributors: "Organizations must be able to demonstrate that images, documents and maps are originals and are in the public domain or that they have clear copyright to each object in the application and are able to grant the MDL the right to publish the objects on the Minnesota Reflections web site."



*Fillmore County Historical Society*

*Users of the Minnesota Reflections web site looking for scenes of early industries can view this 1908 photo of workers in Preston's Passe Brickyard, from the collections of the Fillmore County Historical Society.*

**Digital images online** –

## Digital images online – continued

The key word here is "demonstrate." Documentation is essential. Just as you document a gift to your museum collection, you need to document a digital contribution to your web site. The documentation should specify the copyright and limitations on usage that pertain to every digital object.

All contributors of images should understand what is at stake – that by sharing their photos on the Web, they are, in essence, surrendering their property to the world. Organizations need to spell that out in a standard form requiring the contributor's signature. Such a document will clarify the terms and serve to protect you if any problems develop.

In addition, your web site should alert users to the risks they might incur. For example, the Minnesota Historical Society posts this on its visual resources database site:

> *The Minnesota Historical Society assumes no responsibility for infraction of copyright laws, invasion of privacy, or any other improper or illegal use that may arise from reproduction of any image. In all instances, the applicant agrees to hold the museum and its agents harmless against any and all claims arising or resulting from the use of this image and shall indemnify the museum and its agents for any and all costs and damages arising or resulting from any such unauthorized use.*

As the recording industry has learned, it is extremely difficult to control the flow of digital content online, no matter how many lawyers are involved. Despite all the warnings you issue and precautions



*Pennington County Historical Society*

The Pennington County Historical Society has posted its entire photo collection on its web site, including this 1899 view of the Holmes Bros. general store in St. Hilaire.

you take, you may find yourselves the target of a copyright infringement complaint. It will help you manage the situation if you have in place a process by which people can notify you of a possible infringement. For an example of how Flickr does this, go to http://info.yahoo.com/copyright/details.html.

### Some good advice

About one thing, there's no argument: content-sharing is here to stay. And for the most part, it is widely beneficial. But as technology changes and laws evolve, there are some gray areas. So here, to sum it up, are the basic precautions

you should take:

- Keep a written record.
- Document all contributions, decisions and transactions.
- Define rights retained by the contributors and those transferred to your organization.

Make the process as simple as you can so it is easy to manage. And make it a habit – an integral part of your routine. If you have any doubts along the way, talk to a lawyer. The advice you get from your peers – or this Tech Talk – and all your good intentions are no defense should a dispute arise. ■

### About the Minnesota Digital Library

The Minnesota Digital Library Coalition (MDLC) – professionals from libraries, archives, historical societies and museums across Minnesota – has created a digital collection of the state's unique resources and special collections. Dubbed Minnesota Reflections, the digitization project to date involves more than 20,000 photographs and images from 75 participating cultural heritage organizations. The MDLC provides the server, database environment and imaging support for the project. A searchable database helps users access the resources. To see what Minnesota Reflections has to offer, go to reflections.mndigital.org.