

Cultural Heritage/Ethics and Intellectual Property

Extended Workshop

February 7, 2025



BEFORE WE GET STARTED...

- Need tech support? Please send us a note in the chat.
- Sound and video are off for participants. When we get to the Q&A we can unmute individuals if they wish to ask their question aloud.
- Please post questions in the chat. Presenters may answer them there. Otherwise the moderators will save them for the Q&A period at the end of the presentation.
- We will be recording the lecture part of the workshop, but not the Q&A. This allows our presenters and participants to speak more freely.
- Slides will be made available after! Look for a copy on our website: www.oceancopyright.org/.
- Please take a moment to review our Code of Conduct: <https://www.oceancopyright.org/oceans-code-of-conduct>. Participants can be asked to leave or removed for violations.

COPYRIGHT LAW AND TRADITIONAL KNOWLEDGE

Hope O'Keeffe

Key Copyright Provisions

- **Fixation 17 USC 102(a)**

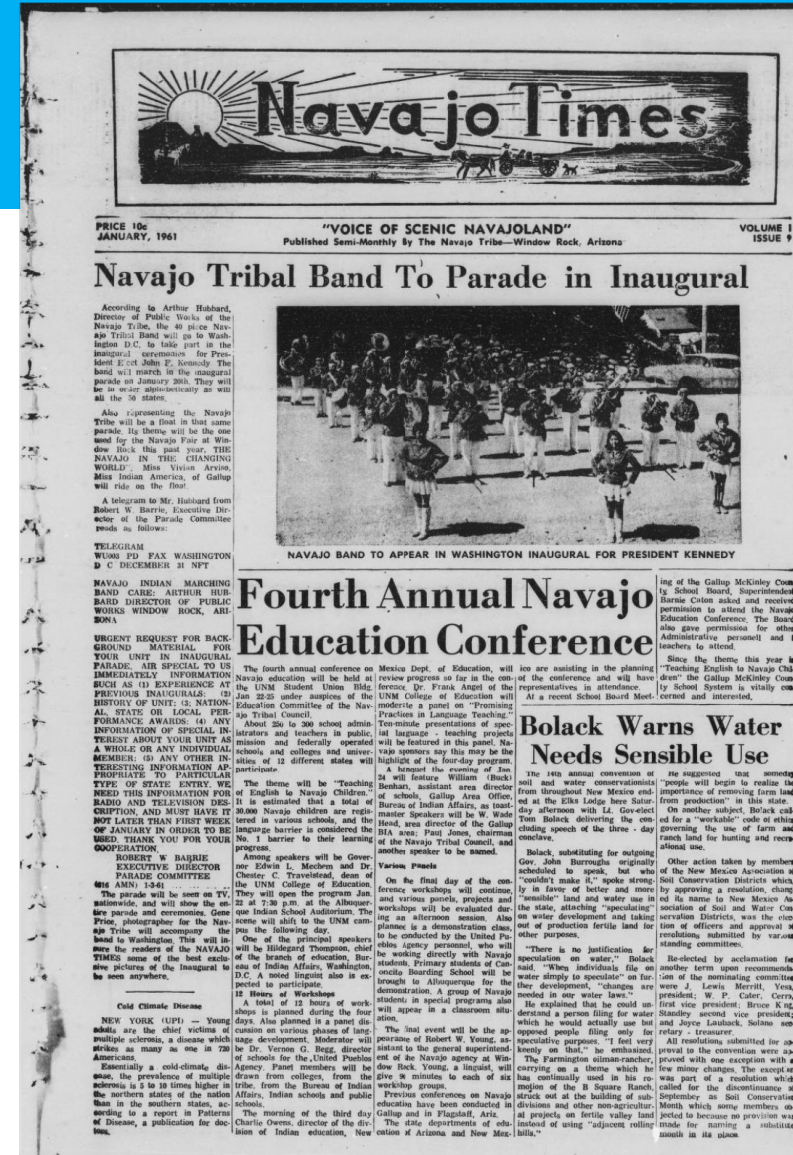
Copyright protection subsists, in accordance with this title, in original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

- **Fair Use 17 USC 107**

- **Duration 17 USC ch. 3**

- **Contract 17 USC 301 (b)**

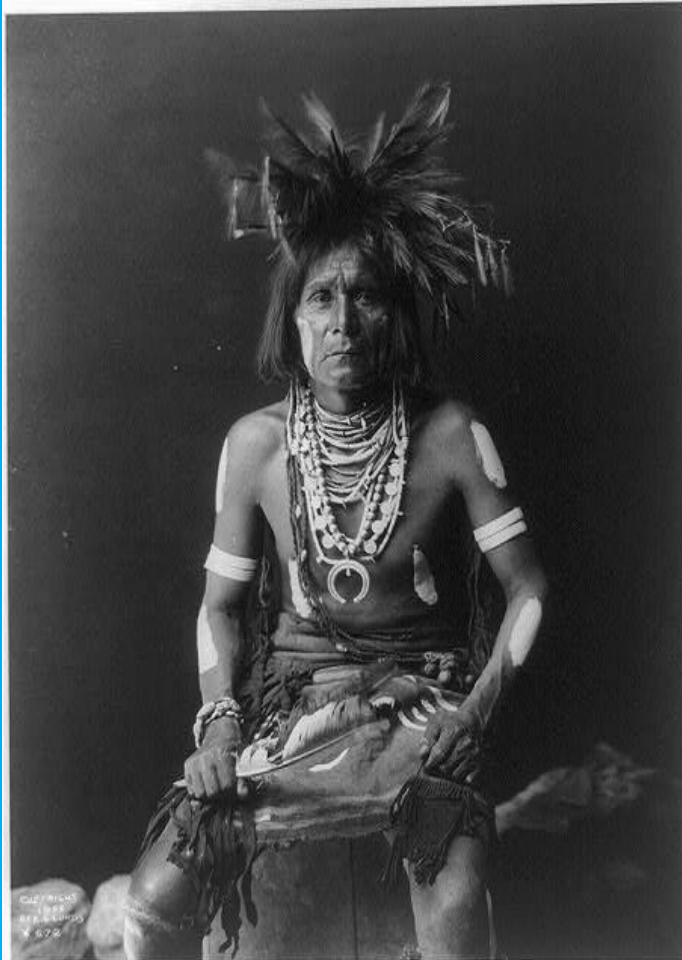
Nothing in this title annuls or limits any rights or remedies under the common law or statutes of any State with respect to— (1) subject matter that does not come within the subject matter of copyright as specified by sections 102 and 103, including works of authorship not fixed in any tangible medium of expression; or (2) any cause of action arising from undertakings commenced before January 1, 1978; (3) activities violating legal or equitable rights that are not equivalent to any of the exclusive rights within the general scope of copyright as specified by section 106; or (4) State and local landmarks, historic preservation, zoning, or building codes, relating to architectural works protected under section 102(a)(8).



Navajo Times. (Window Rock, Ariz.), 01 Jan. 1961. *Chronicling America*: *Historic American Newspapers*. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn85047513/1961-01-01/ed-1-seq-1/>>



Messiness of Relying on Copyright



Snake Priest, Edward Curtis, 1900
<https://www.loc.gov/item/89710612/>

- Traditional Cultural Expression
 - Created by community - not an author
 - Often based in oral tradition - ie, not fixed
 - Grey area: fixation by non-Native
 - Often well beyond copyright term - ie, public domain
- Copyright may lead to cultural distortion: down a road we don't want to follow
 - Example: language
- Potential confusion over when Native works are subject to copyright may reduce Native participation in system
- Does not account for ethical; or cultural sensitivity issues
- International law changes almost everything

Copyright Model for Consultation: Music Modernization Act Regs

Noncommercial use of pre-1972 sound recordings.

(vii) For pre-1972 ethnographic sound recordings of Alaska Native or American Indian tribes, searching, if such contact information is known to the user, by contacting the relevant Alaska Native or American Indian tribe and the holding institution of the sound recording (such as a library or archive) to gather information to determine whether the sound recording is being commercially exploited. If this contact information is not previously known to the prospective user, the user should use the information provided by the U.S. Department of the Interior's Bureau of Indian Affairs' Tribal Leaders directory, which provides contact information for each federally recognized tribe.

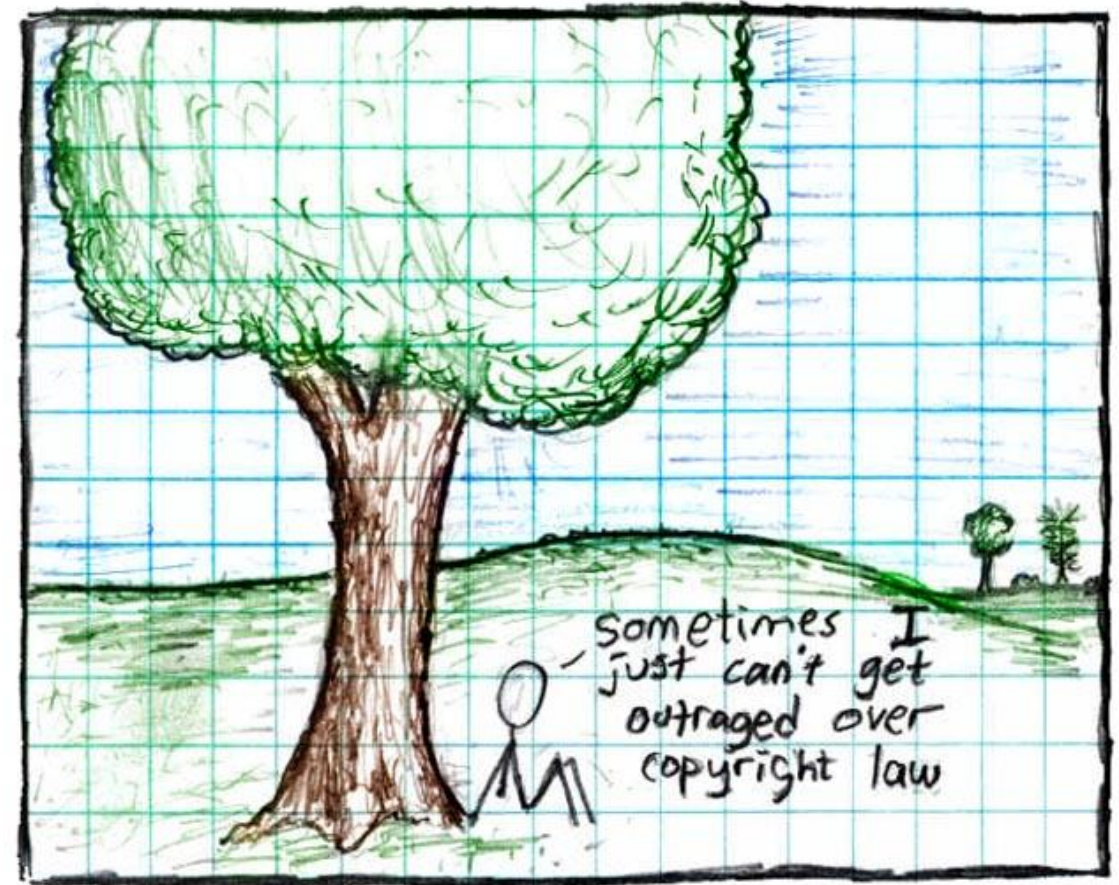
37 CFR 201.37 (c) (1)(vii)



Woody Crumbo, 1952
<https://www.loc.gov/item/93506239/>

Non-Copyright provisions

- Contracts and licenses
 - supersedes copyright
 - Public Domain does not mean freely accessible
- Native American Graves Protection and Repatriation Act (NAGPRA) & regs
 - 25 USC 32
 - 43 CFR pt 10
- Trademark
 - Indian Arts & Crafts Act 25 USC 305 et seq- covers only authenticity, truth in advertising
 - Trademarking of tribal seals, regalia, etc
 - No limit on duration
- Tribal Laws
 - May be limited by 17 USC 301
- Moral rights
- Privacy – the right to be let alone. State law mostly governs.
- Current political shifts



“Copyright,” <http://xkcd.com/14/>, used pursuant to Creative Commons Non Commercial Attribution license.

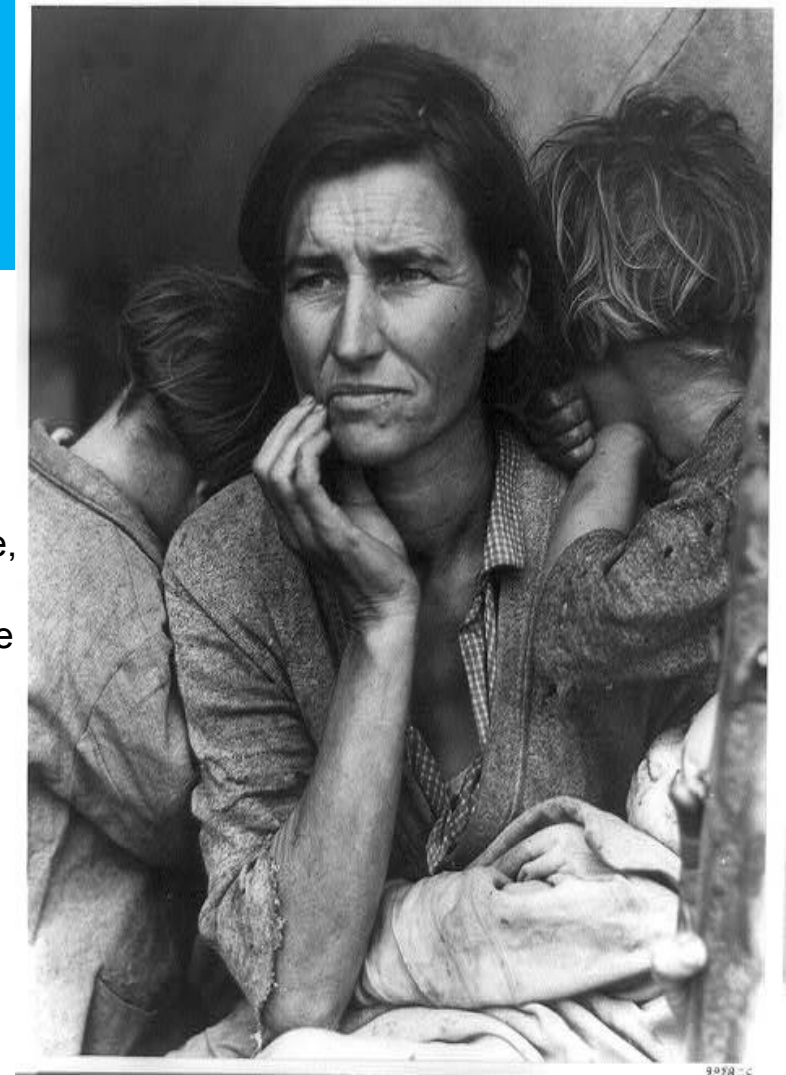
Best Practices

Example: **CARE Principles for Indigenous Data Governance:**

Collective benefit, authority to control, responsibility, ethics

“The current movement toward open data and open science does not fully engage with Indigenous Peoples rights and interests. Existing principles within the open data movement (e.g. FAIR: findable, accessible, interoperable, reusable) primarily focus on characteristics of data that will facilitate increased data sharing among entities while ignoring power differentials and historical contexts. The emphasis on greater data sharing alone creates a tension for Indigenous Peoples who are also asserting greater control over the application and use of Indigenous data and Indigenous Knowledge for collective benefit.

This includes the right to create value from Indigenous data in ways that are grounded in Indigenous worldviews and realise opportunities within the knowledge economy. The CARE Principles for Indigenous Data Governance are people and purpose-oriented, reflecting the crucial role of data in advancing Indigenous innovation and self-determination. These principles complement the existing FAIR principles encouraging open and other data movements to consider both people and purpose in their advocacy and pursuits.”



Dorothea Lange, Migrant Mother [Florence Thompson], 1936

Institutional Policies



John Gibbs, Two Hethu'shka Dancers [Rudi Mitchell, Charles Lonewolf] at the Library of Congress Neptune Plaza. (1985)

<https://www.loc.gov/item/omhbib000054/>

- **Library of Congress Access Policy: Culturally Sensitive Materials Relating to Indigenous Peoples of the United States, Canada, and Mexico:** “The Library is responsible for some collections and single items that may contain property and knowledge of Indigenous peoples of the United States, Canada, or Mexico that are not intended to be shared outside of a community of origin, should only be shared under certain circumstances, or may be identified as sacred in nature. The Library considers these culturally sensitive materials and establishes broad terms for their access and use within this policy. At times, the Library and communities of origin may establish shared stewardship agreements or memorandums of understanding establishing access and use rules beyond those in this policy. The Library acknowledges the need to consult with tribal partners in determining access and use restrictions, and prioritizes indigenous knowledge and communication from the communities documented in its collections, including communication on appropriate access and use of the related collections”

<https://www.loc.gov/acq/devpol/materialsindigenouspeoplesaccess.pdf>

- **Library of Congress Collection Development Policy: Materials Relating to Indigenous Peoples of the United States, Canada, and Mexico Acquisition** “Consultation with Indigenous communities on what is appropriate for preservation in the National Library is to be encouraged. In general, consultations with communities of origin when the Library acquires Indigenous material of potential cultural sensitivity is highly recommended. (As is creating a mechanism by which to compensate such advisors whenever appropriate.) Acquisition consultations or notification to tribal communities is particularly recommended when considering historical materials documenting Indigenous communities that may be of a culturally sensitive or sacred nature. Courtesy notification regarding new materials that have been added to the Library’s research and collections base is also highly recommended.

<https://www.loc.gov/acq/devpol/materialsindigenouspeoples.pdf>

Cautions To Patrons

- **Library of Congress disclaimer:** “Through its Web sites, the Library is offering broad public access to a wide range of information, including historical materials that may contain offensive language or negative stereotypes. Such materials must be viewed in the context of the relevant time period.”
- **Library of Congress privacy notice:** “all users are responsible for complying with all privacy and publicity rights, rules, and applicable laws when accessing and utilizing the collections.”
- **Library of Congress Reader Registration form:** “The Library asks that researchers approach the materials in our collections with respect for the culture and sensibilities of the people whose lives, ideas, and creativity are documented here.”

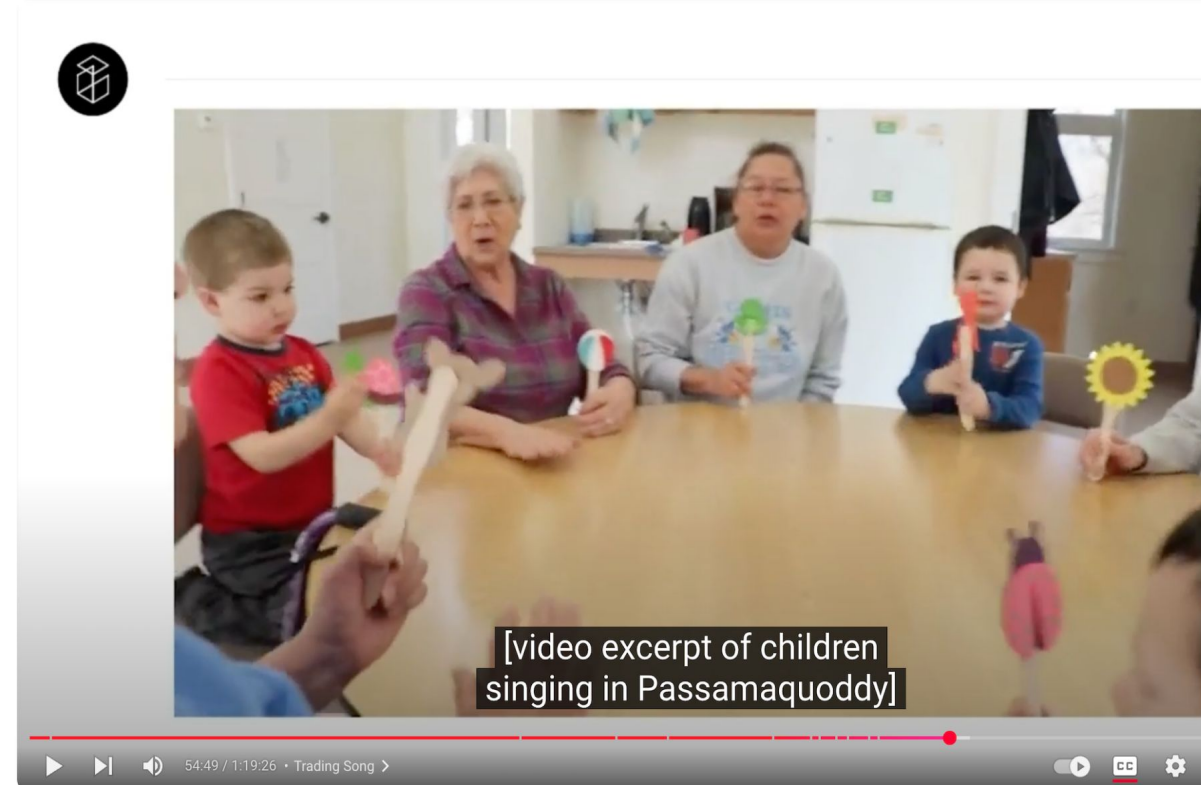


Amplifier - Echo-Hawk, Bunky - Miller, Shawn M.
Joy Harjo, Mvskoke Creek, U.S. Poet Laureate
(2020)

LC Ancestral Voices Passamaquoddy Project

The Passamaquoddy Tribe is made up of communities from Pleasant Point and Indian Township in Maine and St. Andrews, New Brunswick, in Canada.

- 36 cylinders of partial songs, legends, creation stories, and linguistic terms provided by Passamaquoddy community members, principally Peter Selmore and Newell Josephs, recorded by anthropologist Jesse Fewkes in 1890. Deposited in Harvard University's Peabody Museum, donated to the Library of Congress in the 1970s.
<https://www.loc.gov/collections/ancestral-voices/about-this-collection/>
- Harvard claims rights, negotiation required
- LC contractual agreement and collaboration with Passamaquoddy Tribe, Local Contexts, and Mukurtu
- Traditional Knowledge labels developed by Tribe.
<https://www.loc.gov/collections/ancestral-voices/about-this-collection/rights-and-access/>
- Video workshop (2018) includes the first public performance of a Passamaquoddy song since 1890
<https://www.youtube.com/watch?v=YIVHegzjJPo&t=3750s>
[timecode 59:10-59:35 embedded]





REVISING CODES OF ETHICS

Sally Yerkovich

ICOM Code of Ethics for Museums

- A core document for all ICOM members
- Created in 1986 and amended in 2001
- Changed and adopted in 2004

2019

ICOM and its Code of Ethics should address:

- Social role of museums in empowering communities
- Sustainability
- Human Rights

CONSULTATION 1

Surveys with ICOM members, National & International Committees & Regional Alliances

1

2021

Should the Code be revised?

-- *Yes, it's time to revise the Code.*

What is missing?

- *Sustainability*
- *social responsibility*
- *Equity*
- *Accessibility*
- *Restitution*
- *digital dimension of museums*

2

CONSULTATION 2

Webinars with ICOM Members, National & International Committees, Regional Alliances & Affiliated Organizations

What should be changed or deleted?
What should be added?

The revised Code should:

- ***be consistent with the new museum definition***
- ***eliminate redundancies in the 2004 Code***
- ***simplify terminology and include a glossary.***

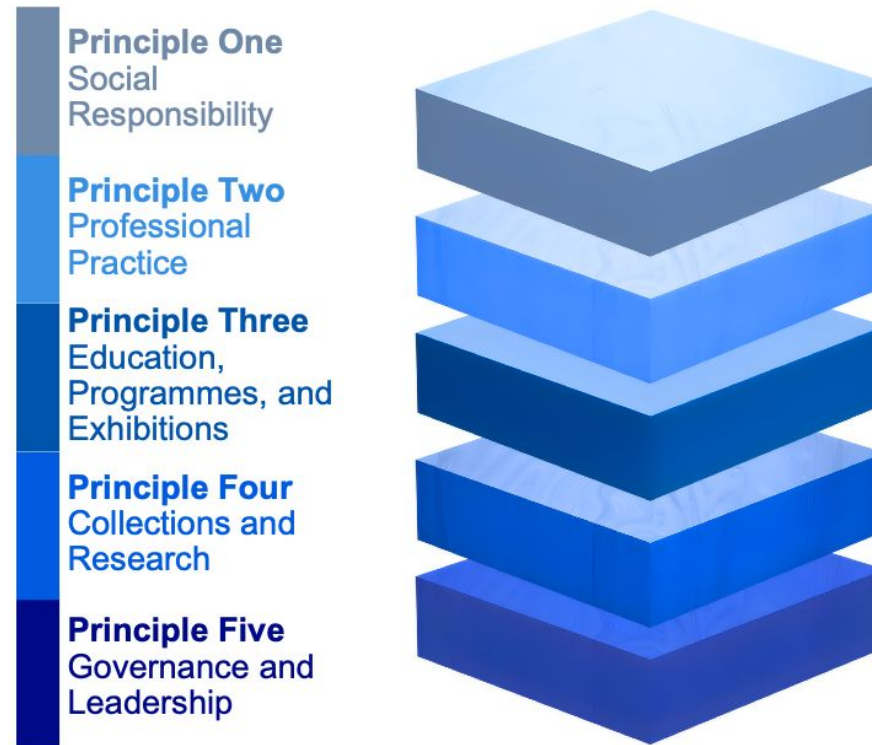
Consultation

3

2023

ICOM Code of Ethics for Museums

5 Core Principles of the Revision



2024 Rough Draft

ETHCOM drew upon the responses to all the consultations to create a draft of the revised Code.

Considerations

Outline

2004 Code

Consultation comments

Relationship to the Museum

Definition

Identifying keywords

Language

2024 – Rough Draft

ETHCOM drew upon the responses to all the consultations to create a draft of the revised Code.

Considerations

Outline

2004 Code

Consultation comments

Relationship to the Museum

Definition

Identifying keywords

Language

Core Principle

Statement: supports and expands upon the principle

Description: elaborates upon the statement

THE SOCIAL ROLE OF MUSEUMS

Museums are socially responsible institutions. They work in close collaboration with diverse communities and care for their pasts, present, and futures. Museums serve society by enhancing community participation, being accessible and inclusive to all social groups, and fostering diversity and sustainability.

PROFESSIONAL PRACTICE

To sustain the trust of the public, museums operate and communicate ethically and according to professional standards. This entails responsibilities on the part of the museum as well as on the part of individuals that work in and with the museum.

EDUCATION, PROGRAMS, AND EXHIBITIONS

Museums promote knowledge-sharing through their activities and practices. As inclusive institutions, museums foster diversity by working together with their communities, strengthening social awareness.

COLLECTIONS AND RESEARCH

Museums safeguard and display intangible and tangible heritage. They ensure the security, restoration and conservation of the collections they hold. Museums conduct research and transmit knowledge respecting the perspectives of the concerned social groups.

GOVERNANCE AND LEADERSHIP

Governing bodies and those concerned with the strategic direction and oversight of museums are responsible for enabling museums to fulfill their professional duties in a sustainable manner. They do so by securing the human, physical, and financial resources necessary to sustain museums and serve communities in perpetuity.

Fall 2024 Review

Specific Feedback

1. Do the principles meet your expectations? If your answer is no, please explain why and comment. Is there an element that should be added?

2. Please comment in detail on one Core Principle of the revised Code of Ethics that most closely relates to your Committee's area of expertise.

Fall 2024 Review (cont'd)

Overall Feedback

Do you feel that the Revised Code of Ethics covers the full breadth of ethical issues that museums are facing in the first part of the 21st century?

Next Steps

Timeline of the 2024 Revision of the ICOM Code of Ethics for Museums



ICOM Code of Ethics for Museums

Guidelines

e.g., Accessioning and
Deaccessioning;
Fundraising

Case Studies

BUILDING COLLABORATIVE RELATIONSHIPS

Rina Elster Pantalony

CONSULTATION OR COLLABORATION?

Consultation and Collaboration are Different

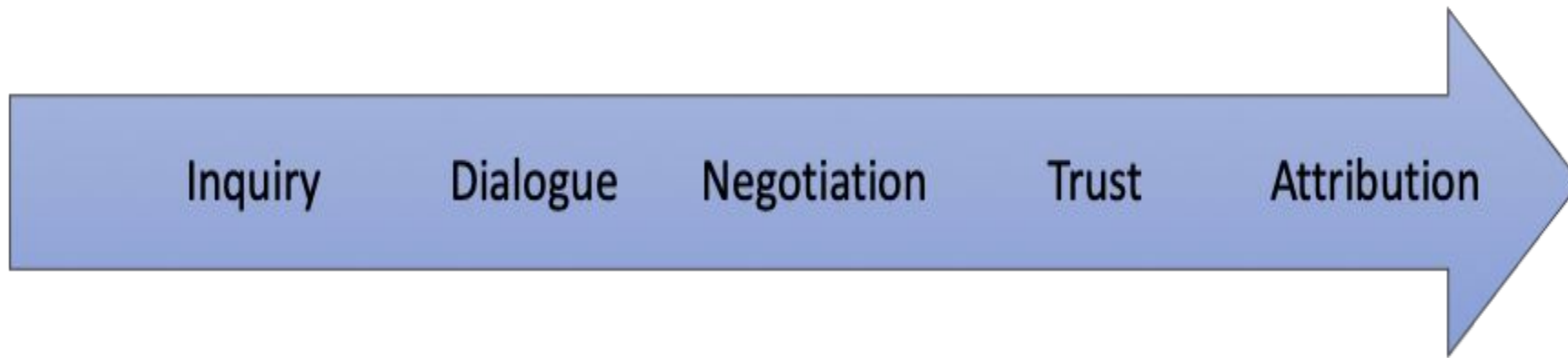
Consultation outreach based on predetermined requirements	Collaboration outreach is open and organic - “we would like to work with you and we need your expertise and authority”
Possession of objects and materials rests with entity consulting	Possession of the objects and materials may be a subject of discussion
Permissions sought based on predetermined needs	Institutional objective may be rooted in permissions but the needs are not predetermined and needs are articulated jointly over time
Authority to make decisions rests with curators and library, archive, museum	Authority to make decisions shifts and once relationship is established, authorities may be managed by committee and rooted in principles
Legal requirements dictated by perceived institutional risk	Legal requirements may be shaped by community normative practices and institutional legal requirements

WHY COLLABORATION - EXAMPLE

The Collaborative Perspective	
Curatorial narrative	<ul style="list-style-type: none">• Narrative developed by curator that is about the object• Intellectual property of museum, archivist or curator
Object	<ul style="list-style-type: none">• Tangible• Tool of practice• Property of the museum
Community narrative	<ul style="list-style-type: none">• Body of historic community knowledge and traditional cultural expressions
Community norms & protocols	<ul style="list-style-type: none">• Determines authority to hold and retell community narrative

THE COLLABORATIVE RELATIONSHIP

5 Stages



5 STAGES

1. Inquiry

- Do not underestimate importance of initial inquiry
- Value human connection

2. Dialogue

- An iterative process
- To understand each other's objectives requires exploratory discussion
- The community members with whom you work may be representatives who themselves seek instructions from community members holding authorities

3. Negotiation

- Purpose is to identify the protocols within which to share knowledge about the objects
- Understand your objectives – **be purposeful**
- Their objectives may not and do not often include immediate repatriation or restitution
- In many cases, communities rely upon the museum to safeguard the objects
- Not all objects hold TK or TCEs

5 STAGES

4.Trust

- Understand and respect the normative traditions of the community if known or communicated to you and commit expressly to them
- Especially relevant in connection to the authority to keep and then re-tell the narrative comprising rights and interests (TK or relating to TCEs)
- Establish principles of commitment that avoid endless iteration mimicking the permissions process

5.Attribution

- Agree to form of attribution expectations whether to a single community, individual community representatives, several communities, and including acknowledgement of both TK and TCEs
- Where appropriate, consider joint copyright if joint copyright is needed to inject equity into the relationship
- Consider scholarly benefits of attribution

ETHICAL PRACTICES IN IP MANAGEMENT
AT THE INDIANAPOLIS MUSEUM OF ART
AT NEWFIELDS

Anne M. Young and Emma L. Carter

DEFERENCE TO & COLLABORATION WITH COMMUNITIES



DOCUMENTATION & COMPENSATION

- Variety of forms for agreements:
 - Letters of introduction
 - Memorandum of understanding
 - Consultant agreement
 - Non-exclusive licensing agreement
 - Shared authority/stewardship agreement
 - Transfer of knowledge
- Ethical contracting—are you doing it?
 - Ensure equitable compensation for work sought (physical, mental, emotional), which may all be applicable when working with Indigenous communities
 - Apply most favored nations principles

NON-EXCLUSIVE LICENSING AGREEMENTS

NON-EXCLUSIVE LICENSING AGREEMENT

Page 1 of 2

Please complete and return this document to the Legal Affairs & Intellectual Property Department.

I agree to allow the Indianapolis Museum of Art, Inc. DBA Newfields ("Newfields") to reproduce images of work(s) (see attached Object Report) by [insert name] for the following categories of use.

- Scholarly research, research partnerships and databases, including image distribution partners.
 yes no
- Educational projects, editorial content, on-site visitor wayfinding, press review, and publications, including, but not limited to, books, exhibition catalogues, annual reports, and member magazines.
 yes no
- Promotion and advertising related to Newfields' programs and mission.
 yes no
- Commercial and retail products related to Newfields' programs and mission.
 yes no
- In any and all media worldwide, whether now known or later developed.
 yes no
- Non-commercial photography by the public while on exhibit (use of flash and photo shoots are restricted).
 yes no
- Should Newfields acquire additional work(s) after the date of this agreement, the above uses and following Terms of Reproduction shall also extend to and include such work(s).
 yes no
- Extension of the permission(s) agreed upon above to institutions borrowing the work(s).
 yes no

Standard non-exclusive licensing agreements can meet the needs of copyright law and provide guidance for future reproductions, but may not include or consider the additional ethical considerations in rights management.

CONTACT INFORMATION

Artist

Representative



ETHICAL RETURNS

- Vigango are considered the physical embodiment of a deceased person's soul, and Newfields ethically cannot retain ownership of human souls.
- Proactively began reaching out to colleagues and beginning of relationship building; working towards collaboration
- Not waiting for a formal request for return from the community to begin the work
- Consultation grew to collaboration as relationship built with National Museum of Kenya and the Mijikenda Elders
- Collaboration to determine method of return to ensure safety of the vigango
- Not just the return of the physical vigango, but considered what materials and rights might Newfields have created and claimed that should rightfully be released and turned over to the community.

Mijikenda people welcoming vigango home before their ceremonial return in Kenya. Shared with the approval of the Mijikenda community.

TRANSFER OF KNOWLEDGE

- Balance our need for the written transfer of rights documentation with the desire to NOT put added burden on the community receiving their ancestors.
- Single page release and transfer of knowledge and all rights therein.
- Only signed by the museum; did not ask the community countersign.

Released By: Indianapolis Museum of Art, Inc. DBA Newfields (hereafter "Newfields")
4000 Michigan Road
Indianapolis, IN 46208-3326
USA

Transferred To: [insert Community name] (hereafter "Community")
[insert street address]
[insert city, state, zip]
[insert country]

Receiving Individual: [insert representative name]
[insert institution/company name]
[insert street address]
[insert city, state, zip]
[insert country]

Regarding: [insert description]

Prepared By: [insert name(s)]

RELEASE

All Items Released under this Transfer of Knowledge are transferred in perpetuity from Newfields to the permanent care of the Community, or to their authorized representatives. This Transfer of Knowledge will serve as documentation of the return to the Community. If any corrupted or damaged files are found in the Items Released, Newfields will make every effort to identify an alternate transfer method to send intact file(s) to the Community in a timely manner.

Newfields releases and transfers the copyright and any other intellectual property rights it may hold in the Items Released to the Community. Newfields will retain a copy of the Items Released for its own institutional records and acknowledges they will only be used for archival and educational purposes. Any use of the Items Released by Newfields will credit and acknowledge the Community as the rights holder.

ITEMS RELEASED

- Historical File Documentation
- Gallery Label Text
- Image Files
- [insert other item(s) released]

*See attached inventory for itemized description.

LOCAL CONTEXTS

- Cultural Institution Notices
- Traditional Knowledge Labels
- Biocultural Labels

<https://localcontexts.org/>

Engagement Notice



The Engagement Notice is used to indicate a researcher or institution is committed to equitable engagement and ethical partnerships with Indigenous communities.

[LEARN MORE](#)

Disclosure Notices



The Disclosure Notices are used to identify Indigenous collections and data and to recognize there could be accompanying cultural rights, protocols, and responsibilities.

[LEARN MORE](#)


Collections Care Notices



The Collections Care Notices are used to recognize the cultural protocols that govern the care, display, and access to cultural materials.

[LEARN MORE](#)


Traditional Knowledge Labels



The Traditional Knowledge (TK) Labels identify and clarify community-specific rules and responsibilities regarding access and future use of traditional knowledge.

[LEARN MORE](#)

Biocultural Labels



The Biocultural (BC) Labels define community expectations about the appropriate use of biocultural collections and data.

[LEARN MORE](#)



Newfields

Institution | Indianapolis, Indiana, United States

Newfields is home to the Indianapolis Museum of Art; Lilly House; The Garden; The Virginia B. Fairbanks Art & Nature Park; and Miller House and Garden. For more information: [DiscoverNewfields.org](#).

Notices Used



Open To Collaboration



- [Local Contexts Provenance Research](#)

Public Projects

 Title	 Creator	 Last updated	Visibility
Native Arts of the Americas Collection	Newfields	21 Feb 2024	
South Pacific Art Collection	Newfields	21 Feb 2024	
African Art Collection	Newfields	21 Feb 2024	
Open and Integrated: Redesigning Newfields' Online Collections	Newfields	20 Dec 2022	

NEWFIELDS PROVENANCE WEBPAGE

Provenance Research

Provenance research — meaning research on the chain of ownership of works of art — has become a standard practice in the museum world. In 1997, both the Association of Art Museum Directors (AAMD), and the American Alliance of Museums reaffirmed their commitment to a series of standards governing provenance research. At the Indianapolis Museum of Art at Newfields, we have clear title to the works of art in their care. At the Indianapolis Museum of Art at Newfields, research began in 2003, with research results and new findings posted regularly on the individual works of art. As the museum meets ethical and moral standards, as well as enshrining cultural authority to the works of art, the museum is committed to utilizing provenance research to ensure that all objects in the collection meet ethical and moral standards, as well as enshrining cultural authority to the works of art. Please select from a category below to learn about provenance research projects we're currently working on.

Native American Graves and Repatriation Act (NAGPRA)

African Collection

Local Contexts

Local Contexts Provenance Research

Local Contexts is "a global initiative that supports Indigenous communities with tools that can reassert cultural authority in heritage collections and data." The Indianapolis Museum of Art at Newfields is committed to developing conversations and relationships with Indigenous communities and is implementing Local Contexts Notices within our African, South Pacific, and Native Arts of the Americas collections to work towards consultations with Indigenous communities to better understand and respectfully care for and improve our stewardship of these collections while grounding Indigenous rights.

Open to Collaborate

The Indianapolis Museum of Art at Newfields is committed to the development of new modes of collaboration, engagement, and partnership with Indigenous peoples for the care and stewardship of past and future heritage collections. What is this notice? Visit the Local Contexts website to read about grounding Indigenous rights.

To begin a consultation, please contact [Anna M. Young](#), Director of Legal Affairs and Intellectual Property, or [Emma Carter](#), Rights Specialist, or connect with the Indianapolis Museum of Art at Newfields through the [Local Contexts Hub](#).

Search by keyword, artist, title, etc.

HIDE FILTERS 3028 results found

Show Only

- Public domain
- On display
- Image available
- Open Access

Collection Areas

Creator

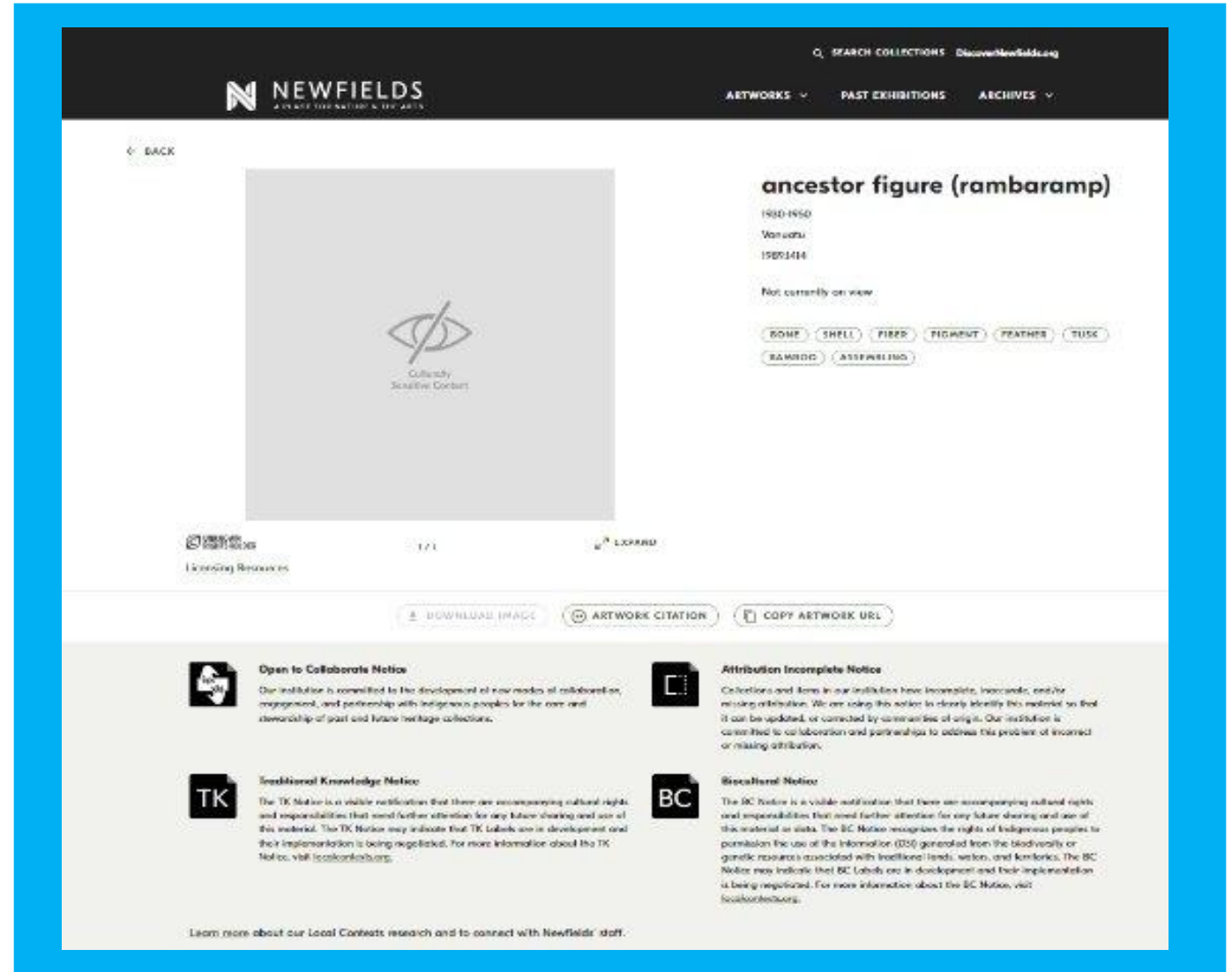
Date

Object Type

NEPALESE	TIBETAN	TIBETAN
Buddhist ceremonial apron	trumpet	kangling (ritual bone trumpet)
1942-200	53250.00-782	79-979

INDIVIDUAL OBJECT PAGE

- Icons and explanations of the Notices appear just below the thumbnail image
- Culturally Sensitive icon



NEXT STEPS

- Apply Collections Care Notices to Collections
- Begin consultations with Indigenous community representative(s) for labels to apply.
- Coordinate alignment of Local Contexts consultations with NAGPRA-related consultations being led by Registration and Curatorial staff.
- Consult on new EMu Consultation Module

INTERNATIONAL

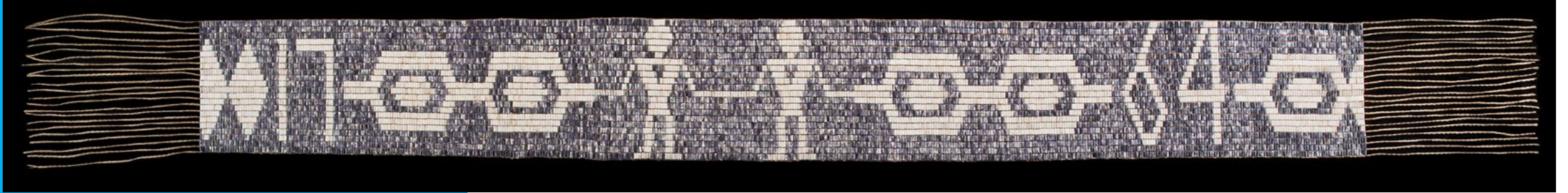
Tanya Anderson

Canadian Copyright et al.

Perspectives and application in a federal museum context



A VERY short history of Canada – First Nations relationship



- Early contact Treaties – Nation to Nation
- 1867 Canada's constitution and the Indian Act in 1876
- 1969 the Government of Canada produces the White Paper
- 1970 Citizens Plus (the Red Paper) and [Calder case](#) (1973)
- 1982 S.35 of Constitution
- More than 70 decisions regarding Indigenous rights since 1990s

Canadian Copyright

some particularities

- Term of protection
- Crown Copyright
- [Fair Dealing](#) (and other exceptions)
- Exhibition right
- [Moral Rights](#)
- Reversionary interest provision



Lenses through which we view our work

- UNDRIP / UNDRIP Act
- TRC recommendations
- Copyright and Privacy laws
- Indigenous Languages Act
- OCAP – data sovereignty
- Best practices, creative solutions



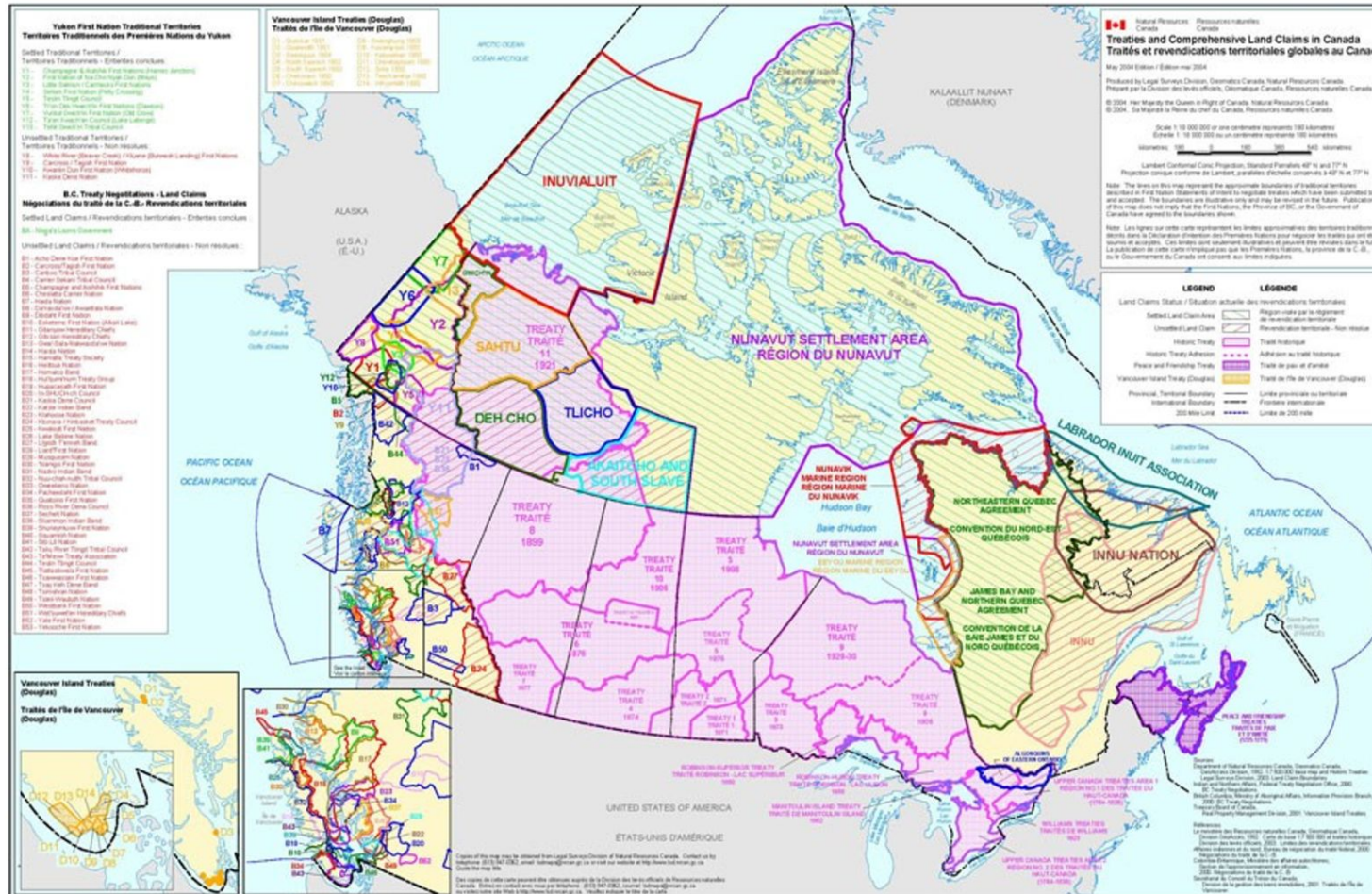
Repatriation @ Canadian Museum of History

not return - relationships

- Since the 1970s
- Collections include ethnology and archaeological materials.
- Sacred spaces project
- Shared Auth project
- Creation of new branch and roles



Treaties and Land Claims in Canada



110% of British Columbia is claimed by only 60% of Nations in Treaty Process

A VERY VERY short history of rights management @CMH



- Urgent ethnology contracts
- Acquisitions
- Rights – all acquired to nuanced approach
- Harvey Feit archives

On the path to tomorrow

- Canadian History Hall (2017)
- Jeremy Dutcher (2018)
- Moving towards Open
- Shared Authority agreements



Case Studies

Copyright, Open Copyright Education Advisory Network. The following Case Studies are governed by a [CC BY 4.0 International License](#)

CASE STUDY 1:

INTERSECTION BETWEEN LAW AND ETHICS, INTANGIBLE CULTURAL HERITAGE, AND COPYRIGHT REMEDIES

Questions:

- What should the museums do?
- What are their legal obligations?
- What are their ethical obligations?
- How do they manage the circumstances moving forward and what could they have done differently to avoid this circumstance?
- Are there international implications?

CASE STUDY 2: COPYRIGHT, ACCESS TO COLLECTIONS AND COMMUNITY RIGHTS AND INTERESTS

Questions:

- What are the legal obligations of the archive in these circumstances?
- Does the fair use assessment change?
- What are the ethical issues and obligations?
- Is there a difference in providing access to the objects versus the field notes?
- Is there a difference in risk or collections management practices between preserving or providing access to the collection?
- How do you reconcile collections management requirements and approaches to collections connected to communities across the US Canada border or is this an issue at all?

CASE STUDY 3: COPYRIGHT AND OTHER RIGHTS AND INTERESTS

Questions:

- What are the legal obligations of the museum to respond to the demands of the artist?
- What are the museum's ethical obligations?
- Is the agreement sufficient to meet the museum's future aspirations and plans?
- What if the artist was not American but a foreign artist whose works were created in another country?

THANK YOU!

- OCEAN wishes to thank our wonderful presenters and our engaged audience!
- Please take a moment to complete a 4 question survey about the webinar. The link to it is being posted in the chat.
- OCEAN is run by a volunteer board and our work is funded through individual and institutional support. To learn more about OCEAN and ways to help support the work we do, please visit: www.oceancopyright.org/donate.