



Democratising the Rijksmuseum

Why did the Rijksmuseum make available their highest quality material without restrictions, and what are the results?

Joris Pekel, Europeana Foundation



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*'There is not a single physical space where all our heritage can be shown, but on the internet you can.'*¹

¹ Lizzy Jongma during interview 03/02/2014

Front page image: Still Life with Silver Ewer, Willem Kalf, 1655 – 1660. Public Domain. To be found at <https://www.rijksmuseum.nl/en/collection/SK-A-199>



Introduction

Europeana is a trusted source for cultural heritage. Its goal is to give everyone access to all of Europe's heritage with as few restrictions as possible. To achieve this, Europeana believes a thriving and healthy public domain is essential and therefore advocates that digital representations of public domain works should be freely accessible. However, this is not an easy decision to make for the cultural institutions themselves, especially when they profit from the sale of these images. In 2011, the Rijksmuseum in the Netherlands started releasing images of public domain works online. In 2013, these were all made available in the highest resolution possible, without any copyright restrictions. In this paper, the different steps taken during this process are described, along with the consequent results. We hope that this case will be an inspiration for other cultural heritage institutions and encourage anyone with a cultural collection to learn from the experiences of the Rijksmuseum. This research has been done by the Europeana Foundation with the help of the Rijksmuseum and is largely based on the annual reports of the museum and personal interviews with employees.

The public domain comprises all the knowledge and information that does not have copyright protection and can be used without restriction. This includes books, pictures and audiovisual works. The public domain provides a historically developed balance to the rights of creators protected by copyright. It is essential to the cultural memory and knowledge base of our societies as it consists of almost all of humanity's intellectual output up until the very recent present. To emphasise the importance of the public domain, Europeana released the Public domain Charter² in 2010. One of its main principles is:

'Exclusive control over public domain works cannot be re-established by claiming exclusive rights in technical reproductions of the works, or by using technical and/or contractual measures to limit access to technical reproductions of such works. Works that are in the public domain in analogue form continue to be in the public domain once they have been digitised.'

On a theoretical level, this principle is endorsed by many - most people would agree that unrestricted and free access to the heritage, upon which modern society is built, is beneficial for all. But on a more practical level, this leads to many questions and

² http://pro.europeana.eu/c/document_library/get_file?uuid=d542819d-d169-4240-9247-f96749113eaa&groupId=10602



issues. The digitisation, preservation, storing and cataloguing of the works is not without costs. For this reason, cultural institutions with out-of-copyright works are hesitant to publish them on the web in high quality without restrictions as they are worried about losing a potential source of income. Money that is sorely needed in times of cultural budget cuts and governments that expect the institutions to become more self-sustainable. This is why Europeana continually explores and works with the cultural sector on new business models to help institutions profit from their digital assets, while at the same time living up to their public mission to make the material openly available where possible. Europeana has, alongside other organisations and initiatives, worked with the Rijksmuseum since 2011 to make their public domain collection available online without restrictions. This has turned into a great example of a cultural institution making high quality public domain content openly available while also deriving profit from it.

The Rijksmuseum and their online presence

The Rijksmuseum is the Dutch national museum dedicated to art and history and was founded in 1800. Since then, it has collected over 1,000,000 physical items. Between 2003 and 2013, the iconic building in Amsterdam was being renovated and therefore closed for the largest part. At that point, only 800 square metres were open to the public. This increased to 22,000 square metres when the building was reopened in 2013. But even in this larger space, only about 8,000 objects are currently on display.

To show more of the collection, the Rijksmuseum put enormous effort into creating the digital representations of items available online today. Not only did they make around 150,000 images available online, they made them available openly and in the highest possible resolution. The quality of the images is good enough to print on a bed cover, a poster or a wall, and it is communicated by the museum actively that this kind of use is allowed and encouraged. The museum provides multiple access points to these images, including an API (Application Programming Interface) and a dedicated website called the Rijksstudio, discussed later, where they can be easily downloaded in a variety of sizes. The website also lets the user know if the particular object is currently on display in the museum or not. Because these images are free to re-use, they can also be found in other places such as Wikimedia Commons, Kennisnet, Artstor and various other websites.

Before reaching the decision to release all the material without restrictions, there were a lot of internal and external discussions. In the following chapter, a few key



moments are discussed.

Rijksmuseum in Europeana

In 2011, the Rijksmuseum started working with the Europeana Foundation. The metadata of the Rijksmuseum was made available in the Europeana database and users could access the collection via the Europeana portal. Europeana had just released its Public Domain Charter and had begun a campaign around the benefits of the public domain and the need to correctly label digitised reproductions of artwork/books/archival records etc. held by cultural institutions. When the Rijksmuseum was asked to provide legal information about their collection, not much information was available. As more and more of their collection was made available online, it became clear that there was a need for this information to indicate clearly to users what could and could not be done with the material provided by the museum. The digital collection department took a pioneering role in adding this information, and they developed a separate rights tab to their collection management system. Under it, they gave all detail about copyright and other relevant information such as third party rights and the copyright expiry date. At the same time there was considerable internal debate about the application of the public domain mark to the Rijksmuseum collections. The curators had concerns about letting material out fully into the public domain. They wanted to use a Creative Commons – Attribution³ (CC-BY) mark on their material, as it required the user to attribute the item to the museum. Europeana and Kennisland, a Dutch think tank that worked with Europeana on the public domain charter, argued that on reputation grounds, this would not be a good move. At the time, several open access groups such as the Wikimedia Foundation, the Open Knowledge Foundation, and others were making a fuss about maintaining the public domain status after a work is digitised. The result was wholesale adoption of the public domain mark by the Rijksmuseum and together with the following events, a serious shift in strategy.

Apps4Netherlands and the Open Cultuur Data challenge

At the end of 2011, Rijksmuseum was approached by the Dutch Open Cultuur Data⁴ initiative with the request to make a few of their images available for the

³ <https://creativecommons.org/licenses/by/4.0/>

⁴ <http://opencultuurdata.nl/>



Apps4Netherlands competition. This competition aimed to bring institutions that produce data together with creative people such as programmers and designers, to discover what could be done with their openly available data. Open Cultuur Data encouraged a number of cultural institutions to submit datasets. When the Rijksmuseum was approached, the collection department made a careful first step by making available for the contest a small set of Chinese drawings that were not very well known. At that point, it was the marketing department that stepped in and argued that if people were going to work with their collection, they would rather give them access to the best material they had. They argued that the core goal of the museum is to get the public familiar with their collection, and that the internet can greatly facilitate that. Their belief was that making images available would not endanger the museum's existence. On the contrary, they argued that the digital reproduction of an item would pique public interest in it, leading them to buy tickets to the museum to see the real deal.

This resulted in the museum making available all the digitised objects that were out of copyright, including the masterpieces by van Gogh, Vermeer and Rembrandt. Besides the fact that the images were well known, they were also made available in a resolution high enough for full screen display on tablets and laptop screens (about 1600x1300). The combination of high quality, freely re-usable digital images resulted in the most used dataset of the competition and a lot of attention for the Rijksmuseum. This success started a larger internal discussion about making available the even higher quality digital images of the museum and what else could be done with it. This led to the writing of the digital strategy of the museum for the following years. The strategy is not publicly available, but the key points are described in a paper by Peter Gorgels, digital manager at the Rijksmuseum, which he wrote for the Museums and the Web conference⁵.

⁵ <http://mw2013.museumsandtheweb.com/paper/rijksstudio-make-your-own-masterpiece/>



Quality control

Another reason for the Rijksmuseum to release the images themselves was the proliferation of unofficial digital representations of the famous paintings on the web. When entering a search query for a famous artwork like Vermeer's *Milkmaid* on Google, it showed many unofficial results. Most of the results were bad copies of the famous artwork and they were used widely. For this reason, the museum decided to publish the high quality and true-colour images themselves. They argued that internet users could find the images anyway, so by releasing them, the Rijksmuseum could actually control the images used online a lot better. In an interview with the New York Times, Taco Dibbits, the Director of Collections stated:

*'With the internet, it's so difficult to control your copyright or use of images that we decided we'd rather people use a very good high-resolution image of the 'Milkmaid' from the Rijksmuseum rather than using a very bad reproduction.'*⁶

As the images came from a trusted source, the good digital copies were quickly adopted by large knowledge-sharing platforms such as Wikipedia, making the bad quality images drop in popularity. The Rijksmuseum version now shows up first in a Google image search. This process has also been described in detail in the Europeana whitepaper 'The problem of the Yellow Milkmaid'⁷, which used the case to demonstrate the benefits to cultural institutions of releasing material, and in particular, metadata describing the material, under an open license.

Put the material where the users are

The release of these images without copyright restrictions made it possible for the users of various platforms to use them. The biggest and probably most well known platform is the online encyclopaedia Wikipedia. So far 6,499 images from the Rijksmuseum have been uploaded to Wikimedia Commons which is the media file repository of Wikimedia - the foundation responsible for Wikipedia. 2,175 of these images are currently used in various Wikipedia articles. These images have been shown 10,322,754 times to users visiting the articles where the material is used. The fact that these images were made available without re-use restrictions made it possible for them to appear on Wikipedia. Wikipedia editors prefer to use trusted

⁶ http://www.nytimes.com/2013/05/29/arts/design/museums-mull-public-use-of-online-art-images.html?_r=0

⁷ <http://pro.europeana.eu/documents/858566/2cbf1f78-e036-4088-af25-94684ff90dc5>



material provided by the cultural institutions themselves to illustrate the articles they are editing. This greatly benefits both the users who have a richer experience, and the cultural institution that reaches out to a public far beyond the scope of its own website.

Rijksstudio

Rijksstudio was launched in October 2012 to promote the images and the collection of the museum. Via this web platform developed by the museum, users get easy access to the material and can create their own exhibition. They are encouraged to download and re-use the images in any way possible and to share the results with the Rijksmuseum. At the time of writing, about 136,000 virtual exhibitions have been created by visitors on a large variety of topics such as ‘ugly babies’⁸ and ‘birds’⁹. Sets are also sets created for educational purposes and used in school exams¹⁰. In 2013 the museum launched the Rijksstudio Award and invited everybody to create a new artwork out of their materials, the 10 best of which would be exhibited by the museum¹¹.

The Rijksmuseum has been very pleased with the results of making the images available to the public and will continue to do so wherever they can. The next section zooms into the legal implications of this decision.

Out of copyright works

The Rijksmuseum is fortunate to have a very large collection that is no longer protected by copyright. In the Netherlands, as in most other European countries, creative works fall in the public domain 70 years after the death of the author (for more info see the Public Domain Calculators¹²). It is therefore quite clear that some of the most iconic paintings the museum holds such as the *Nightwatch*, created in 1642 by Rembrandt van Rijn, are no longer restricted by copyright. This allows everybody to make a copy of the images and redistribute in any way they like.

⁸ <https://www.rijksmuseum.nl/en/rijksstudio/5101--luke/collections/ugly-babies>

⁹ <https://www.rijksmuseum.nl/en/rijksstudio/129209--charmaine-diedericks/collections/birds>

¹⁰ <https://www.rijksmuseum.nl/en/rijksstudio/114220--wouter-van-der-horst/collections>

¹¹ <https://www.rijksmuseum.nl/nl/rijksstudio-award>

¹² <http://outofcopyright.eu/>



With more contemporary works it is often very difficult for institutions to publish their collections to the web because of copyright restrictions. As archivists/librarians etc. are not trained as legal experts, it is hard for them to know for sure if a creative work is still protected by copyright. This uncertainty and the fear for claims can hold an institution back greatly in the process of making their digital collections available to a wider audience.

Digitising public domain works and copyright

With the digitisation of artworks, many questions about applicable rights arise. Debated extensively is the question as to whether or not copyright may be claimed on the digitisation of public domain works. According to copyright law in most European countries, making an exact copy of a work that is in the public domain does not generate new copyright on the new version and therefore automatically falls in the public domain as well. However, when a work that is out of copyright is used in a new creative work like a remix or significant alterations have been made to the original, the creator is allowed to claim copyright on his new creation. This is where the law is open to interpretation and also differs per country. What qualifies as a 'new creative work'? Some would argue that setting the contrast settings on a scanner already requires creative interpretation of the work and therefore creates new copyright, although in most court rulings this has not been approved.

Restricting access to public domain works

At the moment, cultural institutions face difficult decisions. On the one hand, the benefits of publishing collections in an open way are acknowledged more, as it allows material to be easily shared in a variety of different places on the web. This results in a great increase in the visibility of the collection and institution. On the other hand, the process of digitisation is costly, cultural budgets are being cut and institutions have been told to look for other sources of income. For this reason many institutions are hesitant to publish their data with a public domain mark and try to keep some control over their data by applying restrictive rights labels to the objects.



From Creative Commons to public domain

When the Rijksmuseum started to publish the digital representations of their public domain collections in 2011, they were cautious and added a Creative Commons Attribution licence (CC-BY) to their material to demand an attribution from users of their material. As this is effectively claiming new rights, Europeana and Kennisland argued against this. After discussions with various departments within the museum, the digital images were put out as public domain using the Public Domain mark.

Besides the argument of maintaining a healthy public domain, the Rijksmuseum's decision to adopt the Public Domain mark was guided by practicality - it was for them both impossible and undesirable to actively check and control where their images were used on the web and if the attribution was done right. At that point, their images were already being widely used and there was no way the museum could control this. By providing the high quality images without any costs and restrictions, they had spurred users to start using their authenticated scans instead of the bad reproductions.

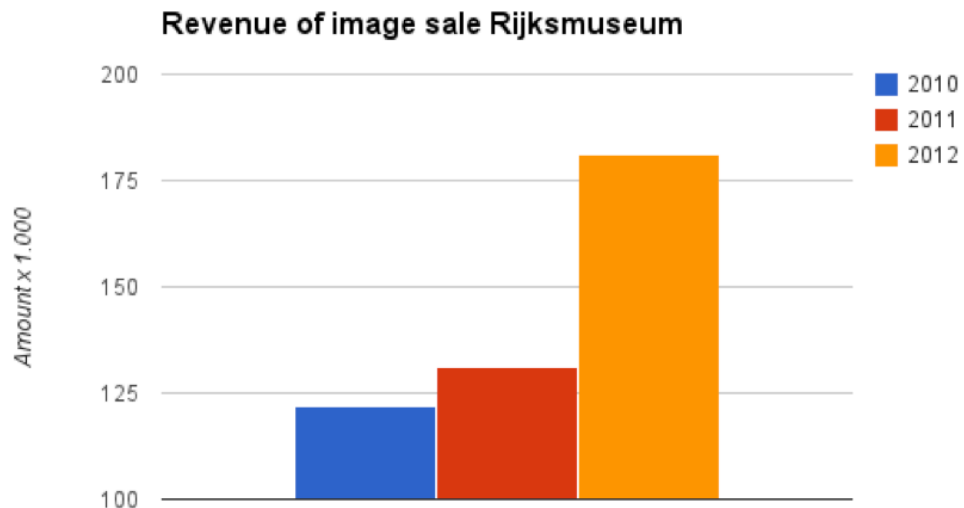
Different sizes for different prices

Many cultural institutions hold material that is in the public domain. This does not mean that they also have to publish it for free. The Rijksmuseum has, like most art museums, an image bank where they sell digital copies of images. When at the end of 2011 they started releasing images, they offered two sizes. The medium quality image (.jpg, 4500x4500, +/- 2MB) was available free to download from their website without any restrictions. When the user clicked on the download button, a pop-up asked the user to attribute the Rijksmuseum as a courtesy. If the user was looking for the master file (.tiff and up to 200MB) they were charged €40.

It is interesting to compare the revenue of the image bank over the years. In 2010, when nothing was available under open conditions, there was actually less revenue than in 2011, when the first set was made available. It is even more interesting to see that in 2012, there is an even more substantial increase in sales. This shows that releasing the medium quality images to the public in 2011 still allowed them to have



a viable business model, and in fact increased the amount of image sales.¹³



This was also confirmed by the employees of the museum. This may be because individuals with no commercial interest do not want to pay high fees for a digital image whereas more commercial parties such as publishers or designers need the highest possible quality and are therefore more willing to pay for this. By making a media size available of high enough quality, it can be used in other platforms and more potential clients will learn of the available material.

Sustainability of image bank

€181,000 was the total revenue from images of the Rijksmuseum in 2012.¹⁴ This is quite high, but represents only 0.2% of the total revenue of the Rijksmuseum during that period. From the annual report, it is not clear how many employee hours were spent on the sale of images, but in the interview with the collection managers, it was mentioned that the total employee costs were about €100,000 per year. During the interview, it was also mentioned that not every request would bring an equal amount of profit. Requests from a person or entity for access to a larger set or a particular collection were fairly easy to handle. However, when requests came in for individual,

¹³ Image created by Joris Pekel (CC-BY-SA). All numbers taken from the annual reports that can be found here: <https://www.rijksmuseum.nl/en/organisation/annual-reports>

¹⁴ <https://www.rijksmuseum.nl/downloads/6f1a1857-a468-4269-b90e-1624fa6880a3/Jaarverslag-2012.pdf> (unfortunately no English translation available)



lesser known images, the cost of searching for the file and the administrative costs would very often be higher than the revenue.

In October 2013 the Rijksmuseum decided to no longer charge for public domain images that were already digitised and started releasing their highest quality images for free. They preferred instead to focus their efforts on generating project funding from art foundations in order to digitise an entire collection. Such administrative costs are much lower, as a transaction is only made once and is a lot easier to handle than multiple private individuals. The fact that the Rijksmuseum is so well known for their open access policy has made getting project funding easier, it was in some cases a requirement to get the funding, according to the interviewees. For the Rijksmuseum the revenue from image sale was relatively small and they decided to abandon it all together as a way to create more goodwill, get more people familiar with their collection and attract them to come to the museum.

Public domain and business models

The Rijksmuseum has made a clear decision to use the digital collection to get more people familiar with the museum and hopefully persuade them to visit. It is hard to say to what extent the free availability of the images has led directly to new visitors, but it is clear that this move towards open access to the collection has attracted a lot of attention from all over the world. Even when the museum was still closed, it was featured in the *New York Times* and many other international newspapers. Rijksmuseum representatives were invited to present at a multitude of museum and heritage conferences, gained attention from a new audience of developers and designers. The museum was widely celebrated on social media, and used as a case study for researchers looking at what the museum of the future could look like.

The Rijksmuseum made the conscious decision to no longer charge for high quality images in return for other types of value. However, in a time where budgets are dissolving and institutions are more expected to generate their own sources of funding, any profit can greatly help, for example to, continue digitising the collection. The step to make the highest resolution images available for free can be considered quite radical. For the Rijksmuseum this decision was in line with their business plan and ambitions, but it is very likely that many institutions are not in the position to do this. For this reason the previous setup of the Rijksmuseum - where they make good quality images freely available to popularise their collection, and charged for the master files – can be a good solution for cultural institutions. This way, a wide variety



of audiences get unrestricted access to the material and can get more familiar with it. And they pay a small fee for the highest resolution. This way the public domain images are not hidden away from the public, so the institution lives up to its public duty, and it also allows the institution to still make a profit from the commercial sector.

Conclusion

This case study of the Rijksmuseum shows that an institution can benefit greatly by making its digitised collection openly available to the public and by applying the correct rights label to their material. It also shows that these decisions are not made overnight. The Rijksmuseum had to carefully discuss the different steps that have led to making all of the high resolution images available for everyone. They have made sure that they only publish material that is 100% out of copyright and communicate this extensively to the public. What greatly benefitted the museum is that other people started making new creative works with the material and therefore promoting the museum on a larger scale than they had ever been able to do themselves. Releasing the material has resulted in an incredible amount of goodwill from the public and creative industries. Combined with the enormous exposure, reputational benefits and the ability to enter more cost-effective sponsor programmes greatly outweighed the reduced images sales for the museum. Employees of the Rijksmuseum concluded during the interview that they are extremely satisfied with the result of their move towards opening up their collection to the public. The process has been exciting and to some extent a bit frightening for them, but when asked if they would do it again they replied: 'Yes, but a lot faster'



About the author

Joris Pekel is the community coordinator cultural heritage at the Europeana Foundation. At Europeana he closely works together with memory institutions to open up cultural heritage data for everybody to enjoy and re-use. He is also coordinator of the OpenGLAM Network that promotes free and open access to digital cultural heritage held by Galleries, Libraries, Archives and Museums (GLAMs) and brings together organisations, institutions and individuals that share this goal.