

The Battle for Beauty in a Virtual World. How Museums Can Profit from the Digital Revolution.

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The Rijksmuseum was the first cultural institution to radically change its digital policy. We took the unusual step of offering high-resolution images from our collection free for everybody to download at no cost. "Sharing is the new having" is our motto for giving unlimited access to over 200.000 works of the renowned collection, including all the masterworks by Rembrandt, Vermeer, and Van Gogh, among others. The Rijksmuseum believes that using the advantages of the Internet to share the collection, everyone could participate to bring art anywhere and in any which way into the public domain. We haven't been proven wrong. Since the reopening of the Rijksmuseum in April 2013 and the launch of our new website and

Rijksmuseum gardens, free public space for evryone



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interactive tool Rijksstudio, over six million
visitors and users took advantage of the
endless new possibilities. T-shirts, car designs,
coffee mugs, furniture, fashion, and new paint
décor's originated from the rich Rijksstudio

sources. The users of the digital Rijksmuseum
triple the “real” visitors to the museum
building in Amsterdam. Across the Atlantic
the New York Metropolitan Museum reaches
29 million visitors through its website and
even 92 million people via Facebook. The
MET still welcomes six million visitors a year
to their Fifth Avenue building. Therefore,
while the virtual museum is not a substitute for
bricks and mortar, these figures clearly show
that the actual museum nowadays is much
more than just a building.

However, while pushing the limits on both
sides of the Atlantic, American and European
museums are confronted with restrictions,
fear, protective and conservative minds. The
enemy lives outside as well as inside our
institutions.

Generally speaking, museums are a conservati-
ve breed and one cannot change old habits or
the traditional values of the institution over-
night. One of those values is motivated by
Walter Benjamin's visionary essay *Das Kunst-
werk im Zeitalter seiner technischen Reproduzierbar-
keit*. Benjamin's text was first published in
1936, but reached its authoritative status with
endless translated publications up until the
present day. In his essay, Benjamin writes
about the aura of the authentic artwork and
the relation between the original and its repro-
duction. Benjamin also tried to frame the kind
of artworks that are not limited to a unique,
single piece, like cast bronzes or etchings. Al-
ready in his time, artists were using techniques
like lithography and photography that enabled
them to create an endless series of the same
original. The only control and limitation for
the artist (and gallery owner) was to publish
signed and numbered editions. Strictly spea-
king, this was only cosmetic.

Artists themselves have always perceived their environment as inspirational. Manet couldn't have painted his *Olympia* without seeing Titian's *Danae*. Rembrandt was inspired by Mantegna, Andy Warhol copied Brillo boxes, and Jeff Koons uses the classics as well as the vulgar images from daily life. Collage, copy paste, parody, and reproduction belong to the artistic vocabulary of all great artists. Therefore, museums should not be afraid for the loss of the aura of the original work of art, as described by Benjamin: *Das Kunstwerk ist grundsätzlich immer reproduzierbar gewesen. Was Menschen gemacht hatten, das konnte immer von Menschen nachgemacht werden*¹.

Benjamin could not have foreseen that in our times, with photography widespread, high-end colour printing, and even 3D printing (and of course the Internet), the possibilities of production and reproduction of artworks are endless and allow unlimited creativity. The digital revolution has only just begun, yet the original copyright laws date from the pre-digital periods. In many countries, copyright laws were established during the first decade of the 20th century, almost a century ago. Photography and cinema had just been invented, and no one could foresee a World Wide Web. Today that Web is celebrating its 25th birthday and digital cameras are everywhere. The principle of all copyright laws is to protect the author from abuse by other parties on their original idea, invention, or work of art: their original creation. That is correct and should be respected. However, not its image, but the original artwork should be protected and saved for future generations – and it should be exhibited in such a way for people to truly experience the work of art. This is exactly what museums are here for. Outside of the institution however, museums – as non-profit organizations dedicated to the general public – suffer more and more from a strict copyright policy. The policy

Rijksmuseum gallery of honour



is fit to prevent commercial abuse but becomes an obstacle for the free use of art. Different countries have different regulations, and since the copyright lobby is strong, the EC certainly will develop new ideas in the near future. It won't get any easier, less expensive, or friendlier. On the contrary: it will be more expensive, more bureaucratic and more complex. In the EC labyrinth of regulations and





Screenshot
Rijksstudio





Studio Drift,
young design
rococo redone





recommendations, lobby groups and politicians, not aware of the use of the legislation in practice, have prepared copyright legislation. Representatives from museums, for instance, were not consulted when new principles for resale rights were launched. Neither scholars, students, the general public, nor anybody else active in the not-for-profit side of the art world was consulted or involved. In EC language, the use of artworks unfortunately is simply reduced to an economic transaction. Indeed, art always has been a business.

If we look at the money side of art, we also see on the long term that tax rules and legislation have negative effects on the growth of the overall art world in Europe. Up until recently, Britain alone owned 70% of the European art market. But one of the key findings in the Art Market Report 2014 proved that the epicentre of the 47.4 billion Euro art market has moved to the US. “Art goes where money flows” is the old saying in the rapidly increasing new world of dealers, jet set artists, and the international elite of buyers and collectors. Art prices go through the roof. Records are broken time after time, a prize bonanza in almost every category: modern classics (Picasso), impressionists (Monet), contemporary (Koons), old masters (Raphael), applied arts, ceramics, Afri-

can and Oceanic art, even posters and photographs. In this battle for beauty, museums simply cannot compete and are left empty-handed. Yet in this real industry that the art world has become, non-profit museum directors are required to become more and more entrepreneurial businessman and legal experts. The strict copyright legislation and recent developments concerning so-called artist’s resale rights, *Urheberrecht* or *Droit de suite* are limiting museums in their aim for maximum outreach and encouragement of new audiences to commune with artworks in their collection.

The EC will harmonise all kind of regulations in the field of taxes and of copyright – and it will drain Europe out of the art market. It has already: several years ago, the leading *Art Cologne* in Germany lost the pole position to the Swiss-based *Art Basel*. Sotheby’s Amsterdam stopped auctioning in the Netherlands. The London based Frieze Art Fair expanded to New York. The international art world is more and more money-driven: high value, low tax. It is hard to say how much and when local or national tax is the argument to move. From 2005 onwards, artworks sold in the EC have an extra tax up to a maximum of 13.000 Euros. In France, where *Droit de suite* has been in effect



Rijksstudio milk cartons





for many years, 75% of all *Droit de suite*³ money is going to only ten artists – or their families, widows, and grandchildren. In the US with approximately 200.000 artists, the top five are responsible for 31% of all copyright fees. In practice, therefore, the current copyright and resale rights make the rich richer and keep the poor poor.

Copyright legislation is meant to break the old pattern of museums catering too much to the existing educated elite. There is nothing wrong with trying to break old patterns. But in order to engage a younger and new audience, it is not enough to offer a small selection of poor low-resolution images. Everyone understands that open access is the future, especially for artworks that belong to the world, artworks that are part of public collections in museums. Access also means publishing the collections

according to the highest standards, technically as well as aesthetically.

It is time to develop a common European strategy and to reshape copyright laws that respect the authorship of artists and give museums and public collections maximum freedom in using and sharing. Most importantly, any legal framework needs to take account of the needs of society. Limitations and obstructions do not enable creativity. The use of images of any artwork in a public collection in catalogues, publications, posters, invitation cards, websites, etcetera should be free for the modern connected world. Let us enable people to use their creativity and bring art in new ways into their and our lives. The real profit is in beautiful exhibitions, catalogues, and access and use of public collections for anyone, anytime, everywhere. At the end of the day, isn't that what art is all about?

1. "A work of art has always fundamentally been reproducible. What man has created has always been reproducible by man".
2. *Droit de suite* is a law connected with copyright regulations. The "Droit de suite" is the payment owed to the author of original works and their inheritors upon the resale of their work. In the case of the "American Royalties Too", *Droit de suite* would be applicable to works sold for \$5000 and over (but would not apply to private transactions as in European countries). This is common in France, Germany, Belgium, and several other countries (not including Switzerland and China). In the USA, a new bill concerning resale rights of visual artists has recently been introduced in Congress. Resale rights might sound reasonable for living artists, active professionals making a living in the uncertain world of creative processes, on their own, depending on time-bound taste and personal preference. An adventurous profession and those who chose it deserve respect and support. However, the "Droit de suite" resale rights legislation has been lined up along the logistics and in the vocabulary of the much older and very rigid copyright regulations. Copyright is guaranteed up until 70 years after the death of an artist. In most countries, 50 years was the original period. A strong French lobby made it 70 years, securing income for the heirs of Leger, Matisse, Picasso, and many other French modern classics. Picasso died in 1973, Matisse in 1954, Mondriaan in 1944. Mondriaan will be freed at the end of this year. Mondriaan had no wife and no children. His "rights" are in the hands of the New York based Holzman estate, invoicing everyone doing anything with Mondriaan, including universities, museums, and other not-for-profits worldwide. Lobby groups recently have started to push for prolonging the period for another 20 years, up to 90 years after the death of an artist.

Further reading:

Art Market Report 2014 by Dr. Clare McAndrew. Available at:
<http://www.tefaf.com/DesktopDefault.aspx?tabid=15&tabindex=14&pressrelease=16079&presslanguage=1>
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