



Accessing the Archives:
Reproduction & Licensing Fees at the
Royal BC Museum & Archives

A report by the Friends of the British Columbia Archives

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Reproduction & Licensing Fees at the BC Archives

About the Friends of the British Columbia Archives

The Friends of the BC Archives (FBCA) was incorporated on October 19th 2000. The FBCA is a non-profit society managed by a Board of Directors elected from the membership. The purposes of the society are to:

- Promote, encourage, and facilitate scholarship, research, and public engagement related to the archival collections of the Royal British Columbia Museum and Archives and the documentary heritage of British Columbia.
- Advocate for policies, legislation, and strategies that support accessible and public services at the Royal British Columbia Museum and Archives.
- Develop, encourage, and assist with initiatives that support local and regional archives, primarily in British Columbia and Canada.
- Assist the Royal British Columbia Museum and Archives in acquiring, preserving, and making available records that have archival value.
- Build and grow a sense of community and purpose among members of the Society through the sharing of information and ideas, and by creating opportunities and events that foster interest in the use and support of archives.

About this Report

Over the past three years, directors for the FBCA have heard concerns from the membership about the increased cost of acquiring and licensing reproductions from the BC Archives. These concerns range from BC authors seeking to publish images and documents in books, to university students, local museums, and social media groups seeking to use materials for educational purposes.

This report is divided into four areas: An overview of the current reproduction and licensing fee framework; a summary of the museum and archives' mandate; details about Open Access and Fair Dealing; and, finally, six recommendations for the Royal British Columbia Museum and Archives. Jean Dryden, one of Canada's prominent archival commentators recently remarked that "archives are preserved to be used, and one of the core values of archivists is to 'promote and provide the widest possible accessibility of materials.'"¹ We find that the policies and regulations that currently apply to the reproduction and licensing of materials at the Royal BC Museum and Archives are contrary to these core values.

¹ Jean Dryden, "Risky Business? Issues in Licensing Copies of Archival Holdings," *Archivaria* 82 (Fall 2016), 113.

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Reproduction & Licensing Fee Framework

The Royal British Columbia Museum and Archives' (RBCM&A) reproduction and licensing fee schedules include a wide range of categories (see Appendix A). Among the thirteen institutions that comprise the national, provincial, and territorial archives of Canada, only four institutions charge a user fee. The Royal BC Museum and Archives is one of the four, and its licensing fees are exceptionally high. The BC Archives also imposes requirements and restrictions on disseminating material from its collections by making distinctions between research and non-research use. It is one of the only major archival repositories in Canada to make such distinctions.

Reproductions

Reproduction fees range from \$25.00 to \$75.00 for photographs and cartographic materials. A fee of \$50.00-\$100.00 per item is also applied to non-digitized photographs. Audio/visual materials cost \$40.00 each. When users request a high quality digital file they must pay a reproduction fee, as well as a licensing fee to utilize the image in any manner, other than for private study and research.

Rather than charging reproduction fees for access to high quality images that have already been digitized, such files should be made available for high resolution download (at least 300 dpi) directly from the Access to Memory (AtoM) database, something that is currently prohibited by the RBCM&A.

Licensing

The RBCM&A charges between \$25.00 and \$50.00 to license a single image for academic or non-commercial use. For example, there is a \$25.00 charge for a university student or faculty member to use an image in a PowerPoint presentation. These fees are applied whether or not the image is already available in a digitized format. The fee most referenced by FBCA members as a barrier to use of the RBCM&A collection is that of non-commercial photographic licensing.

The BC Archives also limits or curtails access to its collections by making distinctions between research use - defined as "academic research (K-12 school projects), private study (reference and research), gift or genealogy research" - and "non-research use." Non-research is defined as "any use other than research use and a Permissions Form must be completed. This includes, but is not limited to, publication, exhibit or display, broadcast, website, etc." The BC Archives is one of only a few publicly funded repositories in Canada to make these distinctions.

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Commercial licenses are subject to fees that range between \$50.00 and \$500.00, depending on the publication and format. FBCA members who publish local and regional history books argue that licensing images from the RBCM&A is cost-prohibitive. There are significant challenges and costs involved with book publishing in Canada and many authors are seeking images from institutions that do not charge licensing fees.² For example, at the City of Vancouver Archives there is no fee contingent on how reproductions will be used (see Appendix B).³

- We encourage the RBCM&A to eliminate all licensing fees for non-commercial use of digitized items.
- We suggest the RBCM&A re-evaluate the fees associated with commercial publication as well as the overall reproduction fee framework.
- We ask that the RBCM&A increase digital file size available for download through AtoM.

Museum & Archives Mandate

The need to recover the costs of digitization has been cited by RBCM&A staff as the reason for charging reproduction and licensing fees. The FBCA acknowledges the increasing financial constraints on cultural institutions such as museums and archives, however we feel that cost recovery should be applied with discernment in light of the organization's public mandate. This is not an approach that should be applied to items or collections already digitized as part of the regular work involved with making the collections accessible to the public. To do so, particularly in cases of non-commercial use by residents, seems less consistent with cost recovery, and more like undue monetization of a public resource.

The January 2018 mandate letter from Minister of Tourism, Arts, and Culture Lisa Beare to the RBCM&A identifies an expectation that the institution will support the "government's agenda to help manage the daily cost of living for British Columbians." The letter also asks that the museum continue to work toward a "goal

² Patrick Poirier & Pascal Genêt, "The Publisher's Role and its Challenges." (Federation for the Humanities and Social Sciences, 2014). Retrieved from <https://www.ideas-idees.ca/blog/publishers-role-and-its-challenges>

³ City of Vancouver Archives, "Reproduction of Materials policy." Retrieved from <https://vancouver.ca/your-government/archives-reproduction-of-materials-policy.aspx>

Similarly, the University of British Columbia (UBC) Rare Books and Special Collections and University Archives do not charge for personal or non-commercial use of images; the commercial use fee for images is just \$40.00.

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of making the museum and archives more available to all British Columbians...” Similarly, the RBCM&A’s own mission statement identifies accessibility to all British Columbians and the dissemination of information as core functions. Reducing or eliminating reproduction and licensing fees for already digitized images, particularly for non-commercial use by residents, would certainly align with these directives and values.

Digitization is a service that is expected of museums and archives, one that contributes to their relevance and viability. While librarians and archivists carefully work within legal, social, and organizational contexts to prioritize what, when, and how collections are digitized, the overall benefits are clear.⁴ The RBCM&A clearly understands the importance of digitization initiatives, something best exemplified by the institution’s participation in the National Heritage Digitization Strategy and leadership role in the BC Digital Library initiative.

Just as physical access to the BC Archives is not carried out on a cost-recovery basis (for example, archive users are not charged a fee for staff to retrieve records), charging for the use of *already digitized* images would appear counter to the RBCM&A’s mission and mandate. In fact, reducing or removing these fees is consistent with key government priorities, promoting equity of access for residents regardless of their circumstances, place, or ability.

- We encourage the RBCM&A to develop reproduction and licensing policies that support accessibility, knowledge creation and dissemination.

Open Access & Fair Dealing

Charging fees for access to and use of information is counter to a growing and global movement toward open access resources. The United Nations Educational, Scientific and Cultural Organization (UNESCO) defines open access (OA) in the following way:

Open Access (OA) means **free access to information** and **unrestricted use of electronic resources** for everyone. Any kind of digital content can be OA, from texts and data to software, audio, video, and multi-media. While most

⁴ See for example, Simon Tanner and Marilyn Deegan, *Inspiring Research, Inspiring Scholarship: The Value and Benefits of Digitised Resources for Learning, Teaching, Research and Enjoyment* (London: JISC and KDCL, 2011). Retrieved from <https://www.kdl.kcl.ac.uk/what-we-do/consultancy/strategic-thinking-and-practice/inspiring-research-inspiring-scholarship/>.

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of these are related to text only, a growing number are integrating text with images, data, and executable code. OA can also apply to non-scholarly content, like music, movies, and novels.⁵

The principles of OA are foundational to projects such as the BC Digital Library, the National Heritage Digitization Strategy and the UNESCO Memory of the World project, projects that the RBCM&A is involved with. A more local example of open access supported by the BC government is the BC Open Textbook Project created by BC Campus in 2012.⁶ It seems strange that works produced under the auspices of these projects should be subject to licensing fees under the current schedule.

The current reproduction and licensing fee schedule for the RBCM&A does not support the goals and values of open access. Charging for access to resources for educational purposes (such as by a university class, local museum, or non-profit) fails to acknowledge 2012 reforms to Canadian copyright law which provide for fair dealing exceptions. Fair Dealing allows for the use of material from a copyright protected work without permission provided certain conditions are met. Fair dealing applies to research, private study, education, parody, satire, criticism, review, and news reporting.⁷

The FBCA recognizes that copyright in archives is complex when publication status, donor agreements, cultural property rights, and other factors are considered.⁸ Still, the many different ways that the public can legally use material under copyright requires archives and libraries to develop policies that reflect Fair Dealing.

→ We encourage the RBCM&A to develop policies regarding Open Access and Fair Dealing.

⁵ UNESCO, "What is Open Access?" Retrieved from <https://en.unesco.org/open-access/what-open-access>

⁶ BC Campus OpenEd, "What is an open textbook?" Retrieved from <https://open.bccampus.ca/open-textbook-faq/>

⁷ Fair Dealing Canada, "What is Fair Dealing?" Retrieved from <https://fair-dealing.ca/what-is-fair-dealing/>

⁸ Andrea Kampen, "Copyright Issues in Archives." *Dalhousie Journal of Interdisciplinary Management*, volume 12, Spring 2016. doi: 10.5931/djim.v12.i1.6170

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Recommendations

The FBCA recommends the Royal British Columbia Museum and Archives undertake the following initiatives regarding reproduction and licensing fees:

Short-term (6 months to 1 year)

- 1) Eliminate licensing fees for non-commercial use of digitized items
- 2) Re-evaluate licensing fees for commercial use of digitized items within works published/distributed in British Columbia

Medium-term (1 to 2 years)

- 3) Re-evaluate reproduction fee framework
- 4) Develop a clear and accessible Open Access/Fair Dealing policy⁹
- 5) Investigate Creative Commons or other open licensing to facilitate appropriate use of digitized materials from RBCM&A collections.

Long-term (2+ years)

- 6) Increase digital file size available for download through the Access to Memory (AtoM) database¹⁰
- 7) Develop an annual report that identifies where collection items were used, free of charge, to the benefit of British Columbians.

The FBCA is committed to working with the Royal British Columbia Museum and Archives on these matters.

⁹ For an example of this, see the City of Vancouver Archives' Reproduction of Materials policy reproduced in Appendix B.

¹⁰ Please refer to the City of Vancouver Archives' file options for digitized images.

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Appendix A: Royal BC Museum & Archives Fee Schedule



ROYAL BC MUSEUM AND ARCHIVES LICENSING FEE SCHEDULE

ACADEMIC USE	FEE'S
University PowerPoint Presentation	\$25.00/image
University or school website	\$25.00/image
University or school display	\$25.00/image
Conference, course or program, course or program advertisement, invitation or brochure	\$25.00/image
Publication (including presses and textbooks)	Standard publication fees apply
MUSEUM/ARCHIVES USE	FEE'S
Museum/Archives exhibit or display	No charge (\$25.00/image outside BC)
Museum/Archives exhibit or display - travelling	\$25.00/image
Museum/Archives website or social media pages	May apply within BC - please provide project details (\$50.00/image outside BC)
Museum/Archives screening (this includes historical or heritage societies)	May apply within BC - please provide project details (\$25.00/item outside BC)
Exhibit catalogue	Standard publication fees apply

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Exhibition advertising (including, but not limited to: press releases, website, social media, invitations, promotional purposes, etc.)	\$250.00
STANDARD COMMERCIAL PUBLICATION (including, but not limited to: books, magazines, newspapers, calendars, etc.)	FEES
Inside use - print runs of under 3000 copies	\$50.00/image
Inside use - print runs of 3001 to 5,000 copies	\$100.00/image
Inside use - print runs of 5001 to 10,000 copies	\$150.00/image
Inside use - print runs of 10,001 to 50,000 copies	\$250.00/image
Inside use - print runs of 50,001 and up	\$400.00/image
Cover use (front or back cover)	\$400.00/image
E-book	\$50.00/image inside use; \$100.00/image cover use
NON-COMMERCIAL PUBLICATION	FEES
Brochure, flyer, society newsletter or newspaper - including online	\$25.00/image
Internal report	\$25.00/image
ADDITIONAL PUBLICATION RIGHTS	FEES
All language rights	\$50.00/image
World rights	\$200.00/image
All media rights	\$500.00/image
In perpetuity rights	\$500.00/image

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NON-COMMERCIAL OR NON-PROFIT USE	FEES
PowerPoint presentation	\$25.00/image
Non-profit website, social media pages or blogs (no advertising on the page, no selling of any products, no business and/or soliciting donations on the page) - RBCM & A low resolution online images may be used for these purposes only. A condition of this use is that a Permissions Form needs be completed for documentation purposes and RBCM & A credit must accompany each of the displayed images on the page	No charge
Personal non-profit display	\$25.00/image
First Nations requests, please contact the Permissions/Licensing Officer	
Library (website, social media pages or display)	\$25.00/image
Interpretive sign or plaque display	\$25.00/image
Mobile app	\$25.00/image
COMMERCIAL USE	FEES
Large format display	\$200.00/image
Media advertising	\$200.00/image
Display purposes (stores, hotels, Bed and Breakfasts, restaurants, coffee shops, businesses - with public access, etc.)	\$50.00/image
Website (Any business)	\$50.00/image secondary page; \$100.00/image homepage
Social media pages - includes Facebook and Twitter only (Any business)	\$50.00/image
Stock photo	\$500.00/image
Mobile app	\$100.00/image

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Game or puzzle	\$100.00/image
ADDITIONAL COMMERCIAL RIGHTS (for website use)	FEES
In perpetuity rights	\$500.00/item
PRODUCTS FOR RESALE (Including, but not limited to: postcards, posters, coffee mugs, T-shirt, restaurant menus)	
Products for resale, please contact Permissions/Licensing Officer	
STANDARD BROADCAST (Including still images and sound and moving image material)	FEES
TV, video, documentary film or streaming video or audio	\$100.00/image; \$150.00/sound recording item; \$250.00/moving image item
ADDITIONAL BROADCAST RIGHTS	FEES
All media rights	\$500.00/item
In perpetuity rights	\$500.00/item
STANDARD NON-BROADCAST (including still images and sound and moving image material)	FEES
Screening at film festivals (film may be shown at non-commercial venues only - rights do not include the distribution of copies of the film on DVD)	\$25.00/image; \$50.00/moving image item

Rights included for publication: non-exclusive use, print and electronic publication, 5-year term

Rights included for broadcast: non-exclusive use, world rights, all languages, 10-year period

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Screenshot

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Appendix B: City of Vancouver Archives - Reproduction of Materials Policy

Preamble

The City of Vancouver Archives is committed to making the materials in its holdings available to as large a community as possible, without any unwarranted restrictions as to their use. For us, restrictions can go beyond just copyright. In order to facilitate the use of its materials, the Archives will reproduce copies of its holdings for patrons and in some cases allow patrons to make their own copies of materials.

The reproduction of materials is done consistent with the following principles:

- Preservation of holdings

Reproduction of Archives' materials is conditional on the reproduction activity not causing harm or increasing the likelihood of harm to materials in the Archives' holdings. The Archives may prohibit reproduction or limit the types or methods of reproduction based on concerns related to the preservation of materials in its holdings.

- Cost recovery

Users will be charged a fee for material reproductions in order to offset some or all of the costs associated with providing reproductions. The Archives does not charge fees contingent on how reproductions will be used (that is, commercial licensing fees). The reproduction service is provided on a not-for-profit basis.

- Statutory compliance

The Archives endeavors to comply with laws affecting reproduction of material in our holdings. These include the Copyright Act of Canada and the Freedom of Information and Protection of Privacy Act of British Columbia.

- Donor intent

In some cases, donation agreements place access and use conditions on materials donated to the Archives that may limit the Archives' ability to provide reproductions of materials.

- Reproductions for fair dealing

In keeping with the Fair Dealing provisions of the Copyright Act, single copies of the Archives' holdings required for purposes of research, private study, criticism, or review may be provided to patrons. Copies of the holdings to be used for other purposes, or multiples copies, may also be provided to patrons, subject to their obtaining the authorization of the copyright owners, if applicable.