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### **Visual Resources Association (VRA) Comments**

The Visual Resources Association is a multi-disciplinary organization dedicated to furthering research and education in the field of image management within the educational, cultural heritage and commercial environments. The Association is committed to providing leadership in the visual resources field, developing and advocating standards, and offering educational tools and opportunities for the benefit of the community at large. The VRA implements these goals through publication programs and educational activities.

Our international membership includes: information specialists; digital image specialists; art, architecture, film, and video librarians; museum curators; slide, photograph, microfilm, and digital archivists; architectural firms; galleries; publishers; image system vendors; rights and reproductions officials; photographers; art historians; artists; and scientists. Insofar as visual resources professionals are concerned with the preservation of cultural materials and, further, are engaged in the processes of digital asset management, the VRA has followed with interest the work of the Section 108 Study Group as well as commentary from participants in the recent public roundtables.

Visual resources collections play an essential role in promoting learning and dissemination of cultural heritage from around the world, providing access to visual materials that would otherwise be unavailable to students, teachers, and researchers. Moreover, visual resources collections often contain unique archival material for which preservation is of the utmost concern. In recent years, the content of visual resources collections has shifted from analog (traditionally, the 35mm slide) to digital format. This shift has been hastened by the rapid obsolescence of slide film and slide projection equipment. Furthermore, some arts are now in born-digital form and need to be preserved as such. Members of the visual resources community are often the ones charged with preserving these collections and making them available for scholarship and teaching.

The Visual Resources Association therefore has a necessary stake in the exceptions and limitations provided by section 108 for the purposes of archiving and preservation. Because our members are employed in a number of different institutional settings, as stated above, it is important that the criteria for eligibility for section 108 exceptions be stated flexibly enough so that “libraries” and “archives” are defined as functions within an institutional context rather than strictly defined by institutional affiliation. We agree with the comment that the definition of libraries and archives should be based on the nature of, and access to, their holdings, and not upon overall institutional mission.

We believe the encroaching inability to sustain collections in traditional analog media provides the grounds, as stated in sections 108(b) and 108(c), for triggering the conversion of analog materials to digital format as a matter of preservation practice. Because of the very nature of how digital images are viewed, it is unrealistic and

impractical to restrict usage to the physical premises of a given collection. We believe that the interests of content providers will be served by limiting off-premises access to groups of users defined within an institutional or community context, and through terms of use that govern both access to and the uses of such collections.

In terms of best practices for archiving and preservation, we concur with librarians and archivists that it would be beneficial to allow preemptive copying of digital material for preservation-only purposes. This stands to reason when catastrophic loss of data – and potentially the loss of unique cultural materials – can occur without prior signs of deterioration. We agree that the current three-copy limit now stipulated in section 108 is not commensurate with the realities of digital archiving and should be replaced by a more flexible standard. We also agree that the outsourcing of preservation copying, whether analog or digital should be made feasible within the limits of mutually understood legal responsibilities.

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