# RCHME Permissions Controller’s Final Report

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### The Project

In partnership with English Heritage the project will add the 43 volumes of the Royal Commission on the Historical Monuments of England (RCHME) to British History Online [www.british-history.ac.uk](http://www.british-history.ac.uk/) - a freely available website making available highly accurate digital versions of core printed sources for British history, as part of the Institute's national role in the promotion and facilitation of historical research.

### Permission Controller’s Brief

Copyright - Identify all images in all volumes of RCHME provided by third parties. Identify the current copyright holder of those images and request permission to reuse the images in the online version of the volumes. Ensure accurate attribution appears with the image online.

Data development - where time allows collect data on the grid reference points of monuments, the links to the relevant Victoria County History parish entry on British History Online, and other relevant online links.

### Summary Results

Total number of images in volume: 17,773

Total number of images provided by the Commission: 16,885

Total number of images originally provided by third parties: 888

Total number of institutional copyright holders approached for permission: 74 (610 images)

Total number of individuals who provided images: 58 (118 images)

Total number of images which were provided by third parties but are now out of copyright or the intellectual property of English Heritage: 105

Total number of images of uncertain origin: 55

## Methodology

### Data Development

The data development part of the role was a lower priority than identifying which images needed copyright clearance. In the early stages of the project, data was compiled for 15 volumes whilst scans of the volumes were unavailable. As the project developed it was decided a different approach would be taken, linking extra data with parish locations rather than individual images, and thus the permission controller’s work focused entirely on copyright clearance rather than data development.

### Identifying Images Provided by Third-Party Copyright Holders

The highest priority was given to the task of identifying all images for which English Heritage is not the copyright holder. This ensured that all images belonging to English Heritage could be published online as soon as the scanned volumes were available. Spreadsheets were prepared containing lists of every image in the volumes along with information on the copyright holder of each image. These lists were compiled from the illustration lists in each volume which had been scanned and converted into text by the offsite scanners. The illustration lists were organised in one spreadsheet with a tab for each county to keep the data in manageable chunks. Although the spreadsheet was stored and updated in a shared Google drive, it was converted to Excel for data manipulation due to the speed restrictions of Google drive. Each image was assigned a unique 8 digit number, the first 4 digits of which corresponded to the volume in which the image could be found. Fields within this spreadsheet included:

* Unique identifying number
* Monument location information
* Image Title
* Page, Plate or Figure number
* Copyright Holder - name of institution or individual
* Permission required y/n
* Copyright notes (this might include notes on a publication in which the image has previously appeared)

The spreadsheet was programmed to flag red any image which had not been provided by the Commission. When every volume had been examined for information on copyright holders each tab was sorted by copyright holder. Data on any image which had not been provided by the Commission could then be extracted to populate a new tab which was in turn was sorted by copyright holder. At this stage it was possible to tally the total number of images requiring copyright clearance, and complete the list of third party copyright holders.

Due to the age of the volumes, the publication dates spanning most decades of the twentieth century, the acknowledgement of institutions or individuals providing images is quite different from modern conventions and differs from volume to volume. Whereas in a modern text one might expect the provenance of an image to be referenced in a caption underneath said image, this was only occasionally the case in the RCHME volumes. Details on images which had been provided by third parties could sometimes be found in the illustration list of the volumes, in footnotes to in-text illustrations, in the preface to the volumes, in the official reports of the Commission which were printed as part of the preliminary material, as well on the image or in its accompanying caption. Occasionally a combination of citation methods was used. In nearly every volume it is possible to ascertain which images were provided by which third parties with the exception of the third Dorset volume published in 1970. Dorset volume 3 contained a note in the preface stating that the aerial photography in the volume had been provided by three different parties. A closer inspection of the images could not provide any clues as to which image had been provided by which institution so it will not be possible to clear copyright for these images.

### Identifying Copyright Holders

Information on third party copyright holders was compiled in a separate spreadsheet shared on Google drive to provide an ‘at a glance’ view of progress with the permission request process. This spreadsheet consisted of one tab with fields for:

* organisation or individual name
* volumes in which the copyright holder’s images appear
* date permission request letter sent
* date permission granted or other correspondence received
* date signed licence document received at IHR
* contact details
* Society of London involvement
* notes on initial contact

When working through a volume, each time a new third party copyright holder was found, it was added to the spreadsheet. When there was time between the availability of new scans of volumes, the details of third party copyright holders were researched and entered onto the spreadsheet. Contact with the larger institutions that were thought most likely to have provided multiple images was made by email before a full list of images they had provided was completed in order to establish the relevant staff member who would be able to give permission. This was to ensure the formal request would be received by the decision maker as soon as it had been prepared. When researching contact details priority was given to institutions rather than individuals as it was anticipated that institutions would account for proportionately more images than individuals and it would take less time to find current contact details for institutions than for individuals. Whilst it was essential to complete this aspect of the work, it was considered a secondary priority to noting which images were not originally provided by the Commission.

For those images which were provided by defunct institutions, and individuals whose contact details were not readily available, various methods were employed to ascertain details of the current copyright holder. Such images fall under the category of ‘orphan works’ and whilst there is a possibility that the images are still in copyright it would be a risk to publish them without trying all means possible to contact the current copyright holder. As well as conducting internet searches on the individuals and institutions concerned, local history and archaeology societies were also contacted to see if they could provide information on copyright holders who had provided images relating to their locale. A blog post appealing for information appeared on <http://britishhistoryonline.blogspot.co.uk/> on 24th October 2012.

### Requesting Permission from Copyright Holders

Following discussions with the legal departments of The University of London and English Heritage it was decided that all permissions should be obtained in writing to provide a uniform record of which images were the subject of the request and the exact use specified. A formal request letter was prepared which contained a licence stating terms and conditions of use, and an annex containing a list of all images for which permission was being requested (see Appendix II). The letter was sent electronically with a request that two copies of the licence and annex be signed and returned to Jonathan Blaney at the IHR. The letters were prepared as a Word document then converted to PDFs before being sent via email to the copyright holders. A copy of both the Word and PDF version of each letter was shared with the project team using a Dropbox account.

It was anticipated that a significant proportion of copyright holders would not immediately respond to the request. Time was allocated for chasing those who had not responded to or acknowledged the initial email request. Two weeks after all letters had been sent, any institution which had not responded was resent the request. For those institutions who had provided no more than two images, a low resolution version of the image was included on the annex to assist in the institutions’ decision making process. For those institutions or individuals who had not replied to either email, it was recommended that the letter be sent as a hard copy.

Crown Copyright images are subject to slightly different regulations than other images. The National Archives were able to advise if images provided by some defunct bodies were subject to Crown Copyright. According to the age of the images, they were either out of copyright or subject to a special licence which is free of charge but must be referenced in the credit line of the image as it appears online.

### Other Aspects of the Work

Regular meetings were held with the project team to provide updates on availability of data (including scans of the volumes and lists of illustrations from the scanners), progress in checking copyright status of images, research on current copyright holders including contact information, and the preparation and sending out of official requests. These ensured all members of the project team were agreed on priorities of the tasks to be completed, the best way to share information during the process. These meetings also established what would constitute due diligence in the Permissions Controller’s work.

Templates of the covering email and permission request letters were prepared and shared with other members of the project team so they could be used for any individual copyright holders who were traced after the freelance permissions controller position had finished. It was hoped that the call for information on individual copyright holders and the requests sent to local history societies would yield results in due course.

As the RCHME project was not the first digitisation project to appear on British History Online various processes were already in place to ensure that images without copyright clearance could be prevented from appearing on the live site.

Good use was made of the IHR blog to promote the project, request help, and exercise due diligence in efforts to reach copyright holders. In addition to the blog post referenced above written by Jonathan Blaney, a post about the Commissioners was written to generate interest in the volumes. This went live on 26th September 2012 and can be found at <http://britishhistoryonline.blogspot.co.uk/2012/09/trials-and-tribulations-of-rchme.html>. A further post by the Permissions Controller would go live in early 2013 and would provide readers with an introduction to copyright issues surrounding images along with links to further reading on the topic.

It is hoped that the information regarding copyright holders and their contact details will be of use for future projects. The information contained in the Copyright Holders spreadsheet was updated to reflect the correct email addresses or postal addresses of relevant personnel. This information could also be used to promote the project once the digitisation process is complete and the volumes are live as it is likely that volumes will be of interest to the organisations who provided the images and their members.

### Due Diligence

It was agreed that all efforts would be made to obtain permission from copyright holders before their images were published online. This included having the relevant legal departments approve the official request which was sent out to copyright holders, conducting thorough internet searches in an effort to reach all copyright holders, and appealing for help from other organisations to assist in this effort. Records of all correspondence were kept and shared with the project team.

## Lessons Learned

Various factors had the potential to impact upon the timely completion of the project. The following section sets out some of these factors, along with the strategies employed to deal with them.

### Availability of digital scans of volumes

Without access to the volumes, they could not be checked for third-party images. Although there were some delays in receiving some of the volumes from the scanners, due to good communication of the anticipated scanning schedules and flexible working practices this did not impact on the completion of the work.

### Lack of original paperwork/book files from the volumes

No trace of the original paperwork concerning the RCHME volumes could be found. Had the records still survived it is possible more detailed information on copyright holders could have been gleaned which would have been especially useful for finding individuals or their estates most of whom have left no online trace. However, even if written records of agreements between the Commission and third-party copyright holders had been found, due to their age, it is highly unlikely there would have been any reference or indication of consent to publication in a non-book format. This factor was beyond the control of the project team but it did serve to underline the importance of keeping a record of all permissions received for the current use of the material.

### Defunct organisations/untraceable individuals holding copyright

Local organisations proved helpful in tracing defunct organisations, and it is hoped they will also be able to help in providing details for contacting individuals or their estates. The Society of Antiquaries of London in particular had many members who informally assisted the Commission.

### Lack of cooperation from current copyright holders

Most copyright holders responded positively to the request for permission to reuse their content free of charge. A small number of organisations have requested payment, most notably the Cambridge University Geography Department who provided a number of the aerial photographs. As there is no provision in the budget for the payment of reproduction fees a response has been drafted appealing for those institutions to reconsider. This response makes reference to the spirit of fair use, the non-profit educational nature of the website, and the hope that the project will also drive users to the content and collections of those institutions requiring payment.

### Inability to identify copyright holder of certain images

Due to the vague attribution of some images, for example the aerial photography in Dorset Volume 3 which is attributed to three different organisations, it will not be possible to identify the provenance of some images. Similarly, some images are credited to a particular academic without noting the publication in which the image first appeared. There are on occasion multiple publications listed for a particular author, and it would be prohibitively time consuming to source copies of each text in order to ascertain which contained the image in question.

### Devoting too much time to researching any one particular image or copyright holder

It was important to avoid spending too much time on researching any one image or copyright holder. As time on this aspect of the project was limited, efforts had to be focused on those enquiries deemed most likely to yield the greatest returns. Requesting the help of local organisations such as records offices and museums did prove successful. Members of those organisations were very helpful in making enquiries to trace current copyright holders of defunct organisations.

### Agreement of terms of licence between UL and copyright holders

Although most institutions did not question the process of signing the licence document, some were not able to sign the document even if they agreed to the proposed use of the image due to institutional policy. In these cases the electronic correspondence has been printed along with a copy of the request letter to demonstrate that permission was obtained and due diligence was followed before publication of the image.

### Inaccuracies in the illustrations lists

The illustration lists contained in the volumes often contained more than one description of the same image as it was organised by monument location, rather than by the order in which the illustrations appeared in the volume. Although this could be confusing at times, it only rarely applied to images provided by third parties, and as all parties were alerted to this fact, it did not negatively impact the project.

## Appendix I - List of Volumes

|  |  |  |
| --- | --- | --- |
| Volume | Date of publication | No. of third-party images |
| An inventory of the historical monuments in Hertfordshire | 1910 | 5 |
| An inventory of the historical monuments in Buckinghamshire, 1 South | 1912 | 7 |
| An inventory of the historical monuments in Buckinghamshire, 2 North | 1913 | 3 |
| An inventory of the historical monuments in Essex, 1: North  | 1916 | 0 |
| An inventory of the historical monuments in Essex, 2: Central and South | 1921 | 0 |
| An inventory of the historical monuments in Essex, 3: North  | 1922 | 1 |
| An inventory of the historical monuments in Essex, 4: South | 1923 | 1 |
| An inventory of the historical monuments in London 1: Westminster abbey | 1924 | 0 |
| An inventory of the historical monuments in London, 2: West London  | 1925 | 9 |
| An inventory of the historical monuments in Huntingdonshire | 1926 | 3 |
| An inventory of the historical monuments in London, 3: Roman London  | 1928 | 157 |
| An inventory of the historical monuments in London, 4: The city  | 1929 | 10 |
| An inventory of the historical monuments in London, 5: East London  | 1930 | 72 |
| An inventory of the historical monuments in Herefordshire, 1: South-west | 1931 | 5 |
| An inventory of the historical monuments in Herefordshire, 2: East | 1932 | 5 |
| An inventory of the historical monuments in Herefordshire, 3: North-west | 1934 | 3 |
| An inventory of the historical monuments in Westmoreland  | 1936 | 3 |
| An inventory of historical monuments in Middlesex | 1937 | 9 |
| An inventory of the historical monuments in the City of Oxford | 1939 | 20 |
| An inventory of the historical monuments in Dorset, Vol. 1: West | 1952 | 10 |
| An inventory of the historical monuments in the City of Cambridge, Part 1 | 1959 | 48 |
| An inventory of the historical monuments in the City of Cambridge, Part 2 | 1959 | 6 |
| An inventory of the historical monuments in the City of Cambridge, plans | 1959 | 0 |
| An inventory of the historical monuments in the city of York, 1: Eburacum, Roman York | 1962 | 72 |
| An inventory of the historical monuments in the county of Cambridge, 1: West | 1968 | 22 |
| An inventory of the historical monuments in Dorset, Vol. 2: South-east | 1970 | 42 |
| An inventory of the historical monuments in Dorset, Vol. 3: Central  | 1970 | 34 |
| An inventory of the historical monuments in the county of Cambridge, 2: North-East | 1972 | 13 |
| An inventory of the historical monuments in the city of York, 2: The defences | 1972 | 1 |
| An inventory of the historical monuments in the city of York, 3: South-west | 1972 | 16 |
| An inventory of the historical monuments in Dorset, Vol. 4: North | 1972 | 14 |
| An inventory of the historical monuments in Dorset, Vol. 5: East | 1975 | 25 |
| An inventory of the historical monuments in the city of York, 4: Outside the city walls east of the Ouse. | 1975 | 5 |
| An inventory of the historical monuments in the county of Northampton, 1 Archaeological sites in North-east Northamptonshire | 1975 | 17 |
| Ancient and historical monuments in the county of Gloucester, 1: Iron age | 1976 | 44 |
| An inventory of historical monuments: the town of Stamford | 1977 | 25 |
| Ancient and historical monuments in the city of Salisbury | 1977 | 56 |
| An inventory of the historical monuments in the county of Northampton, 2 Archaeological sites in central Northamptonshire | 1979 | 35 |
| An inventory of the historical monuments in the city of York, 5: Central area | 1981 | 21 |
| An inventory of the historical monuments in the county of Northampton, 3 Archaeological sites in North-west Northamptonshire | 1981 | 31 |
| An inventory of the historical monuments in the county of Northampton, 4 Archaeological sites in South-west Northamptonshire | 1982 | 18 |
| An inventory of the historical monuments in the county of Northampton, 6 Architectural sites in North Northamptonshire | 1984 | 1 |
| An inventory of the historical monuments in the county of Northampton, 5 Archaeological sites and churches in Northampton | 1985 | 19 |

## Appendix II – Letter template

 <date> 2012

<name and address of copyright holder>

<email address of copyright holder>

Dear Sir/Madam

I am writing to request permission to reproduce images published in An inventory of the historical monuments in <volume name and date> in the Royal Commission on Historical Monuments of England which we have identified as being copyright to <copyright holder>. English Heritage is working with British History Online (www.british-history.ac.uk) at the Institute of Historical Research to publish all RCHME volumes digitally, making them freely available online. The RCHME images which have been identified as copyright to <copyright holder> are listed in the annex to the enclosed licence.

If you are willing to grant permission for this use of the images, please print the licence and annex and post two signed copies to the address below. Upon receipt, we will countersign both and send back one licence for your records.

If you have any questions about the project or the images requested, please feel free to contact us.

Kind regards

Jonathan Blaney

British History Online

Institute of Historical Research

University of London

### Licence

Digitisation of historical data licence agreement

THIS AGREEMENT is made on <date> 2012

BETWEEN:

1 <copyright holder> of <copyright holder address> (the “Licensor”)

2 University of London and the History of Parliament Trust of Senate House, Malet Street, London WC1E 7HU (the “Licensee”)

Background

A. The Licensor is the owner or controller of the rights in certain images (“the Images”) printed in volumes <abbreviated title of volume> of the inventory volumes of the Royal Commission on the Historical Monuments of England (“the RCHME”). [Details of the Images are set out in the Annex to this Agreement.]

B. The Licensee wishes to include reproductions of the Images in a digital version of the volumes commissioned by the RCHME as part of the British History Online project.

Operative Provisions

1. The Copyright Owner hereby grants to the Licensee a perpetual worldwide non-exclusive royalty-free licence to copy and use the Images for scholarly and educational purposes; and to make them available online to others for non-commercial purposes through the British History Online website subject to its Terms of Use.

2. The Licensee will include an appropriate acknowledgement of the Licensor in the digital version of the volumes.

3. The Licensee will not grant any sub-licences of the rights granted by this Agreement and will refer all requests for permission to reproduce the Images to the Licensor.

|  |  |  |
| --- | --- | --- |
| SIGNED by for and on behalf ofThe Licensor(<copyright holder>) |  |   Date |
| SIGNED by for and on behalf ofUniversity of London |  |  Date |
| SIGNED by for and on behalf ofthe History of Parliament Trust |  |  Date |

### Annex

Images covered by this licence

|  |  |  |  |
| --- | --- | --- | --- |
| RCHME Volume | Page Number | Image Title | Monument/Location |
| Essex 4 (1923) | 87 | Section and Plan | Denehole Little Thurrock |

## Appendix III - Table Detailing Number of Images per Institution\*

|  |  |
| --- | --- |
| Organisations providing images | No. of Images |
| Society for the Promotion of Roman Studies | 1 |
| Victoria County History | 19 |
| Victoria and Albert Museum | 3 |
| Society of Antiquaries of London (inc but not limited to Antiquaries Journal and Archaeologia), see also REM Wheeler publication, Dorset II iii | 46 |
| British Archaeological Association (Journ. Brit. Arch. Assoc.) | 3 |
| British Museum (inc but not limited to "Guide to the Antiquities of Roman Britain") | 22 |
| Royal Archaeological Institute (Arch. Journ.) | 6 |
| Sir John Soane's Museum | 1 |
| Country Life | 1 |
| British Library | 2 |
| Trans. Anc. Mons. Soc. | 1 |
| Crown Copyright - Ministry of Defence, HM Office of Works, Ordnance Survey, Royal Naval College | 68 |
| British Railways | 4 |
| Public Record Office (now National Archives) | 1 |
| Woolhope Club | 1 |
| Cambrian Archaeological Association (Archaeologia Cambrensis) | 3 |
| Ashmolean Museum | 3 |
| Bodleian Library | 2 |
| Merton College, Oxford | 9 |
| Balliol College, Oxford | 1 |
| Exeter College, Oxford | 1 |
| Lincoln College, Oxford | 1 |
| Oriel College, Oxford | 1 |
| St Edmund Hall College, Oxford | 1 |
| Royal Hospital, Chelsea | 1 |
| St Katherine's Hospital, Chelsea | 1 |
| Church of St Mary Le Strand | 1 |
| Carpenters' Company | 2 |
| Vintners' Company | 1 |
| Merchant Taylors Company | 6 |
| LMA - London County Council, Guildhall Library | 4 |
| Tottenham Borough Council (Now Haringey) | 1 |
| Twickenham Borough Council (Now London Borough of Richmond upon Thames) | 1 |
| Rector of Greenwich | 1 |
| London and Middlesex Archaeological Society | 1 |
| Illustrated London News | 1 |
| Anthropological Society of London (Anthrop. Rev.) | 1 |
| Cambridge University Geography Department – inc. JKS St Joseph, Director of Aerial Photography at Cambridge University | 158 |
| Cambridge University Library | 2 |
| Cambridge Antiquarian Society (& their Library) | 8 |
| Cambridge Museum of Archaeology and Ethnology | 3 |
| Cambridgeshire County Record Office/County Planning Dept./Cambridge County Council Town  | 3 |
| Downing College, Cambridge | 2 |
| Kings College, Cambridge | 36 |
| Sidney Sussex College, Cambridge | 7 |
| Dorset County Council/County Architect Dorset 1938 | 1 |
| Dorset County Museum/Dorset Natural History and Archaeological Society | 13 |
| Committee for Research into the Iron Age in the North-West Cotswolds | 1 |
| Stamford Archaeological Society | 8 |
| Salisbury District Council | 18 |
| Salisbury Museum | 12 |
| Devizes Museum (now Wiltshire Heritage Museum), Wiltshire Archaeological and Natural History Society | 7 |
| Wiltshire County Council | 1 |
| Yorkshire Museum | 15 |
| York City Archives - York Public Library/Messers Brierley Leckenby & Keighley (Architects) | 5 |
| Y. A. & Y. A. S. Proceedings/YAYAS/Evelyn Collection | 5 |
| York City Art Gallery | 8 |
| Dean and Chapter of York/York Minster Library | 6 |
| Northern Echo | 3 |
| Wakefield Art Gallery | 1 |
| York Archaeological Trust | 1 |
| Northampton Public Library/Northamptonshire Libraries | 8 |
| Northamptonshire Record Office/Northampton Development Corporation | 28 |
| Northampton Museum | 5 |
| Digby Estate Office | 1 |
| Hinchingbroke House Estate | 1 |
| Kimbolton Castle Estate | 1 |
| Elton Hall Estate/Mr Granville Proby | 1 |
| Burghley Estate Trust and Marquess of Exeter | 1 |

 \*This does not include organisations which have merged with English Heritage or images which have become the intellectual property of English Heritage since the publication of the volumes, nor does it include images whose provenance cannot be traced, or images which were established as being out of copyright.

##  Appendix IV – Time Spent on Different Phases

|  |  |
| --- | --- |
| Activity | Days |
| Data Development | 10 |
| Identifying images provided by third parties | 58 |
| Researching contact details | 5 |
| Requesting permission to publish images on British History Online and responding to queries | 22 |
| Chasing non-responding organisations and responding to queries | 3 |
| Preparing final report | 2 |