August 28, 2013

Copyright Licensing Steering Group
Images & Metadata Workstream
C/O Copyright Licensing Coordination Office
80 Strand, Mezzanine Floor
London WC2R 0RL

Dear Chairman Lancaster, Chairman Alexander, and Image & Metadata Workstream participants:

The PLUS Coalition is pleased to respond to your request for responses to questions posed in the document "A Consultation on a Voluntary Code of Practice for Creating and Retaining Metadata in Images, dated June 7, 2013. We appreciate the opportunity to participate.

Our attached answers were drafted by a dedicated subcommittee including Abbie Enock, Sarah Saunders and Jeff Sedlik. Questions in response to our answers should be addressed to info@usePLUS.org.

We look forward to continued participation.

Respectfully,

Jeff Sedlik
President & CEO
PLUS Coalition
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**PLUS Coalition responses to questions posed in Voluntary Code of Practice for Creating and Retaining Metadata of Images, dated June 27 2013.**

Question 1

Images should not be transmitted or made public without descriptive metadata and license metadata, whether that metadata is embedded or stored remotely and accessed using an identifier. PLUS is currently engaged in encouraging the use and preservation of photo metadata, and in encouraging the use of technology supporting same. We anticipate no issues in continuing these practices, and shall continue to do so.

Under certain circumstances, within common workflows, embedded metadata becomes outdated with time. For example, license metadata is dynamic and often requires revision in order to accurately represent the rights associated with an image at any point in time. Preservation of incorrect/outdated license metadata in an image or database may result in misunderstanding, misuse and significant liability.

Unique identifiers embedded in image assets, linking back to a dynamic database of image rights metadata would be the best possible solution, allowing information to be updated instantly and at any time before or after the distribution of image files. Such a practice allows images to remain 'connected' to current rights information indefinitely. Registries serving as databases for image rights require proper governance and standards. The PLUS Registry at www.PLUSregistry.org is an example of an industry-neutral, non-profit, global image rights registry. Even when metadata is stored in such a remote database, licensing metadata attached to an image should never be removed or altered without the express advance permission of the party responsible for initially attaching that metadata to the image.

Question 2:

PLUS is expressly focused on this principle. Stakeholders must understand the challenges involved. Due to the global distribution of electronic copies of images, few if any organisations are able to comply today with the principle of providing image rights metadata as "easily understandable information." For example, images published in any country are instantly accessible to viewers in all other countries. License information stated in a language (English or any other) that is unfamiliar to the reader has neither meaning nor effect, and otherwise useful metadata might

just as well  ("disappear," written in Egyptian Hieroglyphs). In fact, rights metadata often proves difficult to interpret even if the reader is fluent in the same language. Achieving "easily understandable" license metadata requires the use of machine interpretable rights metadata, thus allowing anyone encountering the image to easily access and understand the license metadata.

Notes: The definition of license metadata in the body of this document is problematic. The document defines license metadata as information that "identifies the owner or licensor of the rights in the image in question, his/her relevant contact details and the date of creation of the image (or the closest possible proximation in the case of historic material)." These fields: copyright owner, licensor, creation date, are excellent examples of essential licensing metadata, but represent only a small subset of the universe of information commonly described and employed as "license metadata." The report should be more clear on this point, and should use a different term, such as "core rights metadata" or "basic rights metadata."

Question 3

We suggest that this question should reference not only creators, but copyright owners, distributors, licensors, archivists and others in the image supply and preservation chains. In creating, editing, offering, distributing, managing and preserving images, professionals and amateurs alike should endeavor to identify and use tools that (1) allow simple and easy attachment of rights-related metadata (and/or identifiers resolvable to remotely stored rights-related metadata), and (2) protect the integrity of attached metadata. Adopting this principle across the entire workflow is challenging. For example, few image capture devices provide for easy attachment of rights metadata.

Question 4

The development of international guidelines for metadata preservation would assist with this goal. The Metadata Working Group and the Embedded Metadata Manifesto are two examples of initiatives making great progress. However, software and hardware developers assign greatest priority to feature requests received from large numbers of their current paying customers.

Question 5

Professionals should use software capable of embedding, reading, updating and displaying XMP metadata, including the current industry standard metadata

schemas. However, discovering licensing metadata will remain challenging until the purveyors of operating systems make all rights metadata accessible.

Any list of reasonable steps should include as step 1: “Unless and until you find rights metadata permitting your use of an image, assume that you must seek and obtain permission before commencing use.” Ideally, image users should run software that automatically searches local and global registries to ascertain rights information associated with an image.

Note for section 5.6: IPTC and PLUS metadata schemas include fields dedicated to the clear communication of image licensing metadata. Even where an application does not support and display all embedded metadata, that metadata should be preserved by the application.

Question 6

We agree that rights metadata, once discovered, must not be ignored. A list of recommended hardware, software and other resources for identifying and managing rights metadata would be helpful to many image users.

Question 7

The Code of Practice should specify reasonable steps. For example, if available rights information is insufficient to provide a complete understanding of the parties, permissions, constraints, requirements and conditions relevant to the use of the image, the potential user should seek out and obtain any additional information required to allow an informed decision as to the scope of use allowed by license, law or policy.

Question 8

As mentioned earlier, licensing metadata is dynamic. When embedded in image files, such metadata often becomes outdated. Outdated rights metadata can result in misunderstandings and misuse. The removal of rights metadata is appropriate only with the knowledge and permission of the rightsholder responsible for embedding that metadata. By embedding persistent unique identifiers referring to remotely stored rights metadata, it is possible to provide current, accurate rights metadata, indefinitely.

Question 9

General principles. The Code should help image users to craft effective questions to image rights holders and technology providers.

Question 10

Addressed in other responses herein, but once an image is distributed by a creator, owner or licensor, there is never a justification for stripping an image of its rights metadata. That metadata should be embedded in the asset, or better still, should be represented by a unique identifier permanently embedded in the asset, linking to a registry containing the rights metadata.

Question 11

We would support.

Question 12

Appropriate.

Question 13

In order to provide maximum benefit, the Code of Practice should serve as a model for a global Code of Practice, with balanced participation by stakeholders groups in all countries.

Question 14

Hardware replacement. Licensing and maintaining compliant software. Education and training. Updates to business manuals.

Question 15

Yes. Not just smartphones. Scanners, tablets and other capture devices should include this functionality. Inexperienced users not only have copyright concerns, but also have publicity/privacy rights concerns. Simple, easy methods for automatically attaching metadata to their captures would provide great benefit.

Question 16

Images are generally weak and ineffective vessels for transmission of detailed rights metadata across uncontrolled environments. We support the use of embedded persistent unique identifiers referring to remotely stored metadata. The best path to standardization of such a practice is to form a coalition of stakeholder groups, develop the necessary standards, encourage adoption, and then once the standards are sufficiently propagated, seek formalization of the standards. The most significant benefits would arise from the resulting automation of rights management, reduction in infringement, increased monetization of owned and licensed assets, reductions in liability, and more. Applications used for creating and managing images should seamlessly link to image rights registries for use at user discretion.

Suggested additional text: Two well developed standards exist for communicating licensing and content description metadata, whether embedded an image file, stored in a database, or otherwise communicated. The IPTC schema for images has been operating since the early 1990's and defines descriptive, administrative and licensing metadata. The PLUS schema and other PLUS standards, developed in cooperation with the IPTC, provide for the identification of images and for the communication and management of all manner of image rights metadata. PLUS has also created the PLUS Registry at www.PLUSregistry.org, a non-profit resource for discovery of image rights metadata. IPTC and PLUS have worked together to ensure there is no duplication. The IPTC Extension relies in part upon the PLUS schema for the communication of image rights metadata.

Question 17

Yes. A coalition of stakeholders from all related industries. We suggest collaboration with the IPTC's Embedded Metadata Manifesto and the Metadata Working Group. We suggest support of the Copyright Hub.

Question 18

Most have been addressed. Creators face a significant challenge in dedicating the time necessary to create metadata and attach it to their images. However, creators have a professional responsibility to ensure that the information associated with their work product is accessible.

Stakeholders on all sides of the image licensing equation are making efforts to move to a more automated workflow aimed at (1) reducing the time and effort required to maintain image management systems and (2) enabling easier and faster access to licensed material for users. Metadata is the key to automation. Embedded metadata can play an important role in the workflow. Many

organisations are already taking advantage of picking up and using embedded metadata but there is much room for improvement. Image management is still a challenging process, dogged by repetitive and outdated workflows. Making use of the latest software capabilities and metadata standards to support new, more efficient workflows will bring substantial productivity gains to all concerned.

Question 19

The right approach. However, those who are not well versed in technical matters often give up easily when faced with such lists, or make impractical demands, such as locking embedded metadata in jpeg files.

Question 20

Metadata stripping is a global issue. Government should work closely with governments in all countries to address the issue on a global scale, or little benefit will be achieved.