

## Japan Image Use Symposium

Lynne E. Riggs

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On June 23, 2008, the North American Coordinating Council on Japanese Library Resources (<http://www.nccjapan.org/>) held a symposium in Tokyo (International House of Japan) entitled “Japanese Images: Using Them to Support Japan Studies Internationally.” Bringing together librarians, publishers, museum staff, editors, Japanese studies professors, and other interested parties, it was a landmark event in developing good practices for image use relating to Japan. Lynne E. Riggs is the managing editor of *Monumenta Nipponica*, the now semi-annual journal of Japanese studies.

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*We keep calling the head priest of a temple in Kyoto, attempting to obtain written permission to publish a photo of a statue in his main hall in an article for our journal by an American scholar. He sounds agreeable enough, but is apparently too busy running the temple kindergarten to sign and return the letter of permission we prepare and sent to him. We keep calling, and finally he sends it.*

*The page from the manga a scholar wants to include in her article shows a passionate scene; the author simply wants to compare it with other treatments of the same story as depicted by other artists. When we file for permission, the publisher wants to know: How is this to be used? Who are you? Patiently we explain; we summarize the passage in question, we explain who we are. Finally it is agreed. There will only be a small charge, since the journal is non-profit. Please pay to the following account, they instruct, after which the permission form will be signed. Going back and forth, the process took about three weeks.*

These stories evoke the intimate, complex world of image use and permissions processing, a specialized appendage of our writing, publishing, and international research and understanding activities. Visual images of Japanese art works and reproductions of manuscripts, documents, artifacts, and other material are being used with increasing frequency in books and periodicals, and even in cases where the images are for educational or scholarly publications, express permission in writing may be required. The often-intricate process of obtaining these permissions is a cottage industry that few people have known intimately until now, but as the number of permissions needed increases, the process must be more widely understood and

accessible on both sides of the cultural divide. As museums, publishers, and rights holders in other parts of Asia become more aware of image use ramifications, the lessons learned for Japan are likely to come in handy for other countries with non-Western publishing cultures. The admirable efforts of the North American Coordinating Council on Japanese Library Resources (NCC) took this endeavor a major step forward with a conference this June, bringing together librarians, publishers, museum staff, editors, Japanese studies professors, and other interested persons. Roughly, it consisted of a morning session presenting the needs and context of image use in North America and an afternoon session featuring presentations on the ways museums, publishers, and other rights holders in Japan view image use. A full report on the conference, which was held in Japanese, will be published in Japanese. English reports will be published on the NCC website, in the Association of Asian Studies *Asian Studies Newsletter*, and in other professional publications; those interested should keep track of future developments by checking in at the NCC website (above).

The conference, moderated by Koide Izumi of the Shibusawa Eiichi Memorial Foundation, began with a review of image use in North America by NCC Chair Tokiko Bazzell (Librarian, University of Hawai‘i, Manoa). Bazzell noted that a Japan Foundation survey in 2005 found that some 5,000 courses on Japan are offered in the United States and are taken by some 20,000 students. To gauge the volume and nature of image use in Japanese studies, the NCC set up the Image Use Protocol (IUP) Task Force, which conducted a survey of academics and the problems they have in gaining permission for image use for educational and publishing purposes. Robin LeBlanc, professor at Washington and Lee University in Virginia, followed with an introduction summarizing the activities of the IUP over the past several months. Reiko Yoshimura, head librarian at the Freer and Sackler Galleries at the Smithsonian Institution, then reported the results of the survey (some of which are shown at <http://www.fas.harvard.edu/~ncc/imageuse/flyer.pdf>), confirming that greater understanding of Japan’s publishing culture on the one hand, and the needs of academics in the West on the other, is needed. In an article published in the *NCC Newsletter*, NCC executive director Victoria Lyon Bestor explains the problem:

Generally Japanese publishers undertake the responsibility of gaining permissions and paying fees for image use on behalf of their authors. And, in Japan, there may be a different understanding of “fair use” for images that accompany scholarly text in Japanese publications that may exempt those visual materials from permissions requirements that would be expected by Western academic publishers.

The greatest demand for Japan image use identified in the IUP survey was for teaching and for scholarly research and publishing. The presentation by Patricia Crosby of the University of Hawai‘i Press outlined common practices used by the more than 126 small university-affiliated academic presses that put out scholarly titles in relatively small print runs (generally between 200 to 750 copies) for the university market. In contrast to the large commercial publishers that

put out so-called “coffee-table books” for broader readerships in the United States, the university presses do not have staff available to take care of permissions business. As Lyon Bestor writes in her article:

U.S. and foreign academic authors are usually personally responsible for locating and covering the full costs of image rights for their publications. U.S. academic publishers require explicit permission to use those images from the Japanese rights holders even in cases where the display or reproduction of images might be viewed as “fair use” [i.e., “in’yō”] in publication or teaching done in Japan.

The scholars and others who attempt to obtain the largest number of permissions may not have specialized knowledge of the procedures required, and, in the absence of any well-established guidelines on image use, do not know much about the procedures that should be followed in communicating with museums, publishers, or other rights owners in Japan. Crosby stated that editors at academic presses help their authors as much as possible, but legal issues can still emerge in some cases. All correspondence and negotiations must, in any case, be conducted in Japanese, often in written form.

The afternoon session, moderated by NCC Japan Liaison Yasue Akio, proved especially informative about how the matter of permissions looks from the Japanese vantage point. From what we can observe, there seems to be no fundamental disagreement on the need for permissions for image use. University of Tokyo Press editor Fukushima Shôta, along with Ôta Ryûji, veteran editor at the mammoth commercial publisher Shôgakukan, confirmed that reproductions of photographs, maps, charts, and art work are used relatively freely in academic and educational (*kyôyôteki*) publications under the rules of “in’yô” (quotation). This may be the reason that Japanese publishers may initially sound nonplussed by permissions requests coming from abroad asking for printed and signed documents to go on record.

From our experience in obtaining permissions for images to be used in the pages of *Monumenta Nipponica* (Sophia University), where I have watched this kind of work increase in recent years, the permissions process is often an adventure that can lead down unpredictable byways. Starting with whatever information is provided by the author about the image in question, one begins phoning, asking what procedures are required, who is authorized to give permission and what sort of forms, if any, are required. Obtaining one permission may turn out to be contingent on another, and so on, until the web of rights holders has been completely covered. At the conference, Shogakukan’s Ôta emphasized that authors are often unaware that the copyright holder and the owner of a work may be different, or that the rights to a certain article are distinct from the rights to the photographs included in it; use of a single image may entail three to five or more permissions.

Always, one must be ready to provide full information: Who is this person who wants to use such an image, and for what publication? In what context? How many copies will be printed? Often the person from whom permission is sought finds the matter bothersome and wonders

why verbal permission is not enough. Publishers and museums in Japan are generally well-informed about permissions and rights, but some art works, artifacts, and other materials to be used are held or administered by individuals, family-run temples, local government bodies, and the like—far away from the world of publishing about Japan, where publishers want to follow the rules and avoid lawsuits. Care, good letter-writing skills, and tactful and courteous telephone Japanese are essential tools of successful permissions work.

Those of us for whom permissions-related tasks are part of our editorial duties welcome the efforts of the NCC, and we look forward to the development of the “Best Practices for Accessing Visual Images from Japan” promised as a result of the activities of the IUP task force and the June conference. The guidelines are to include advice on “locating and requesting images from Japan for teaching, research and publications; a set of templates for permissions letters requesting use of images; release forms for publication of photographs, a list of contacts and links to important sites and organizations providing copyright guidelines and information about how and where to seek permission.”

The conference was supported by the Toshiba International Foundation, the Japan Foundation, the Harvard University Reischauer Institute of Japanese Studies, the Shibusawa Eiichi Memorial Foundation, and the International House of Japan. For further information on the guidelines on image use to be developed by the NCC, please visit the IUP website, which is maintained through the generosity of the Reischauer Institute of Japanese Studies at Harvard University: <http://www.fas.harvard.edu/~ncc/imageuse.html>.