
UNIT 5 CONSERVATION AND PRESERVATION: SOME LEGAL AND ETHICAL ISSUES

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5.0 OBJECTIVES

After having read this Unit you will be able to:

- explain about conservation and preservation of cultural properties;
- describe the methods of preservation; and
- explain about intellectual property rights.

5.1 INTRODUCTION

In general conservation means to preserve and restore all kind of objects getting to deteriorate. But here we are going to discuss specifically about conservation of all kind of material/art objects/sound recording that depreciates right from the time they are made or created for several purpose. The term conservation can thus be defined in following order:

- any action that is determined about the character or properties of materials used in any kind of cultural set up or in their housing, handling or treatment,
- any effort taken to understand and control the causes of corrosion, and
- any action taken to better the condition of such natures

Let us first understand why conservation is important and also know the difference between restoration and preservation as they are fundamental principles. "Restoration means any action taken in order to try to return the objects as far as possible to its original and physical and aesthetics state. This attempt is to rectify the result of deterioration for a limited purpose and period. Preservation is an attempt to keep any objects in a sound physical and chemical condition. It is an ongoing process. The objects for preservation can be broadly divided in to two groups material/art objects and Oral traditions (O.P. Agrawal. 1993. Preservation of art objects and library materials. pp.xii-xiii).

Check your progress 1

Note: 1) Your answers should be about 30 words each:

2) You may check your answers with the possible answers given at the end of the Unit.

1) What is the meaning of Conservation? and what is the difference between restoration and preservation?

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Let us now discuss about the conservation and preservation of cultural properties.

5.2 CONSERVATION AND PRESERVATION OF CULTURE PROPERTIES

It is very much essential to conserve cultural properties for a good understanding of the history and culture of any country. As the cultural properties are priceless national assets and form the foundation of future progress it is important to conserve them. Therefore, every individual must conserve and preserve such properties and pass them on to future generation. We also need to understand the materials needed for conservation. The material for conservation of cultural properties are all types of materials; paper, paintings, manuscripts, textiles, metal objects, wooden objects etc. Cultural properties thus can be broadly divided in two groups-tangible and concrete and intangible and abstract.

A brief note of tangible and intangible cultural properties:

- Tangible: a property or thing that is perceptible by touch, such as
 - 1) Buildings, picture, sculpture, applied art, calligraphic works, and other items of great historical or artistic value to our nation

- 2) Archeological specimens and other historical materials of great scientific or academic value
- Intangible: a property which do not have any physical presence such as dramatic arts, music, folk performing art, textiles, costume, applied arts technology, and other cultural assets of an intangible nature which are of great historical or artistic value (WIPO Publication 913-E)

There are thus varied tasks involved in conservation of all objects, for which a good understanding of the perspectives and techniques of preservation is needed. Some of the common conservation procedures of such properties includes physical or chemical processes such as; removing dirt from the objects, which can cause damage, in case of acid paper; removing the chemical products or agent of decay etc, preservation of environment-temperature, humidity, light control etc.

Conservation of all kind of material/art objects/sound recording are done under three main headings and involving specific institutions: (1) Conservation of museum object (2) Conservation of library materials (3) Conservation of archival materials. Although they have separate identity, basically they are one institution divided under three divisions. The museum, library and archives, therefore, play an important role in our society to provide comprehensive and specific need based information to their users with special reference to information management, information retrieval, networking and relating one another with their collection. Let us now look into these institutions in specific.

5.2.1 Conservation of museum objects

"Museums is a permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and hold in its environment, for the purpose of education, study, and enjoyment, as defined by the International Council of Museums. According to the UK Museums Association. Museums enable people to explore collections for inspiration, learning and enjoyment. They are institutions that collect, safeguard and make accessible artifacts and specimens, which they hold in trust for society. (<http://en.wikipedia.org/wiki/museum>)

Conservation in museums includes all kind of processes of looking after a place where art /material objects/recordings of any cultural significance will be retained. It includes the continuation and protection of the objects, setting of a place, its maintenance and also its preservation, restoration, reconstruction etc.

A well organized library is an integral part of a museum, whose purpose is having a library in the museum. This is for the collection of books, periodical, guide books and catalogues relating to it. We also have specific museums which are specically designed like folklore and ethnographic museums which houses collection of sound recordings of oral traditions such as folk music, tribal music, folk dance, folk theatre, oral history etc., in their archives for the use of scholar who wish to undertake serious study.

Case study

Craft Museum in New Delhi

The Craft Museum in New Delhi, established in 1956, has been created with a motive to showcase the works of indigenous artisans in one place and also to encourage Indian handicrafts, to preserve the old crafts of India, thereby promoting the aspects of Indian culture.

The main attraction of this museum is the Tribal and Rural crafts from various places of India with added advantage of demonstration of craftperson's skills. There are over 20,000 objects being exhibited at the Crafts museum. It includes collection of textiles, jewellery and ceramics, metal wares, basketry, carving in wood, ivory and stone, jewellery, leather objects, dolls, toys etc., the museum gives encouragement to the artisans in supplying with designs, artforms of various types. Architectural display of authentic mud houts and a full-size wooden haveli from Gujarat decorated with folk art and feature woodcarvings, painting, embroidery etc.

The complex also houses the crafts Museum shop. The first gallery on display is the Tribal and Rural Craft Gallery, followed by the gallery of Courtly crafts, textile gallery, gallery of popular culture etc. there are also reference section with about 15,000 objects, for the benefit of scholars, designer and artisans.

Tourists can get a close glimpse of the folk art of India with live demonstration from the craftperson's and also buy available objects from the craftsmen directly as well as from the museum's retail shop (www.exploredelhi.com/museums).

5.2.2 Conservation of Library materials

Library houses collection of published printed material from books, monographs, and journals, news paper clippings etc, as sources of information, resources and services for the utilization of its users. It is often maintained by a public body, institution, organization or individuals. Apart from keeping books and other related published materials, many libraries also have storage for microform (microfilm/microfiche), audio tape, CD, etc and other sound recording formats. Following are few policies that library follows for its preservation of their materials:

- climate control, fire protection and security of materials from theft;
- best possible condition for storage, use of good material for exhibiting / shelving printed materials;
- protecting material from insect, mould and fungal destruction;
- keeping a track of issue and return of books, journals or any other printed materials.

5.2.3 Conservation of Archival materials

Archives are the place where the non-current records (the term records refers to any written and reference material, regardless of format) of an organization, institutions/individual or research scholar that has been selected for preservation because they have continuing value. They are important also from the view point of research. Archival materials are kept because the materials themselves are unique and important as a type of material. The archives are a body of functionally and organizationally related material that has grown originally out of some activity. Archives are maintained by the National governments, Universities, Cultural institutions, social organization, Museums, Hospital etc., wherever it is important

to preserve non-current records indefinitely. These records have greatest historical and fullest potential and use to their creators and other researcher in documenting and understanding the past, dealing with the present, and preparing for the future. Following are few preservation policy followed by the archives:

- acquisition of material,
- determining the material in terms of worth keeping their value against the costs in time, space and money
- a proper storage for archival materials
- plan for preservation such as documentation, cataloguing, accessioning
- climate control, fire protection and security of materials from theft

The overall duty of the archivist (individual who is responsible for managing archival records), librarian (person responsible for managing the library) and curator (keeper or custodian of a museum) is to ensure that all the items/objects of their collections are maintained in an appropriate condition for use. Therefore, it is essential and a must for all three to formulate a policy of their own in respect of preservation of their valuable collections to fulfill the aims and objective their founding organization. They should thus ensure best possible storage for keeping the materials, use of the material, displaying the materials, care and maintenance of the equipments.

Some of the most importance aspects of conservation and preservation are financial resources, accommodation and climate. For these, a good planning is very much necessary to continue the task of preservation in a smooth space. Last but not the least is the concern of the staff and co-ordination of their work, to ensure and promote best use of their respective institutions/organization to the user and ensure its optimum usage.

Check your progress 2

Note: 1) Your answers should be about 30 words each:

2) You may check your answers with the possible answers given at the end of the Unit.

2) What is the need of protecting cultural property?

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3) What is a museum, Write a brief note on conservation of Museum objects.

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5.3 PRESERVATION AND ITS METHODS

We have already mentioned about the definition of preservation in beginning, here, we will discuss the methods related to preservation of material/art objects and recording.

Preservation of Material/art objects

All art objects of any types are created in various materials such as wooden objects, stone sculpture, textiles, manuscripts, paintings etc., and they are continuously subjected to dangers of damage and deterioration. Therefore, it is essential for museum curators and art collector to preserve this collection of objects and to understand the nature of the dangers, their causes, effect and control the techniques.

The material/art objects are broadly divided into two categories: (a) inorganic and (b) organic. The inorganic materials do not decay that easily while the organic one does with the passage of time.

- a) Inorganic materials are ceramic, stone, metal etc.
- b) Organic materials are paper, wood, textiles, leather, ivory, bone etc.

The inorganic materials have therefore long lasting effect then organic objects but they also decay in slower rate organic objects. Organic objects need greater care for preservation.

Before going in details to understand the methods of preservation of material/art objects it is important to know how deterioration takes place and what the various factors which damage objects are. Deterioration is the alteration in an objects produced by interaction between objects and factors of destruction. There are several factors involve for deterioration of an objects, such as dust, direct sunlight and constant heat etc., for objects being kept in an open environment. For the objects inside a building are prone to get damage mainly from natural causes such as climatic conditions and environment, light, micro-organisms like fungi, insects etc., in the atmosphere. Apart from these, other most frequent causes of damages are mishandling of objects, bad storage, fire or accidents. A brief note on some of the important cause corrosion and methods of preservation of material/art object are given below:

5.3.1 Climate

The two most important components of the climate are humidity and temperature. Humidity and temperature are interrelated, the relative humidity of an enclosed space increases if there is a drop in temperature, and decreases if the temperature is raised. The main cause of humidity is water in both liquid and vapor form, accelerates chemical process of deterioration. For example, the presence of water deteriorates metal and stone much faster then under dry condition. Objects like paper, wood, leather etc., becomes limp and losses its crispness in a moist atmosphere. High humidity favors rapid reproduction of insects and micro-organisms like fungi. Most often climatic condition also damages objects for example, when any objects becomes adjusted to a particular balance of relative humidity, and transported to a different climate, tend to suffer damage.

5.3.2 Humidity and temperature control

To keep records of temperature and humidity of a museum building, it is necessary to record the temperature and humidity of all the rooms and galleries. There are various devices for monitoring humidity and temperature, one of the easy devices to measure is hydro thermometer. This equipment is placed on the wall in the gallery or any specific area where it is desired to measure the relative humidity and temperature of the building.

5.3.3 Monitoring humidity and temperature

For measuring climatic conditions of all the rooms of a building where objects are kept usually do not maintain a same climate. The process of monitoring humidity and temperature is undertaken throughout the year and in different period of the day. This kind of study helps to determine the necessary measures to be taken for conditioning the climate of the rooms. For controlling constant humidity and temperature in museums or libraries or art gallery, it is recommended that the relative humidity should range between 45(45%) to 60(60%) per cent and the temperature between 20 to 24 degree Centigrade (68 to 76 F)

The significant measure taken for controlling climate is air-conditioning. Air-conditioning norms are chosen according to the outside condition of climate of the museum or library or art gallery or archives. In humid climate, a higher figure of relative humidity can be chosen for control at 55 percent (55%) or more, but within 65 per cent (65%), and for dry climate, it should be about 45 per cent (45%) in lower limit. The measure of controlling climate changes according to regions. It is very important to note that whatever be the type of air-conditioning that it must run continuously day and night. Lowering air-conditioning in different time of the day or night or operated during summer and turning off during winter is dangerous, because it causes artificial fluctuations which damage the objects, especially for archiving any kind of sound recordings. For example, (1) mould and fungus will permanently damage all recorded material from wax cylinder to digital tape. (2) metal objects which would otherwise remained in good condition due to fluctuation it will start corroding. In this case it is better not to have air-conditioning and humidity control than have wildly varying levels.

The air-conditioning is excellent process for controlling climate but it is very expensive and generally not possible for entire building of museums, libraries or art galleries or archives. In this case, it is possible to control a limited number of rooms or selected area should be examined.

5.3.4. Light

Light is a form of electro-magnetic energy, whether natural or artificial, poses a threat to certain categories of works of art and sound recordings formats (like cassettes, spool etc). Although objects like stone, metal and ceramics are normally not sensitive to light, but all other object of organic material such as textiles, paper, paintings etc., are liable to be affected by it. Specially in the tropical countries where the sun is bright almost throughout the year, the damage from light can be serious.

The control for light in museum or archives or in areas where vulnerable objects are to be stored or exhibited must observe following three factors:

- Minimize the intensity of light falling upon the objects
- Expose objects to the light for a minimum period of time
- Eliminate the photo-chemically active radiations from the light

5.3.5 Insects

One of the worst enemies of all kinds of paper/recording formats/organic materials, natural objects etc., they bore holes in to material they infest and eat it voraciously.

In tropical climates, insect menace is greater in than in temperature zones because high temperature and humidity favor insect growth.

To control insect from the object the material used for construction of building play an important role of prevention of insect attack. Following are few factors:

- Insect proof materials, like steel should be used for shelving sound recording formats and books.
- Timber should be properly treated to make it insect proof for displaying museum objects.
- To prevent reproductive activity of insects use of insecticides is advisable (such as pest control) in tropical climates especially where air-conditioning and humidity control is very expensive.

5.3.6 Fungus

Fungi or fungus are a type of bacteria, a great danger in tropical countries because of their humid climate. Fungi are serious threat to museum objects (specially to organic nature), sound recording formats etc:

To control fungus following factor should be taken care of:

- Time to time cleanliness of the building and the objects is necessary.
- All books, art objects, sound recording materials etc. should be taken out for dusting with soft brush or low vacuum.

5.3.7 Fire

Fire is one of the major danger and destruction for the art objects both organic and inorganic, specially organic material like textiles, paper etc., all kind of sound recordings materials. The protection measures against fire should be taken in following ways:

- while the planning the building by keeping provision for appropriate exits door for quick evacuation of the staff as well as the visitors.
- Easy availability of water supply
- Installations of electronic items should be of best quality for museum or archives or library buildings
- Fire extinguish should be installed
- Installation of fire detector

Check your progress 3

Note: 1) Your answer should be about 30 words each;

2) You may check your answers with the possible answers given at the end of the Unit

4) What are the preservation methods of material objects? Discuss any of the preservaton method.

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5.4 METHOD OF PRESERVATION OF SOUND RECORDING

The aim of any sound archive is to preserve its collections into the indefinite future. Most of the preservation work requires technical expertise and expensive equipment, but certain principles require nothing more than common sense. Some of the important preservation principles for everyone as follow:

- 1) keep storage area dust-and insect free
- 2) keep temperature and humidity stable
- 3) keep material away from light
- 4) handle only when necessary
- 5) store in a secure vault to protect from theft, loss, or accidental misuse
- 6) develop an emergency plan for natural disasters, such as flood or fire
- 7) keeping multiple copies of a document is an important preservation principle. Specially, make working copies of original recording and keep the original into permanent storage, and, use only the new copy or working copy.

5.5 LEGAL AND ETHICAL ISSUES

When a collection/material object is deposited or acquired in an archive/museum, there is certain level of writing; negotiation with terms and conditions of legal procedures takes place among the archives, performer and depositor/researcher. The procedure of such kind are known as legal issue.

In general Ethical issues are concern with moral principle. For example, in a field recording archives the recorded materials of a particular community are

rare; archives have to be aware of the rights of the community to their music. While signing for any kind of commercial releases, archives should make communication with both the community and the depositor/collector, which can be consulted as to the uses of the recordings.

Before going into details about Legal and ethical issues, we need to understand the subject matter which needs to be protected under this regulation: they are Traditional cultural expression/Expression of Folklore often the product of day to life and communities' identity and cultural heritage. This product are constantly recreated and reproduced by the traditional artists and practitioners. Following are the subject matter of traditional cultural expression:

- 1) verbal expressions, such as folktales, folk poetry, riddles, jokes, words, symbol and indication;
- 2) musical expressions, such as folk songs and instrumental music;
- 3) expression by action, such as folk dances, plays and artistic forms or rituals; whether or not reduced to a material form; and
- 4) tangible expression, such as:
 - production of art, in particular, drawings, painting, carvings, sculptures, pottery, terracotta, mosaic, woodwork, metal ware, jewelry, basket weaving, needlework, textiles, carpets, costumes
 - crafts
 - musical instruments
 - architectural forms

Expression of traditional culture/folklore may be either tangible or intangible, most often they are combination of two. An example of mix expression of folklore would be a (1) recorded piece of music (tangible expression) that while performing a song or dance is intangible (2) a woven piece of cloth (a tangible expression) that while expressing a traditional story (an intangible expression). (WIPO publication no. 912(E).pp. 7-10)

The World Intellectual Property Organization (WIPO) has an active programme of policy development, legislative assistance for preservation, protection and promotion of traditional cultural properties. A brief note on Intellectual Property Rights:

5.6 INTELLECTUAL PROPERTY RIGHTS (IPR)

Copyright legislation is part of wider body of law known as Intellectual Property Rights. This right protects the interests of creators by giving them property rights over their creations.

WIPO is an international organization dedicated to promoting creativity and innovation by ensuring that the rights of creators and owners of intellectual property are protected worldwide, and that inventors and authors are thus recognized and rewarded for their ingenuity.

The convention establishing the World Intellectual Property Organization (1967) gives the following list of subject matter protected by intellectual property rights:

- Literary, artistic and scientific works
- Performances of performing artists, phonograms, and broadcasts;
- Invention in all fields of human endeavor
- Scientific discoveries
- Industrial designs
- Trademarks, service marks, and commercial names and designations
- Protection against unfair competition
- All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields

The importance of protecting intellectual property was first recognized in the Paris Convention for the protection of Industrial property in 1883 and the Berne Convention for the Protection of Literary and Artistic Works in 1886. Both treaties are administrated by the World Intellectual Property Organization (WIPO).

Generally all countries have two types of protect intellectual property and they are:

- a) to give statutory expression to the moral and economic rights of creators in their creations and to the rights of the public in accessing those creations.
- b) to promote creativity, and the dissemination and application of its result, and to encourage fair trade, which would contribute to economic and social development.

(WIPO Publication No. 909 (E).pp.3-4)

5.6.1 What is copyright law?

Copyright law protects the rights of intellectual creation with the respects to their original works. It is applicable to all types of literary and artistic works and will be protected as long as these are original expressions of an idea. Generally, copyright protection begins automatically from the date of creation, usually without being subjected to any was first recognized in the Paris C formalities. Copyright protection lasts for the life of the author plus fifty years after the death of the author. The following categories of work are protected under copy right law:

- 1) literary works
- 2) musical works, including all types of accompanying words
- 3) dramatic works, including all types of accompanying words
- 4) pantomimes and choreographic works
- 5) painting, graphic, and sculptural works
- 6) motion pictures and other audiovisual works
- 7) sound recordings

(WIPO Publication.913 (E)

The Copyright protection law varies from country to country. In the following sections, we are going to discuss about the Act of Copyright Protection for folklore/traditional cultural expressions in India.

5.6.2 Laws for protection of folklore/traditional cultural expression in India

In India the legislation that takes care of the rights relating to literary and artistic works, sound recordings, films and the right of performers and broadcasting organizations, is the Copyright Act, 1967. The act has been amended a number of times with most recent update in 1994.

The Indian Copyright act does not contain any provision for the protection of folklore/ expressions of folklore. There is no separate legislation along the lines of the model provisions, to serve the purpose of offering legal protection to expressions of folklore.

There is no scope for the tangible elements of folklore under the Patent Act or Designs Act

Under the amendment incorporated in the Copyright act in 1994, a certain amount of protection is offered to the performers. As per the Act, a performer includes, "an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecturer, or any other person who makes a performances."

Again, performer, in relation to a performer's right, is defined as "any visual or acoustic presentation made live by one or more performers"

It is to be noted that a concept of a performer is not limited to "one who performs a literary or artistic work, as per provisions of the Rome Convention, rather the performer as per the Indian Act can be any one who makes a performance. To that extent, a person who performs folklore is a performer and his rights are protected under this Act.

The rights of performers given under the Act are limited and offer only the "possibility of preventing' certain acts undertaken without the consent of the performer. The following Act are taken from "Performer's right" chapter VIII, section 38.

- 1) where any performer appears or engages in any performances, he shall have a special right to be known as the " performers right" in relation to such performance
- 2) the performer's right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the performance is made.
- 3) During the continuance of a performer's right in relation to any performance, any person, who without the consent of the performer, does any of the following acts in respect of the performance or any substantial part thereof, namely:
 - a) makes a sound recording or visual recordings of the performance; or
 - b) reproduces a sound recording or visual recording of the performance or any substantial part thereof, namely:

- made without the performer's consent;
 - made for purposes different from those for which the performer gave his consent; or
 - made for purposes different from those referred to in section 39.
- c) broadcasts the performance except where the broadcast is made from a sound recording or visual recording other than one made in accordance with section 39, or is a re-broadcast by the same broadcasting organization of an earlier broadcast which did not infringe the performer's right; or
- d) Communicates the performance to the public otherwise than by broadcast, except where such communication to the public is made from a recording or a visual recording or a broadcast, shall, subject to the provision of Section 39, be deemed to have infringed the performer's right.
- 4) Once a performer has consented to the incorporation of his performance in cinematograph film, the provision of above mentioned sub-section (1), (2) and (3) shall have no further application to such performance.

Section 39 deals with certain fair use provisions in relation to performer's rights and the right of broadcasting organization, like private use, and the reporting of current events.

Section 39 (1) No broadcast reproduction right or performer's right shall be deemed to be infringed by-(a) the making of any sound recording or visual recording for the private use of the person making such recording, or solely for purposes of bona fide teaching or research; or (b) the use, consistent with fair dealing, of excerpts of a performance or of a broadcast in the reporting of current events or for bona fide review, teaching or research; or (c) such order acts, with any necessary adaptations and modifications, which do not constitute infringement of copyright

(WIPO Publication No. 912 (E). pp.19-21)

5.6.3 Commercial exploration of folklore/traditional cultural expressions in India

As mentioned earlier, there is no provision to protect expressions of folklore/traditional cultural expressions in the intellectual property laws or in any other legislation. As such exploration of folklore expressions without taking the permission of the communities and compensating the communities concerned is not illegal. The general outlook of those business interests who extensively borrow from the collection of the folklore of the communities or tribal settlements is that of exploitation of material available in public domain.

In the music industry, there is a trend towards greater opportunity for popular music (film music, contemporary music etc) mixed with folk music. The mix and match products have become very popular throughout the country, including young music enthusiasts. Albums of popular folk songs orchestrated by folk music instruments like vibrant drums and other wind and string accompanist are flooding the market. The companies concerned collect the music through the

local communities, or many times, the performer himself takes the responsibility of arranging such music from the villages or tribal belts. The musical forms reproduced or adapted from folklore or public religious contents or those related to village traditions like harvest and festivals. A case study of plagiarism in music industry

A popular Hindi film song " Achha sila diya tune mere pyar ke/yaar ne hi loot liya ghar yaar ka" in the movie Bewafa Sanam, is reportedly a ghazal of noted Pakistani poet and singer Ataulah Khan. This song was sung in the movie by an Indian singer and marketed by the proprietor of super cassettes Industries Ltd. Late Gulshan Kumar without giving credit to the original singer; later Mr. Khan filed a law suit against Gulshan Kumar for illegal use of his song in the movie; is clear violation of the copyright laws (Tribune: Chandigarh, dated 2 July 1995)

Like the music industry, Indian films also have more of folklore contents in the new productions. High tech films built on folktales or folk-themes and even mythological themes as a basis take special care to shoot in typical tribal or village settlements to add a realistic touch to the films, with a view to earning public applause and entertainment value. Other than these, many times, folk dances like Garba ras of Gujarat, Bhangra of Punjab, Koli dance of Maharashtra etc., and traditional rituals like weddings, Child birth etc., are depicted by making use of artists from the communities concerned.

In the handicraft and handloom industry, folk art and craft are also extensively used. In most of the State Governments, there are corporations or cooperative for handloom products and handicrafts items. These organizations play a vital role in the management and development of the community's interests in these traditional forms or folklore from a purely cultural or economic angle. There has been little or no attempt to protect the intellectual property contents of these creations and the communities are subjected to exploration at the hand of large textile and handicrafts companies, which through modern techniques, copy and replicate the artistic creations to the detriment of the interests of the societies concerned. For example: printing traditional technique of tie and dye into modern cotton, silk and polyester, use of tribal embroideries in modern fashion, without acknowledging the groups responsible for creation of art/crafts forms. Even in the realm of the folk tradition relating to sculpture, paintings and architecture, there is mass-scale exploitation resorted to by industrial houses (WIPO Publication No. 912 (E).pp.21-23).

Case study legal protection of commercialization of handicraft in Australia:

The visual and art and crafts are an important source of income for indigenous artists and communities in Australia, and the level of copyright and other IP protection they enjoy is of utmost important to them, according to a report issued in 2002. it is estimated that the indigenous visual arts and crafts industry has a turnover of approximately US\$130 million in Australia, of which indigenous people receive approximately US\$30 million (WIPO Publication No.913(E).pp. 7)

Check your progress 4

Note: 1) Your answers should be about 30 words each;
2) You may check your answers with the possible answers given at the end of the Unit.

5) What do you know about Legal and ethical issues?

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6) What is Copyright Rights Law?

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5.7 LET US SUM UP

In the absence of any law to protect the intellectual property contents of the cultural heritage, there is no obligation from a purely legal perspective to reward or compensate the communities responsible for development and maintenance of such heritage. Most often right for copyright protection is common among the educated performer, film maker, producer, artists etc., but what about the rural folk musician or performer or an artist who is not even aware of what is copyright means? Hence, it is an ethical issue for of every organization or institution or business house or individuals, to acknowledge the name of the group or creator of art/music/dance/community etc., in their published material.

5.8 REFERENCES AND FURTHER READINGS

- i) Understanding Copyright and Related Rights. WIPO Publication No.909 (E)
- ii) WIPO publication No. 912 (E)
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- iv) Agrawal. O.P. Preservation of art objects and library materials. New Delhi: National Book Trust. 1993.
- v) Arai, Hisamitsu and Kamil, Idris. The Intellectual property-conscious nation: mapping the path from developing to developed. WIPO Publication No. 988 (E)
- vi) Mackay, Nancy. Curating oral histories. California: Left Press Inc. 2007.
- vii) Singh, A.R. Information management in archives and libraries. Delhi. Aakar Publication. 2001.

5.9 CHECK YOUR PROGRESS: POSSIBLE ANSWER

Answers

- 1) The concept of conservation is to preserve and restore any kind of material/art objects/sound recording getting deteriorating right from the time they are created.

Restoration means any action taken in order to try to return the objects as far as possible to its original and physical and aesthetics state. This attempt is to rectify the result of deterioration for a limited purpose and period. Preservation is an attempt to keep any objects in a sound physical and chemical condition. It is an ongoing process.

- 2) It is very much essential to conserve cultural properties for a good understanding of the history and culture of any country. As the cultural properties are priceless national assets and form the foundation of future progress it is important to conserve them. Therefore, every individual must conserve and preserve such properties and pass them on to future generation. We also need to understand the materials needed for conservation. The material for conservation of cultural properties are; all types of materials, paper, paintings, manuscripts, textiles, metal objects, wooden objects etc.

- 3) Museums is a permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and hold in its environment, for the purpose of education, study, and enjoyment.

Conservation in museums includes all kind of processes of looking after a place where art /material objects/recordings of any cultural significance will be thus retained. It includes the continuation and protection of the objects, setting of a place, its maintenance and also its preservation, restoration, reconstruction etc.

A well organized library is an integral part of a museum, whose purpose is having a library in the museum. This is for the collection of books, periodical, guide books and catalogues relating to it. We also have specific museums which are specically designed like folklore and ethnographic museums which houses collection of sound recordings of oral traditions such as folk music, tribal music, folk dance, folk theatre, oral history etc., in their archives for the use of scholar who wish to undertake serious study.

- 4) The methods of preservation of material objects are climate, humidity and temperature control, monitoring humidity and temperature, light, insect, fungus, fire etc.

Climate: The two most important components of the climate are humidity and temperature. Humidity and temperature are interrelated, the relative humidity of an enclosed space increases if there is a drop in temperature, and decreases if the temperature is raised. The main cause of humidity is water in both liquid and vapor form, accelerates chemical process of

deterioration. For example, the presence of water deteriorates metal and stone much faster than under dry condition. Objects like paper, wood, leather etc., becomes limp and losses its crispness in a moist atmosphere. High humidity favors rapid reproduction of insects and micro-organisms like fungi. Most often climatic condition also damages objects for example, when any objects becomes adjusted to a particular balance of relative humidity, and transported to a different climate, tend to suffer damage.

- 5) When a collection/material object is deposited or acquired in an archive/museum, there is certain level of writing; negotiation with terms and conditions of legal procedures takes place among the archives, performer and depositor/researcher. The procedure of such kind are known as legal issue.

In general Ethical issues are concern with moral principle. For example, in a field recording archives the recorded materials of a particular community are rare; archives have to be aware of the rights of the community to their music. While signing for any kind of commercial releases, archives should make communication with both the community and the depositor/collector, which can be consulted as to the uses of the recordings.

- 6) Copyright law protects the rights of intellectual creation with the respects to their original works. It is applicable to all types of literary and artistic works and will be protected as long as these are original expressions of an idea. Generally, copyright protection begins automatically from the date of creation, usually without being subjected to any, was first recognized in the Paris C formalities. Copyright protection lasts for the life of the author plus fifty years after the death of the author.