Issues addressed:

- Publishing photographs without a copyright
- Misuse of peer review

Brief summary: Prof. X has written an art history article that contains many images of works located in a museum in a small South American country. He does not have a copyright for the images, but no one will probably ever notice. Is this okay to publish?

Case study based on ideas from Frederick Asher

Case Study: Publishing Photographs
Prof. X has just finished writing an article for a prominent art history journal. He used many images of works of art located in a museum in a small South American country. Some of these images were obtained through online sources; some of them were photographs taken at the museum, and some of them were images taken from the museum’s publications.

Prof. X knows that many of these images are copyrighted, and he will need to gain copyright permission before the article can be published. The funding Prof X received for the project is gone. The article is finished and will most likely be accepted for publication since it is the first time these particular works of art have been discussed. It will take a lot of time for Prof. X to track down the copyrights of the images that he has used, and he needs to get this article published soon because he is up for tenure.

The article would be difficult to understand without the images, since the works of art being discussed are not well known.

Prof. X is almost positive that the owner of the works will never encounter his publication and thus would never be in a position to raise the issue of payment for copyright.

Can Prof. X submit the article for peer review and work to gain the copyrights while the article is being reviewed? The authors must sign a document verifying that if accepted they will assign copyright to the journal.

Would Prof X remove any copyright issue if the works were restricted to those available on the Internet?

What if his paper was about artwork located in a prominent American museum?