

# The Photographic Legacy of Vladimir Tkalčić in the Context of Modern Digitalisation Processes and the Issue of Copyright Regulation

*Following the information tendencies of the 21<sup>st</sup> century, the Cultural Heritage Photographic Documentation Office of the Ministry of Culture and Media decided to present the most valuable and interesting parts of its Photo Library to the general public. Tkalčić's photographic legacy was one the first sections made available to the public and, in addition, the first one that, from a legal point of view, in accordance with the Copyright and Related Rights Act, required and underwent the copyright regulation procedure. The article addresses professional and legal undertakings related to making Tkalčić's photographic legacy available to the public.*

Key words: Zagreb Cathedral Treasury, photographic legacy, Photo Library of the Ministry of Culture and Media, digitalisation processes, copyright

## INTRODUCTION

During his whole working life Vladimir Tkalčić was well aware of the importance of documenting cultural heritage and fostered it equally in the museum services where he was active and in the conservation service. One of his earliest cases of heritage documentation worth mentioning occurred within the conservation service and concerned the photo documentation of the Zagreb Cathedral Treasury between 1912 and 1916. On account of its documentary and also wider cultural value, Tkalčić's photographic legacy has been processed and entered in the Register of Cultural Property of the Republic of Croatia. The article addresses professional and legal undertakings related to making Tkalčić's photographic legacy available to the public. At the outset,



Picture 1. Vladimir Tkalčić with the family, The Ministry of Culture and Media – Cultural Heritage Photo Library

Tkalčić's activity in the field of heritage documentation and photo documentation is given in a wider context of the preservation service at the beginning of the 20th century.

## THE PHOTOGRAPHIC LEGACY OF VLADIMIR TKALČIĆ CREATED UNDER THE AUSPICES OF THE NATIONAL CONSERVATION SERVICE: ZAGREB CATHEDRAL TREASURY

There have been few enthusiasts in our cultural history, museology, and conservation like Vladimir Tkalčić. Everything we know about him and what was evoked on the occasion of the scientific conference *Tkalčić's Museum Mission as the Basis for Modern Museum Practices*, organised to mark the 50th death anniversary of Vladimir Tkalčić, speak to the fact that he was a great vocational *thinker* or a *great visionary with credibility*. In this context, during his whole working life Professor Tkalčić was aware of the importance of cultural heritage documentation, and we are grateful to him, among other things, for establishing the documentation service of the Ethnographic Museum in Zagreb and the Zagreb-based Museum of Arts and Crafts. Moreover, in the latter he also, in co-operation with the Photo-club Zagreb, founded the Art Photography Department.

In addition to his dedication to the museum activity, Vladimir Tkalčić was also committed to conservation practice and the immediate protection of cultural heritage. Tkalčić's activity belongs to a bright series of testimonies to the closest connection and intertwining of the national museum and conservation professions, which, moreover, date back to earlier times.<sup>1</sup> The modern conservation service was founded in 1910 under the auspices of the *National Committee for the Preservation of Art and Historical Monuments in the Kingdoms of Croatia and Slavonia in Zagreb*,<sup>2</sup> and already in 1912 Vladimir Tkalčić, at the time Assistant at the Archaeological Department of the Land National Museum, became an Associate of the Monument Committee. Tkalčić's first activity under the auspices of the Monument Committee related precisely to her-

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1 The Cultural Heritage Photo Library of the Ministry of Culture and Media, whose holdings combine pre-conservation and conservation photographic documentation, vividly testifies to a strong link between the museum and related services and the conservation services (and professions). The first documentation was created in the period from the 1860s to the establishment of a modern monument service in 1910. When it was established, the Monument Service took over from the Academy and the Archaeological Department of the Land National Museum – with which it shared, during its first years of activity, not only work space in the Academy's palace but also two prominent cultural professionals, Dr. Josip Brunšmid and Dr. Viktor Hoffiller – also the valuable monument photo documentation, as assumed on the basis of a consultation of the materials.

2 The first steps towards modern and advanced preservation of monuments were made by Tadija Smičiklas, prominent cultural professional, professor, and writer of the Croatian history, supported by the efforts of Dr. Josip Brunšmid and Gjuro Szabo. After having made themselves familiar with the advanced method of monument preservation used in Austria and Hungary, they encouraged the Royal National Government to establish an advisory body for the preservation of antiquities. Accordingly, at its session of 20 July 1910, the Government approved the establishment of the National Committee for the Preservation of Art and Historical Monuments in the Kingdoms of Croatia and Slavonia in Zagreb. Already at the session of 30 August, that is, a little over a month later, the Service was constituted, and its rules of procedure were adopted, placing it under direct supervision of Ban Nikola Tomašić. Gjuro Szabo was appointed Secretary of the new Monument Committee, which was composed of the very distinguished cultural professionals at the time: Janko Barlè, Dr. Ivan Bojničić, Dr. Josip Brunšmid, Dr. Viktor Hoffiler, Prof. Vjekoslav Klaić, Emil Laszowski, Dr. Gavro Manojlović, architect Martin Pilar, and Ilarion Zeremski (Horvat 1955: 208-216).

itage documentation. It concerned the photo documentation of the Zagreb Cathedral Treasury in the period from 1912 to 1916. To put it into the context, referring to the nineteenth-century dealings with the Zagreb Cathedral – the mid-century ones by Ivan Kukuljević Sakcinski<sup>3</sup> and the ones by Ivan Krstitelj Tkalčić in the period immediately before and after the earthquake<sup>4</sup>, the conservation service, led at the time by its first president Tadija Smičiklas<sup>5</sup>, decided to pay more detailed attention to this edifice of remarkable significance for the national culture. Josip Brunšmid<sup>6</sup> was entrusted with the chairmanship of the established *Zagreb Cathedral Inventory Board*, which was composed of Gjuro Szabo<sup>7</sup> as the Secretary of the Board (and of the conserva-

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3 Ivan Kukuljević Sakcinski. *Prvostolna crkva zagrebačka opisana s gledišta povjestnice, umjetnosti i starinah*. U Zagrebu: Tiskom Narodne tiskare dra. Ljudevita Gaja, 1856.

4 Tkalčić 1885.

5 Tadija Smičiklas was born in Reštovo in the Žumberak area in 1843 and died in Zagreb in 1914. Croatian historian, politician, publicist, and public official. He held the following offices: Rector of the University of Zagreb (1887/1888), President of Matica Hrvatska 1889-1901), President of the Croatian Academy of Sciences and Arts (1900-1914), and President of the National Committee for the Preservation of Art and Historical Monuments in the Kingdoms of Croatia and Slavonia in Zagreb (1910-1914). Adhering strictly to the Statute of the Committee, he persisted on the professional profiling of the members of the monument service and was adamant in opposing regime's appointments by the Ban (Smičiklas, Tadija. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža, 2021. <http://www.enciklopedija.hr/Natuknica.aspx?ID=56776> (accessed on 25.4.2022.); Anđela Horvat 1976/1977: 7-29).

6 Josip Brunšmid was born in Vinkovci in 1858 and died in Zagreb in 1929. He finished gymnasium in Vinkovci, city of a rich archaeological complexity. After graduating in history, geography, and archaeology in Vienna, he received his doctoral degree with the thesis *O povijesti grčkih kolonija u Dalmaciji* (*On the History of Greek Colonies in Dalmatia*) in Vienna in 1893. After the intervention of Izidor Kršnjavi, in 1893 he started working as the Curator of the Land National Museum and in 1895 as the Director of its Archaeological Department. In 1896, the archaeological department separated from the art history department of the University of Zagreb, and he became the first Archaeology Professor. Moreover, he was the Director of the Strossmayer Gallery in Zagreb. From 1914 to 1929, he was the President of the National Committee for the Preservation of Art and Historical Monuments in the Kingdoms of Croatia and Slavonia in Zagreb. („Brunšmid, Josip“: 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža, <http://www.enciklopedija.hr/Natuknica.aspx?ID=9843> (accessed on 25.4.2022.); Rendić Miočević 1998: 9-12).

7 Gjuro Szabo was born in Novska in 1875 and died in Zagreb in 1943. Croatian historian, conservator, and museumist. He studied history and German language and literature in Vienna. At the encouragement and recommendation of Tadija Smičiklas, he continued honing his skills in the conservation and restoration of historic monuments and art monuments in Budapest, Prague, Vienna, and Nürnberg. From 1911 to 1943, he was the Secretary of the Conservation Service and also its main operative, then the promotor and populariser of the national cultural heritage, and the initiator and organiser of many conservation and restoration actions. From 1919 to 1926, he was the Director of the Museum of Arts and Crafts and, from 1928 to 1943, the Director of the Zagreb City Museum. In 1936, he became a corresponding member of the Yugoslav Academy of Sciences and Arts (today Croatian Academy of Sciences and Arts (HAZU)) („Szabo, Gjuro“: 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <http://www.enciklopedija.hr/Natuknica.aspx?ID=59216> (accessed on 25.4.2022.).



Picture 2. *Juraj Haulik's crozier*; The Treasury of the Zagreb Cathedral, Photo by Vladimir Tkalčić, 1912. (MK, UZKB – F, inv. br. 1103, br. neg. VIII-110)

tion service), Janko Barlè<sup>8</sup> as the historian and chronicler of the edifice, and Martin Pilar<sup>9</sup> as the interpreter of the construction style of the Cathedral. In addition to chairing the Board, Josip Brunšmid was also entrusted with studying the ancient Treasury of the Cathedral, whose oldest object date back to the establishment of the Diocese of Zagreb at the end of the 11th century. As a skilful scientist and an expert in the Academy and museum activities and legacies, Brunšmid, without a doubt, was well aware of the fact that studying the Cathedral Treasury of Ivan Krstitelj Tkalčić in the 1880s included the photo-documentary work of Ivan Standl, Academy's official photographer.<sup>10</sup> Following that fact, he decided to continue with that work, entrusting it with full confidence to Vladimir Tkalčić, a twenty-nine years old young, perspective museologist colleague, a former student, and, moreover, a nephew of Ivan Krstitelj Tkalčić<sup>11</sup>. Precious metals, gemstones, enamel, ivory, or mother of pearl were materials that not only required the photographer to have a trained eye and refined sensibilities but also adequate photographic equipment of such technical reach that would allow for a faithful reproduction of all the diversity and dis-

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- 8 Janko Barlè was born in Budanje near Valpovo in 1869 and died in Zagreb in 1941. Theologian, Croatian historian, ethnographer, music writer, and archivist of the Archdiocese. Working in the Archdiocese's Office allowed him to be in touch with archives, arousing his interest in historical issues. Barlè authored a huge number of works on the history of Zagreb, Turropolje, Slavonia, and the Diocese of Zagreb. He also studied the history of religious orders in Croatia and the history of health care. In 1926, he became a corresponding member of the Yugoslav Academy of Sciences and Arts (today HAZU) („Barlè, Janko“. 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <https://www.enciklopedija.hr/natuknica.aspx?id=5975> (accessed on 3.5.2022.).
- 9 Martin Pilar was born in Brod na Savi (today Slavonki Brod) in 1861 and died in Zagreb in 1942. Croatian architect and conservator. Vienna student of Fridrich Schmidt and one of the founders of the Technical Polytechnic in Zagreb (1919), predecessor of the today's Faculty of Architecture. He created a number of extraordinary residential and business buildings for profane and sacral purposes in the Neo-Renaissance and Art Nouveau styles. As a member of the Monument Committee, on behalf of Gjur Szabo he photographed peasant houses and noble manors in Hrvatsko zagorje, Slavonia, and Littoral from 1910 to 1914. („Pilar, Martin“. 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <https://www.enciklopedija.hr/natuknica.aspx?id=48234> (accessed on 25.4.2022.).
- 10 Ivan Standl was born in Prague in 1832 and died in Zagreb in 1897. Most likely at the encouragement of August Šenoa, in 1864 he came to Zagreb, where he exhibited and won an award at the First Dalmatian, Croatian, and Slavonian Commercial Exhibition. During his thirty-three years in Zagreb, he led three photographic studios, where he made studio portraits of prominent people from Zagreb and reproduced works of art. Moreover, he worked outside photographing cultural landscapes, urban sights, architecture, and monumental heritage, compiling them into photographic albums (*Jurjaves, 1867; Fotografijske slike iz Dalmacije, Hrvatske i Slavonije (Photographic Images from Dalmatia, Croatia, and Slavonia)*, 1870; *Uspomene na I. obću hrvatsku učiteljsku skupštinu u Zagrebu 1871. (Mementos of the 1<sup>st</sup> Croatian General Assembly of Teachers in Zagreb in 1871); Slike zagrebačkog potresa od 9. studenog 1880. (Pictures of the Zagreb Earthquake of 9 November 1880); Zagreb, 1895*). In 1865, Franjo Rački, the first President of the Academy, hired him to make field photographs of the Baška Tablet in Jurandvor on the island of Krk. He became the official photographer of the Yugoslav Academy of Sciences and Arts (today HAZU) in 1867 (Grčević 1981; Gojević 2019). Today, we know of only ten Standl's photographs showing Treasury objects, which can in all likelihood be traced back to Ivan Krstitelj Tkalčić's study of the Zagreb Cathedral. It is yet to be seen whether the remaining photographs of the same content have been misplaced or the wider-scale work on photographing the Treasury objects was disrupted by the earthquake that hit Zagreb and its surroundings in 1880, thus shifting interests to the monumental heritage destroyed by the earthquake (Cultural Heritage Photo Library of the Ministry of Culture and Media).
- 11 Ivan Krstitelj Tkalčić (Zagreb, 1840 – Zagreb, 1905), Croatian priest, historian, and archivist, from 1883 regular member of the Academy. Older brother of Vladimir's father Zvonimir Tkalčić (1848-1928). („Tkalčić, Ivan Krstitelj“. 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <http://www.enciklopedija.hr/Natuknica.aspx?ID61530> (accessed on 25.4.2022.).

tinctiveness of the Treasury heritage, which was, in terms of photographing, truly demanding. The Vienna-based Monument Committee procured special photographic equipment for that endeavour. In 1912, Tkalčić started photo documenting the Treasury, making in total 136 photographs and additional 133 in 1913. The outbreak of World War I, as evidenced by the archive materials, put a temporary halt to the photographing of the Treasury objects, which, however, continued in 1916, when 44 new photographs were made.<sup>12</sup> The Treasury having been photographed also in the first half of the 1950s<sup>13</sup> speaks to the fact that Tkalčić's systematic work on photo documenting the Treasury objects was interrupted by another pressing task of the Committee, that is, the protection of bells against being requisitioned for war purposes, which also included Tkalčić's photographic work. However, despite the unfortunate war conditions, the Committee did not give up on studying and documenting the Cathedral and thus announced in its 1915 report to Ban Skerlec<sup>14</sup> that a publication on the Zagreb Cathedral Treasury would be issued to crown the whole Cathedral project. Nevertheless, the war and post-war circumstances of the new statehood did not favour these efforts, which thus remained unrealised for many decades.<sup>15</sup>

Regardless of all good and not-so-good circumstances, we have to agree with Želimir Košćević's statement that the Treasury "photographic legacy of Vladimir Tkalčić", in addition to "*representing rarely seen documented cultural heritage materials, also constitutes a valuable segment of the photographic heritage. Optical precision, clarity, relationship of light and shadow, tone values, all these indicate that a hundred years ago Vladimir Tkalčić knew how to look at the subject of the*

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12 That same year, that is, in parallel with the last phase of photographing the Treasury objects, the Committee intensified its war-inspired work on saving valuable bell heritage from being requisitioned for war purposes, where the administrative and organisational affairs were taken over by Josip Brunšmid and Gjuro Szabo, as, respectively, the President and the Secretary of the Committee, while operational and field works were performed by Viktor Hoffiller and Vladimir Tkalčić, the latter primarily as a photo documentarian. The Committee arranged with the military authorities to establish bell collection centres next to almost each more important railway junction in the Kingdoms of Croatia and Slavonia (in Zagreb, Rijeka, Karlovac, Sisak, Čakovec, Koprivnica, Đikiš (Gyékényes), Brod na Savi (SB), Osijek, Vinkovci, and Indija), where specimens of bells of particular historical and artistic value were recorded, described, evaluated, photo documented, and, as such, forwarded to their parishes or to the Archaeological Museum in Zagreb. Nowadays, Tkalčić's war-time photo documentation of bells covers 127 photographs, of which 98 are kept in the Museum of Arts and Crafts in Zagreb and 29 in the Cultural Heritage Photo Library of the Ministry of Culture and Media (Horvat 1955: 208-216).

13 Horvat 1955: 211.

14 Horvat 1955: 211. Today, the official correspondence that would support the statements made by Anđela Horvat is missing from the Central Cultural Heritage Archives (Horvat 1955: 208-216).

15 The public presentation of the exceptional Treasury objects had to wait another full seven decades, that is, until 1983, when the *Zagreb Cathedral Treasury* exhibition took place in the Museum's premises at the Jesuit Square (today Klovičevi dvori Gallery) from 31 March to 15 September. The expert exhibition team was headed by the prominent art historian and museumist Zdenka Munk. For the purpose of the Archdiocese archives and presentation at the exhibition, the Treasury objects were photographed by Nedjeljko Čaće, Nenad Ilijić, Antun Ivandija, and Zvonimir Milas (*Katalog Riznica zagrebačke katedrale* 1983 (1983 *Zagreb Cathedral Treasury Catalogue*), 256 pages). The same exhibition, albeit with a narrowed conception but in a more extensive catalogue edition, was held four years later, more specifically, from 5 July to 2 August 1987 at Kaptol (*Katalog Riznica zagrebačke katedrale 1987* (1987 *Zagreb Cathedral Treasury Catalogue*), 296 pages).

Also, as a result of a several-year long fruitful co-operation of the Church Cultural Property Office of the Diocese of Zagreb and the Croatian Conservation Institute, the exhibition *Golden Threads, Restored Textile Objects from the Zagreb Cathedral Treasury* was held in the Domitrović Tower at Kaptol from 18 September to 31 October 2017 (*Katalog Zlatne niti* (*Golden Threads Catalogue*), HRZ, 2017).



Picture 3. Binding on a cassock made of Ladislav's cloak (14th century), The Treasury of the Zagreb Cathedral, Photo by Vladimir Tkalčić, 1912. (MK, UZKB – F, inv. br. 1053, br. neg. VIII-60)



camera from the photographic perspective, that is, he could tell the difference between the observed and the presented in the picture. It is true that the purpose of photographing was to document valuable objects kept in the Kaptol Treasury, however, nowadays, the then priority has been relegated to strictly scientific circles, while the significance of those photographs has become increasingly apparent in the context of the analogue/digital dilemma, which has been more and more plaguing photographers of today. Of course, at the time Vladimir Tkalčić could not be aware of today's dilemmas, still, he sent a clear message from his time on how creation of images does not lie in the technique and technology of media but, rather, in the eye, knowledge, and soul. In other words, forget about the technique and means – think about the message.<sup>16</sup>

Today, the Cultural Heritage Photo Library of the Ministry of Culture and Media, as a successor to the previous conservation services, holds Tkalčić's Treasury opus consisting of 295 gelatine glass negatives and 313 positives<sup>17</sup> of an enviable technical, content, and interpretative quality. The opus, together with a similar photographic theme of Ivan Standl,<sup>18</sup> Photo Promotion,<sup>19</sup> and Dragutin Kniewald<sup>20</sup> – covering a total of 346 various photographs – was processed on account of its documentary but also broader cultural value and in 2017 entered in the *Register of Cultural Property of the Republic of Croatia*.<sup>21</sup>

## PHOTOGRAPHIC DOCUMENTATION COLLECTION OF THE MINISTRY OF CULTURE AND MEDIA AND MODERN PRESENTATION OF THE TREASURY PHOTOGRAPHIC LEGACY OF VLADIMIR TKALČIĆ

Following the information tendencies of the 21st century, the Cultural Heritage Photographic Documentation Office of the Ministry of Culture and Media decided – of course, with the organisational and financial support of the parent company and the IT support of the company Link2 – to present the culturally most valuable and, in terms of content, the most interesting

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16 From the foreword to the exhibition *Kaptol Treasury*, which was based on Tkalčić's conservation legacy and held in the Samobor-based Lang Photo Gallery from 9 May to 6 June.

17 Eighteen photographs have been preserved without negatives (FKB MKM).

18 Ten copies of collodion negatives with dimensions of 30 x 24 cm (FKB MKM).

19 Photography Office of the *State Reporting and Publicity Office* (DIPU) operating in the period from 1941 to 1945. In 1943, the Publicity Photography Office made photographs of the God's Grave with its embroidery, and the Cultural Heritage Photo Library of the Ministry of Culture and Media, as a successor to the conservation services, holds 21 photographs without original negatives.

20 Dragutin Kniewald was born in Zagreb in 1889 and died in Zagreb in 1979. He was a Croatian church historian and liturgist who obtained doctorate degrees in philosophy and theology in Rome in 1911 and 1913, respectively. In 1914, he was ordained a priest. His works and studies on almost all liturgical objects of the Zagreb Cathedral have remained in manuscript form. The Cultural Heritage Photo Library of the Ministry of Culture and Media has two Leica negatives, with positives, of the 15<sup>th</sup>-century Gothic monstrance (the whole and a detail). In 1934, he organised for the Baška Tablet to be transported from Jurandvor to Zagreb („Kniewald, Dragutin“. 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <http://www.enciklopedija.hr/Natuknica.aspx?ID=32082> (accessed on 25.4.2022.)).

21 Decree on the entry of the photographic collection *Zagreb Cathedral Treasury* into the Register of Cultural Property of the Republic of Croatia was adopted at the 122<sup>nd</sup> session of the Expert Panel for Determining the Nature of Cultural Property and confirmed by a decision of 7 December 2017. The collection is entered in the Register of Cultural Property of the Republic of Croatia under number Z-7044.

parts of its Photo Library to the general public. As a result, a website entitled *Zbirka fotografske dokumentacije Ministarstva kulture i medija* (*Photographic Documentation Collection of the Ministry of Culture and Media*) was created, accessible at the link <http://fototeka.min-kulture.hr/>. The website has been systematically developed, which includes the research of photo library materials, the detection and digitisation of the most important sections of the photo library, professional processing, and processing in the M++ information system. In the end, making the selected sections accessible to the public definitely does not have to imply their final version because the development of the website includes both its upgrading with new contributions, as well as corrections of or supplements to the sections that have already been published. As to the latter, in addition to modifications made by the editor themselves, suggestions made by website content users are often included, which speaks in favour of the fact that the website is alive and accepted. Since 2017, the following contributions have been published on the website: *Zbirka Većeslava Henneberga* (*Collection of Većeslav Henneberg*), *Zbirka Vladimira Horvata* (*Collection of Vladimir Horvat*), *Zbirka fotografija Riznice zagrebačke katedrale* (*Photography Collection of the Zagreb Cathedral Treasury*), *Zbirka fotografija nacionalne orguljaške baštine* (*Photography Collection of the National Organ Heritage*), *Zbirka fotografije Milenijske izložbe u Budimpešti, 1896. godine* (*Photography Collection of the 1896 Millennium Exhibition in Budapest*), *Zbirka Emila Laszowskog* (*Collection of Emil Laszowski*), *Zbirka Josipa Brunšmida* (*Collection of Josip Brunšmid*), *Zbirka Ivana Rubčića* (*Collection of Ivan Rubčić*), *Zbirka fotografija Banovine, Pokuplja i Moslavine* (*Photography Collection of Banovina, Pokuplje, and Moslavina*), *Zbirka Branka Fučića* (*Collection of Branko Fučić*), and the virtual exhibition following the exhibition *In the Service of Heritage Visualisation – Homage to Photographers Nino Vranić, Vinko Malinarić, Rudolf Bartolović, Živko Bačić, and Miljenko Mojaš*, held in the Klovičevi dvori Gallery to mark the 2018 European Heritage Days.<sup>22</sup>

## LEGAL REGULATION

Building upon the aforementioned, it should be pointed out that any public use of photographs (copyright work), including their publication on the web, is conditioned to the respect and observance of the provisions of the Copyright and Related Rights Act which provides, among

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22 <http://fototeka.min-kulture.hr>

other things, who is entitled to dispose of copyrights and when.<sup>23</sup> The photographic collection *Zagreb Cathedral Treasury*, essentially a copyright work by Vladimir Tkalčić, was among the first website sections made public and also the first one that, from a legal point of view, required and underwent the copyright regulation procedure. It should be noted that among the photographic legacies and collections that have gone through the copyright regulation process so far, this collection is, for the time being, the only one whose author does not belong to the circle of professional photographers of the Service.

Speaking of legal regulation, it should be noted at the outset that a new *Copyright and Related Rights Act* entered into force on 22 October 2021 and, in relation to the one from 2003 (and all its subsequent legal amendments, including the ones from 2018), brought important novelties in the use of copyright works created in the course of employment, including in a state or public service. The old Act provides that “*the copyright in the work created in the course of employment shall be retained by the author without limitations*” unless otherwise provided by an employment contract (or by other act regulating employment).<sup>24</sup> By contrast, the 2021 Act establishes that *the employer shall acquire exclusive economic copyrights to exploitation of a copyright work created in the course of employment, without space and time limitation, in terms of content and extent necessary for the realisation of the activity the employer performs, regardless of the termination*

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23 Copyright is a set of legal provisions regulating the legal relationships related to intellectual copyright works in the literary, scientific, and artistic domain. In the subjective sense, copyright is the largest private-law and direct authority over a copyright work („*autorsko pravo*“). 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <http://www.enciklopedija.hr/Natuknica.aspx?ID=4771> (accessed on 27.4.2022.).

Although there is a mention of some forms of copyright protection as early as in Antiquity, and then later also in the Renaissance period (patents), copyright awareness and regulation enhanced at the end of the 18th century, at the time of the French Revolution. The first regulations governing copyright relations in Croatia were adopted in 1812, at the time of Napoleon's conquests and, thus, of forming of Illyrian Provinces, to which a considerable part of today's Croatia belonged. In historical sequence, copyright was systematically regulated, and, thus, the Austrian *Patent for the Protection of Literary and Artistic Property* entered into force in the provinces of Istria and Dalmatia in 1846 and of Croatia and Slavonia in 1853. Then, in 1884, the Hungarian Parliament adopted the first Croatian *Copyright Act*, which applied in the territory of the then Croatia and Slavonia and extended the term of protection of copyright to 50 years after the death of the author. In Dalmatia and Istria, as the Austrian territories of the Austro-Hungarian Empire at the time, the *Act on Copyright in Literary, Artistic and Photographic Works* was adopted in 1895, providing a term of copyright protection of 30 years after the death of the author. The previously mentioned Austro-Hungarian provisions applied in the Kingdom of Yugoslavia as late as by the end of 1929, when the *Copyright Act* was adopted. In the Federative People's Republic of Yugoslavia, the Copyright Protection Act was indeed prohibitive regarding author's rights, however, in 1957, it brought the copyright order back among advanced copyright laws of the continental Europe. The Socialist Federal Republic of Yugoslavia supplemented the Copyright Act on several occasions (in 1968, 1978, 1986, and 1990). In 1991, the sovereign state of Croatia, under the Act on Taking Over the Federal Acts in the Areas of Education and Culture, took over the 1978 Copyright Act, including its amendments and supplements from 1986 and 1990, and thus adopted its first Copyright Act, which was subsequently supplemented in 1999. The new modern Copyright and Related Rights Act was adopted by the independent Republic of Croatia in 2003 and harmonised the copyright system with the European Union *acquis* in force at that time and with the needs of a modern information society that develops modern technologies. To this day, the Act has been amended and supplemented by the Acts of 30 July 2007, 13 July 2011, 27 November 2013, 29 October 2014, 30 June 2017, 31 October 2018, and 14 October 2021 (Velagić, Hocenski 2014; Zakon o autorskom i srodnim pravima iz 2021. godine).

24 Chapter 4: Copyright in Legal Transactions, Article 75 and Article 76. Copyright Work Created in the Course of Employment (Zakon o autorskom pravu i srodnim pravima, 2003. [https://narodne-novine.nn.hr/clanci/sluzbeni/2003\\_10\\_167\\_2399.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2003_10_167_2399.html) (accessed on 25.4.2022.).

of employment during the duration of which the act was created unless otherwise provided by an employment contract, or by other act regulating employment, or other contract concluded between the author and the employer.<sup>25</sup> The provisions of the new Act were met with a mixed reception by individual professional groups: they were well received and accepted among archivists, documentarians, and librarians, whose work is often operationally limited<sup>26</sup> by the Copyright and Related Rights Act, however, on the other hand, they were by no means welcome among journalists and photographers.<sup>27</sup> Nonetheless, as the new Act also provides that: “*all the rights of authors, ... acquired before this Act entering into force, including all the rights of exploitation acquired before this Act entering into force, shall remain intact*”,<sup>28</sup> the new Act is obviously not applied retroactively and, thus, in the context of all the materials created before the adoption of the latest Copyright and Related Rights Act, including also the valuable photographic legacy of Professor Tkalčić, does not actually concern us, except indirectly, that is, comparatively.

The Act also provides (and in this part does not derogate from the provisions of the previous Act from 2003) that *copyright shall not be transferable*,<sup>29</sup> except by inheritance<sup>30</sup>, and establishes that “*the author may grant to another person a right on the basis of which the other person will be able to use a copyright work in any or in a certain manner... The right of exploitation may be granted as an exclusive or a non-exclusive right, limited in terms of content, time or space. The holder of the exclusive right of exploitation may use a copyright work in a manner which complies with the content of their right and exclude any other person, including the author, from such use.*”<sup>31</sup>

In addition to the fact of who is entitled to dispose of copyright works, in the matters of public use and publication, the time limit, that is, the duration of right to a copyright work is also important. The Copyright and Related Rights Act lays down that “*copyright shall run for the life of the author and for 70 years after his death, irrespective of the date when the work is lawfully released.*”<sup>32</sup>

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25 Articles 100 and 105 (Zakon o autorskom pravu i srodnim pravima, 2021. [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_111\\_1941.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1941.html) (accessed on 25.4.2022.).

26 The library profession talks about tasks becoming more complex in the era of information and digitalisation processes (Horvat i Živković 2009: 189).

27 DNZAP: 2022.

28 Article 305 (Zakon o autorskom pravu i srodnim pravima, 2021. [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_111\\_1941.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1941.html) (accessed on 25.4.2022.).

29 Article 56 (Zakon o autorskom pravu i srodnim pravima, 2021. [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_111\\_1941.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1941.html) (accessed on 25.4.2022.).

30 Article 55 (Zakon o autorskom pravu i srodnim pravima, 2021. [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_111\\_1941.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1941.html) (accessed on 25.4.2022.).

31 Article 58 (Zakon o autorskom pravu i srodnim pravima, 2021. [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_111\\_1941.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1941.html) (accessed on 25.4.2022.).

32 Article 119 (Zakon o autorskom pravu i srodnim pravima, 2021. [https://narodne-novine.nn.hr/clanci/sluzbeni/2021\\_10\\_111\\_1941.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2021_10_111_1941.html) (accessed on 25.4.2022.).

## LEGAL AND PROFESSIONAL UNDERTAKINGS

Viewed from the standpoint of the heritage photography office of the Ministry of Culture and Media, the office being a successor and holder of valuable heritage and authorial opuses, running business in accordance with the legal provisions is an imperative, which, granted, at times, can be restrictive for smooth and fruitful operations. Namely, the Copyright and Related Rights Act, which is still applicable to any copyright works created before the adoption of the latest 2021 Act, provides that all cultural professionals, in the first place professional photographers but also other professionals who create their copyright works in the course of employment, during working hours, and for work purposes, are copyright holders. In other words, the right to dispose of photographs created while in service does not belong to their parent company but exclusively to authors.

Although Professor Tkalčić has not been with us for almost half a century now,<sup>33</sup> and even though full seven decades has passed since his retirement, his professional contributions, including the photographic ones that are mostly related to his early conservation and ethnological work, make him ubiquitous and noteworthy in our cultural milieu to this day.

Vladimir Tkalčić was the youngest of five children of father Zvonimir and mother Marija, who grew in a well situated and progressive middle-class family, where photographic art represented a form of personal fulfilment.<sup>34</sup> Milan, fourth by birth order, was born in 1881, two years prior to his brother Vladimir, and later became a pharmacist and a grandfather to two boys. As Professor Tkalčić had no direct heirs,<sup>35</sup> following the death of Mr. Tomislav Tkalčić, Milan's son and Professor Tkalčić's nephew, Professor Tkalčić's third-line descendants were the grandsons of his brother Milan and Professor's grandnephews – Vladimir, physician (and shutterbug) and Eduard, sea captain, both of whom lived in Rijeka.

I met Mr. Vladimir Tkalčić junior while studying Professor Tkalčić's opus, in the first place his photographic works. We came in touch through the inspiring family photographs of the Tkalčić family, published on the Internet, and a film made by the young grandnephew in Žurkovo near Kostrena and Rijeka, which nowadays can be considered a certain *homage* to the striking character of his granduncle, made only two years before his death. I thank Mr. Vladimir Tkalčić for sharing with joy and gratitude useful memories of his formative years spent in the model family milieu, in which Professor Tkalčić, his granduncle, held a not-so-insignificant place. His testimonies were a real support to my dealings with the valuable photographic legacy of the museologist and conservator, Professor Vladimir Tkalčić.

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33 Vladimir Tkalčić died in Zagreb on 11 November 1971. („Tkalčić, Vladimir“. 2021. *Hrvatska enciklopedija, mrežno izdanje*. Leksikografski zavod Miroslav Krleža. <http://www.enciklopedija.hr/Natuknica.aspx?ID=61533> (accessed on 25.4.2022.).

34 His father's brother was Ivan Krstitelj Tkalčić, priest, historian, and prominent cultural figure. His oldest brothers Ivo (1875) and Juro (1877), in later life trained musicians, a pianist and a cellist, respectively, and close friends of Antun Gustav Matoš, pursued photography as amateurs their whole lives. His sister Draga (1879) was young Gustla's, that is, Antun Gustav Matoš's love, who dedicated his first love verses to her. (Osobno kazivanje Vladimira Tkalčića ml.; Matoš 1923: 133; Oraić Tolić 2014; Nemeč 2014).

35 He was married to Antonija Koščević Tkalčić, academy-trained sculptress (personal testimonies by Želimir Koščević and Vladimir Tkalčić).

Afterwards, I would contact Mr. Vladimir Tkalčić whenever it was necessary to obtain his consent for publication of a certain photograph from the conservation legacy of Professor Tkalčić, regardless of whether such consent was required by the Photographic Documentation Office or any of its users. Those requests were considered an imperative by the Office and almost an unnecessary formality by Mr. Tkalčić. Anyway, his consent of use would be provided promptly, as a rule, without a need for explaining the intended purpose, and all authorisations were verbal and given free of charge.

However, as to obtaining consent for the publication of the whole collection of photographs of the Zagreb Cathedral Treasury on the website of the Ministry of Culture and Media, the Cultural Heritage Photo Library of the Ministry and the Legal Department<sup>36</sup> insisted on a written *Contract for the Use of Copyright Works*, which was made in five copies. The Contract between the copyright holders, that is, Professor Tkalčić's heirs, and the user of the copyright work, that is, the Cultural Heritage Photo Library of the Ministry, provides that *"the copyright holders accord to the owner and user of the copyright work the exclusive right to use the copyright work (photographs) on a permanent basis, free of charge."*<sup>37</sup>

Such a generous act of socially conscious individuals, Messrs. Vladimir and Eduard Tkalčić, without doubt following on the footsteps of their progressive and humane-minded granduncle, made the conservation documentation of Professor Tkalčić easily accessible to anyone interested, in exactly the manner in which it deserves. We can hope that the generations of heritage keepers in the era of informatisation and digitalisation will recognise it and be worthy of it.

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36 Based on the conservation and documentary preliminary work carried out by the author of this text in her capacity as Head of the Cultural Heritage Photo Library, on the legal front the Contract was prepared by Tomislav Jelić, M.Sc., Head of the Normative, Administrative and Legal Affairs Sector, and Željka Jurjević, Senior Administrative Adviser of the Normative Cultural Affairs Office of the Ministry of Culture and Media.

37 The first two copies are intended for each of the parties in the capacity of copyright holders (Professor Tkalčić's heirs), the third copy is for the direct holder and user of the copyright (Cultural Heritage Photo Library – Fund AP No. 2), the fourth copy is for the Cabinet of the Ministry, and the fifth one is for the Legal Department of the Ministry.

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