

ENGLISH
TRANSLATION/FACSIMILE

14 July 2022



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COSMOWENMAN.COM
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VISTA, CA, 92084
310 780 5130

To the attention of the Commission for Access to Administrative Documents

Mesdames, Messieurs,

I am engaging the CADA today to appeal the refusal by the Réunion des Musées Nationaux - Grand Palais to communicate to me its high-resolution color 3D scan of the sculpture « *Panthère marchant* » by Rembrandt Bugatti and its two low-quality 3D scans of the same sculpture. I also appeal RMN-GP's refusal to communicate the fees and licenses necessary for their reuse.

A summary of my requests and RMN-GP's refusals are on the following pages, followed by pertinent facts, notably the specific filenames of the low-quality versions of the requested 3D scans. I also include my complete correspondence with RMN-GP and several supporting documents. I submit two documents in total for your consideration:

01_20220714 Cosmo Wenman RMNGP faits et correspondance.pdf
02_20220714 Cosmo Wenman RMNGP documents justificatifs.pdf

These documents will allow you to see that for many years RMN-GP has systematically advertised the communicability and sale of the requested 3D scans and that it continues to do so today. However, RMN-GP seems determined to refuse to communicate these administrative documents, to the point of sabotaging any opportunity to generate revenue from the sale of these 3D scans or any others it has already produced.

When I made a request for the communication of the high-quality version of the 3D scan for my personal, non-commercial use, RMN-GP simply refused. When I drew RMN-GP's attention to the recent opinions of the CADA relating to the communicability of 3D scans, the RMN-GP remained silent. Moreover, despite my direct request, the RMN-GP even refused to send me a reasoned written decision, and did not inform me of any means for appeal.

I thank you for your attention to this matter.

I am at your disposal to answer all your questions on this subject.

Cordially,

A handwritten signature in blue ink that reads "Cosmo".

Cosmo Wenman

Summary of my requests to RMN-GP

3 May 2022: I send a request to RMN-GP via agence.photo@rmngp.fr for the communication of its high-quality color 3D scans of the sculpture « *Panthère marchant* » and the fees and licenses necessary for its reuse.

4 May 2022: RMN-GP acknowledges receiving my request and asks me for what purpose I wish to use the document and for my address for billing purposes.

4 May 2022: I respond that I want the document “for personal use; to study, analyze and appreciate the technique and artistic style of the sculptor.” In this same message I provide my billing address and contact information and reiterate my request for the appropriate license conditions and fees.

19 May 2022: Having received no response to my request, I ask RMN-GP again if they can send me the requested document as well as the information relating to the license.

20 May 2022: RMN-GP responds to refuse to communicate the requested high-quality documents. RMN-GP does not give me a reasoned explanation and does not inform me of the means or deadlines permitting me to appeal its refusal.

20 May 2022: I ask RMN-GP to communicate to me the two *low-quality* versions of the refused document and the information relating to the license and fees. I identify the specific names of the files requested, which appear (but are not downloadable) on RMN-GP’s various online announcements.

20 May 2022: An employee of RMN-GP replies that she is not authorized to communicate the requested documents and that she has passed the matter on to the responsible RMN-GP personnel.

22 May 2022: I write to responsible RMN-GP personnel to remind them of the many RMN-GP announcements concerning the availability of the requested documents. I draw their attention to a recent CADA advisory and two recent CADA findings clarifying the communicability of 3D scans. In addition to requesting the two low-quality versions of the 3D scan, I also request that RMN-GP reconsider its refusal of 20 May 2022 to communicate the high-quality version.

28 June 2022: Having received no response from RMN-GP for more than one month, I write to RMN-GP to request the submission of the case to the RMN-GP’s PRADA. I remind RMN-GP of its ongoing advertisements, notably the announcements of the availability of two new 3D scans which debuted since the start of my requests. I ask RMN-GP to make a decision on my requests, and in the case of refusal request a reasoned written decision and an indication of the means for me to make an appeal.

11 July 2022: Having received no response from RMN-GP, I write to inform them that if they do not respond with an positive response before 13 July 2022, I will engage the CADA.

RMN-GP has not responded to my requests since 20 May 2022 through the writing of this letter.

The subject, existence and communicability of the requested administrative documents

The sculpture « *Panthère marchant* » by Rembrandt Bugatti, an Italian national, was first published in 1905 and has been the subject of numerous public exhibitions.¹ The sculptor having died in 1916,² all his works entered the public domain many decades ago. The original sculpture and all casts, copies, reproductions, and replicas thereof are in the public domain and are not protected by copyright. Neither the French state, RMN-GP, its employees, agents, or service providers, have *droit moral* over this work, nor its casts, copies, reproductions, or replicas.

Within the framework of its public service mission, RMN-GP has produced and now holds administrative documents in the form of 3D scans of this work. RMN-GP confirms the existence and communicability of these documents on the following sites, where it offers them for sale to the public and shows low-quality preview visualisations:

RMN-Grand Palais site:

<https://www.photo.rmn.fr/archive/R5N410138-2CO5S9PSEJYS.html>

Advertisement published continuously since 5 January 2018:

<https://sketchfab.com/3d-models/panthere-marchant-rembrandt-bugatti-668fb318ce0446c4adfe6fe16949be27>

Advertisement published continuously since 5 December 2021:

<https://sketchfab.com/3d-models/panthere-marchant-87476ecb8a7546ef911804e7555e5f65>

Identifying the low-quality versions of the requested 3D scans

The filenames of the two requested low-quality versions are listed on RMN-GP's advertisements on SKETCHFAB.COM, though the files themselves are not downloadable. The filenames are specified in my request to RMN-GP of 20 May 2022, as follows:

Low-quality version online since 5 December 2021 at:

<https://sketchfab.com/3d-models/panthere-marchant-87476ecb8a7546ef911804e7555e5f65>

RF005988_PanthereMarchant_RembrantBugatti_LP.obj (~221 900 polygones, 30 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.mtl (741B)

RF005988_PanthereMarchant_RembrantBugatti_LP.1001_ao.jpg (8192x8192, 8 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1001_basecolor.jpg (8192x8192, 8 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1001_metalness.jpg (8192x8192, 4 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1001_normal.jpg (8192x8192, 7 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1001_roughness.jpg (8192x8192, 10 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1002_ao.jpg (8192x8192, 6 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1002_basecolor.jpg (8192x8192, 9 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1002_metalness.jpg (8192x8192, 4 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1002_normal.jpg (8192x8192, 5 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1002_roughness.jpg (8192x8192, 12 MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.1003_ao.jpg (8192x8192, 5 MB)

¹ <https://www.musee-orsay.fr/en/artworks/panthere-marchant-5195>

² https://en.wikipedia.org/wiki/Rembrandt_Bugatti

RF005988_PanthereMarchant_RembrantBugatti_LP.1003_basecolor.jpg (8192x8192, 7 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_metalness.jpg (8192x8192, 3 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_normal.jpg (8192x8192, 4 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_roughness.jpg (8192x8192, 10 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_ao.jpg (8192x8192, 3 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_basecolor.jpg (8192x8192, 3 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_metalness.jpg (8192x8192, 2 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_normal.jpg (8192x8192, 2 MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_roughness.jpg (8192x8192, 4 MB)

Low-quality version online since 5 January 2018 at: <https://sketchfab.com/3d-models/panthere-marchant-rembrandt-bugatti-668fb318ce0446c4adfe6fe16949be27>

RF005988.fbx (~600 000 polygons, 20 MB)
RF005988_normals.jpg (4096x4096, 4 MB)
RF005988_occlusion.jpg (4096x4096, 3 MB)
RF005988_LP_600k_0.png (8192x8192, 16 MB)

It is possible that the filenames as actually held by RMN-GP have spaces () instead of underscores (_), or similar variations, as they may be displayed differently in RMN-GP's advertisements than as they actually exist on RMN-GP's hard drives. The public must rely on RMN-GP's good faith to be provided with the same documents used in its advertisements' low-quality visualisations, regardless of their specific filenames.

Identifying the high-quality versions of the requested 3D scans

RMN-GP does not publicly identify the filenames or formats of the high-quality versions of the 3D scans it advertises, but the files may have similar names and formats to the low-quality versions. The requested high-quality 3D scans are likely to consist of several administrative documents, probably a document in ".OBJ" or similar format, which is an open, text-based format for saving a list of three-dimensional numeric coordinates, and one or more related text and image files for associated colorimetric data.

The high-quality version may use filenames that are nearly identical to the low-quality versions, except where the low-quality filenames include the term "LP," the high quality versions may use "HP" (for "low-poly", as opposed to "high-poly," i.e. the quantity of polygons, a characterization of the resolution). However, there are many different formats and filenames possible, and the 3D scan may consist of a single file or several files. The public must rely here on the good faith of RMN-GP, as it is not possible to guess or predict the specific name of the high-quality versions of the files requested.

For the high-quality version, I want the highest resolution version of the requested administrative document held by RMN-GP at the time of my request of 3 May 2022, regardless of its name and format.

Calculation and publication of fees and licenses

The CADA may observe that RMN-GP does not publish its license conditions or fees on its internet site. The CADA may wish to take note of any specific fees set out by RMN-GP in its response to this case and how those fees are calculated. Among my concerns is the possibility that the eventual response of RMN-GP to the CADA may have the appearance of offering to communicate the requested administrative documents, but which may by virtue of inappropriate or excessive fees have the actual effect of reiterating its improper refusals.

To prevent this eventuality and to ensure that RMN-GP treats the public in a fair and non-discriminatory manner, I modestly ask the CADA to remind the RMN-GP, if necessary, that it may be required by law to post information about its fees and licenses on its website in advance, and that the law governs how its fees are calculated.

Requirement for multiple requests

Since RMN-GP divulges information on fees and licenses for its 3D scans only reluctantly and on an *ad hoc* basis, the public must make separate demands for each administrative document it is interested in, and for each usage case it is considering. In my case, I am interested in a large number of RMN-GP's 3D scans for diverse uses.

Since RMN-GP seems to be predisposed to improperly refuse to communicate to me even a single one of its files, I fear that it will wrongly characterize my current and future requests for communication of this and other 3D scans as "abusive" simply on the basis of the large number of requests I must make. I fear that RMN-GP will improperly refuse this request for communication and those to come on this erroneous basis.

The CADA is certainly not in the habit of commenting on hypothetical future refusals, but I suggest that it nevertheless takes this issue into account when examining any response that RMN-GP to this case, insofar that RMN-GP currently advertises the communicability of more than 800 3D scans and holds more than 2,000 in total.³ Currently, because of the processes in effect, any request for even a single one of these files – and certainly for more than one – could easily be deliberately misinterpreted by RMN-GP as "abusive" and therefore improperly refused without basis. (Indeed, this may be by design.)

³ RMN-GP 2021 rapport d'activite, page 219,
https://www.grandpalais.fr/Rapports_Activite/2021/#/page/219

Correspondence between Cosmo Wenman and RMN-GP, 3 May 2022 — 11 July 2022

From: Cosmo Wenman cosmo.wenman@gmail.com
To: agence.photo@rmngp.fr
Sent: 3 May 2022, 15:07 (PST)
Subject: Request for license information

I am interested in RMN's 3D scan of « *Panthère marchant* » by Rembrandt Bugatti, which is advertised at: <https://photo.rmn.fr/archive/R5N410138-2CO5S9PSEJYS.html>

This digital 3D model is also advertised at this page, which explains that a higher quality version of this 3D model is available: <https://sketchfab.com/3d-models/panthere-marchant-rembrandt-bugatti-668fb318ce0446c4adfe6fe16949be27> This page also advises contacting agence.photo@rmngp.fr to obtain licensing information.

When I try to purchase this 3D model via <https://photo.rmn.fr/mycart>, the only options relate to 2D images.

To clarify, I am interested in accessing the actual 3D model, not 2D images. And I am interested in the highest quality version of the 3D scan available.

Can you please tell me what are the license conditions and fees for access and different uses of this 3D model?

Thank you,

Cosmo Wenman
cosmo.wenman@gmail.com

From: Agence Photo Agence.Photo@rmngp.fr
To: Cosmo Wenman cosmo.wenman@gmail.com
Sent: 4 May 2022, 01:03 (PST)
Subject: RE: Request for license information

Bonjour,

We have received your request and thank you for it.

In order to inform you of our fees and conditions of reuse, can you please give us the details of your project (private, editorial, commercial...) and specify your billing address for the iconographic rights.

Bien cordialement,

Agence Photographique
Réunion des musées nationaux - Grand Palais
254-256 rue de Bercy
75577 Paris cedex 12

Site : www.photo.rmn.fr

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Agence Photo Agence.Photo@rmngp.fr
Sent: 4 May 2022, 14:59 (PST)
Subject: Re: Request for license information

Bonjour,

I am interested in RMN's high-quality 3D scan of « *Panthère marchant* » by Rembrandt Bugatti for personal use; to study, analyze, and appreciate the technique and artistic style of the sculptor.

This analysis would use sophisticated software that would require direct access to RMN's high-quality 3D scan. It cannot be accomplished using RMN's on-screen web previews.

The billing address would be:

Cosmo Wenman
2369 Andersen Lane
Vista, CA, 92084
United States

Telephone: 1 310 780 5130
Email: cosmo.wenman@gmail.com

Merci,

Cosmo Wenman
cosmo.wenman@gmail.com

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Agence Photo Agence.Photo@rmngp.fr
Sent: 19 May 2022, 19:00 (PST)
Subject: Re: Request for license information

Bonjour,

Will Rmn-GP be able to send me the fee and licensing information for the high-quality 3D scan I requested? Or is the fee and license information already available online somewhere I can access it?

Alternatively, if there are no fees or licenses required, can Rmn-GP send me the requested 3D scan?

I am also interested in accessing many other Rmn-GP 3D scans for a variety of uses, but I don't want to create disruption for Rmn-GP by making repetitive requests. Is there a better way for me to make requests for these documents and their associated licenses and fee requirements that does not create a burden for Rmn-GP to process?

Please let me know if there is a better way for me to make my requests that is more convenient for Rmn-GP.

Merci,

Cosmo Wenman
cosmo.wenman@gmail.com

From: Agence Photo Agence.Photo@rmngp.fr
To: Cosmo Wenman cosmo.wenman@gmail.com
Sent: 20 May 2022, 01:22 (PST)
Subject: RE: Request for license information

Bonjour,

We have received your request and thank you for it.

In order to inform you of our fees and conditions of reuse, can you please give us the details of your project (private, editorial, commercial...) and specify your billing address for the iconographic rights.

Bien cordialement,

Agence Photographique
Réunion des musées nationaux - Grand Palais
254-256 rue de Bercy
75577 Paris cedex 12

Site : www.photo.rmn.fr

From: Agence Photo Agence.Photo@rmngp.fr
To: Cosmo Wenman cosmo.wenman@gmail.com
Sent: 20 May 2022, 01:27 (PST)
Subject: RE: Request for license information

Bonjour,

Our 3D models are hosted exclusively on the SKETCHFAB platform.

This activity of 3D reproduction and distribution of models is recent within L'Agence Photo, it is subject to many constraints and above all to validation by the conservation of the museums which conserve these works.

L'Agence Photo does not have authorization from our museum partners to deliver 3D models in high definition and in OBJ format to individuals.

We are sorry that we cannot respond favorably to your request.

Bien cordialement,

Agence Photographique
Réunion des musées nationaux - Grand Palais
254-256 rue de Bercy
75577 Paris cedex 12

Site : www.photo.rmn.fr

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Agence Photo Agence.Photo@rmngp.fr
Sent: 20 May 2022, 05:42 (PST)
Subject: Re: Request for license information

Bonjour,

Thank you for your message.

If the high-quality versions of Rmn-GP's 3D scan of « *Panthère marchant* » are not accessible to me, can I have instead the low-quality versions which are presented on Rmn-GP's two Sketchfab pages – the low-quality .OBJ and .FBX files and their associated color data image files? And the appropriate licensing terms and fees for their reuse?

The specific files I request are listed below. (These files cannot be downloaded from Rmn-GP's Sketchfab pages, but their names are freely listed there.)

Merci,

Cosmo Wenman
cosmo.wenman@gmail.com

Low-quality version advertised since 5 December 2021 at:

<https://sketchfab.com/3d-models/panthere-marchant-87476ecb8a7546ef911804e7555e5f65>

RF005988_PanthereMarchant_RembrantBugatti_LP.obj (~221 900 polygons, 30MB)

RF005988_PanthereMarchant_RembrantBugatti_LP.mtl (741B)

RF005988_PanthereMarchant_RembrantBugatti_LP.1001_ao.jpg (8192x8192, 8MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1001_basecolor.jpg (8192x8192, 8MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1001_metalness.jpg (8192x8192, 4MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1001_normal.jpg (8192x8192, 7MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1001_roughness.jpg (8192x8192, 10MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1002_ao.jpg (8192x8192, 6MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1002_basecolor.jpg (8192x8192, 9MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1002_metalness.jpg (8192x8192, 4MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1002_normal.jpg (8192x8192, 5MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1002_roughness.jpg (8192x8192, 12MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_ao.jpg (8192x8192, 5MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_basecolor.jpg (8192x8192, 7MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_metalness.jpg (8192x8192, 3MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_normal.jpg (8192x8192, 4MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1003_roughness.jpg (8192x8192, 10MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_ao.jpg (8192x8192, 3MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_basecolor.jpg (8192x8192, 3MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_metalness.jpg (8192x8192, 2MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_normal.jpg (8192x8192, 2MB)
RF005988_PanthereMarchant_RembrantBugatti_LP.1004_roughness.jpg (8192x8192, 4MB)

Low-quality version advertised since 5 January 2018 at: <https://sketchfab.com/3d-models/panthere-marchant-rembrandt-bugatti-668fb318ce0446c4adfe6fe16949be27>

RF005988.fbx (~600 000 polygons, 20MB)

RF005988_normals.jpg (4096x4096, 4MB)
RF005988_occlusion.jpg (4096x4096, 3MB)
RF005988_LP_600k_0.png (8192x8192, 16MB)

From: Agence Photo Agence.Photo@rmngp.fr
To: Cosmo Wenman cosmo.wenman@gmail.com
CC: Pierre Vigneron Pierre.Vigneron@rmngp.fr
Rene-Gabriel Ojeda Rene-Gabriel.Ojeda@rmngp.fr
Stephane Roger Stephane.Roger@rmngp.fr
Sent: 20 May 2022, 06:04 (PST)
Subject: RE: Request for license information

Cher Monsieur,

Without the approval of my management, I am not able to deliver the 3D scans to you. I copy this message to the manager of the photographic agency as well as the managers of the 3D department.

Bien cordialement,

Mme Hebari

Agence Photo RMNGP

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Agence Photo Agence.Photo@rmngp.fr
CC: Pierre Vigneron Pierre.Vigneron@rmngp.fr
Rene-Gabriel Ojeda Rene-Gabriel.Ojeda@rmngp.fr
Stephane Roger Stephane.Roger@rmngp.fr
Sent: 20 May 2022, 06:17 (PST)
Subject: Re: Request for license information

Thank you, I await the formal response of Rmn-GP.

- Cosmo

cosmo.wenman@gmail.com

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Pierre Vigneron Pierre.Vigneron@rmngp.fr
Rene-Gabriel Ojeda Rene-Gabriel.Ojeda@rmngp.fr
Stephane Roger Stephane.Roger@rmngp.fr
Sent: 22 May 2022, 19:47 (PST)
Subject: Re: Request for license information

Bonjour,

Please see the attached letter.

Merci,

- Cosmo

cosmo.wenman@gmail.com

22 May 2022

Pierre VIGNERON
René-Gabriel OJEDA
Stephane ROGER
Agence Photographique
Réunion des musées nationaux - Grand Palais
254-256 rue de Bercy
75577 Paris cedex 12



COSMO.WENMAN@GMAIL.COM
COSMOWENMAN.COM
2369 ANDERSEN LANE
VISTA, CA, 92084
310 780 5130

Messieurs,

Thank you for your attention to my request for the communication of Rmn-GP's 3D scans of Rembrandt Bugatti's « *Panthère marchant* ». While my current request is for the two low-quality versions of this document, I ask you to please reconsider my request of 3 May 2022 for the high-quality version and Rmn-GP's decision of 20 May 2022 to refuse its communication.

For the sake of full transparency and completeness, I would like to specify that I am also interested in direct access to many other 3D scans held by Rmn-GP, and for multiple uses. My sincere wish is to continue this process in a way that minimizes the administrative burden for the Rmn-GP and avoids repetitive or redundant requests. Ideally, in my opinion, Rmn-GP should make all of its 3D scans of public domain works available to the general public without requiring individual access requests. In the immediate future, I would be grateful if you would let me know if there is a way to accommodate my future requests in a way that minimizes inconvenience for Rmn-GP.

With regard to my current requests, I must respectfully note that contrary to what Rmn-GP has indicated to me previously, the production and publication of 3D scans of works in the public domain are not new for Rmn-GP.

Rmn-GP has for years described itself as a « key player » in the field of 3D scanning and is rightly pleased with its commitment and ability to provide 3D scans in « ultra high definition ». It has been producing 3D scans of public domain works for almost ten years and offering direct public access to high-quality versions since at least 2015. See for example Rmn-GP's poetic choice for its first such promotion via SKETCHFAB.COM, the sculpture « *Adam* » from Notre-Dame, advertised since 2015: <https://sketchfab.com/3d-models/adam-f7e16ce9b0984c4d811847f904954877>

Rmn-GP has clearly noted the importance, interest, and benefits of making its 3D scans directly available to the public via an automated purchasing system, including for commercial use. Rmn-GP even remarked on the ease of making them available in this way. See this very comprehensive and thoughtful promotional interview from 2018: <https://sketchfab.com/blog/community/seller-spotlight-rmn-gp-photo-agency/>

I have no doubt that we are all aware that Rmn-GP could make all of its 3D scans of public domain works currently displayed on SKETCHFAB.COM directly available to the public, with or without payment of royalties, simply by activating the download function on its existing SKETCHFAB.COM pages. According to the comments in the interview mentioned

above, it seems that Rmn-GP has already used this solution in the past. In addition, Rmn-GP has already created on its own site, <https://www.photo.rmn.fr/>, a section dedicated to the sale of 3D scans to the public and could make it possible to carry out these sales if it so wished.

I would like to very respectfully remind you that the 3D scans that I have requested from you (and the many others to which I would like to have direct access in the near future) are administrative documents as defined by law and that Rmn-GP is required to communicate them to anyone who requests them. I refer you to the legal opinion requested by Musée Rodin from the Commission for Access to Administrative Documents (CADA) in council n° 20190026 of 7 February 2019: <https://www.cada.fr/20190026>, and to CADA notice n° 20192300 of 6 June 2019, also relating to Musée Rodin: <https://cada.data.gouv.fr/20192300/>, and CADA notice n° 20216783 of 16 December 2021, relating to Musée des Beaux-Arts de Dijon: <https://madada.fr/request/1438/response/1397/attach/3/Avis.pdf>. In these notices, the CADA also provides important guidance on the legal requirements for calculating royalties, as well as publishing license terms.

With regard to the other point raised by Rmn-GP, I quite naturally understand that Rmn-GP wishes to benefit from the cooperation of its museum partners on this question. I hope we all share the hope that they embrace and encourage large-scale, direct public distribution of 3D scans of important public domain works in their collections. Of course, their approval would be welcome though it is not necessary, in particular because they are not able to annul Rmn-GP's legal obligations, and they are also public establishments governed by the same law.

If you and your colleagues have any doubts about Rmn-GP's legal obligation to communicate these documents, I respectfully urge you to please seek the advice of the CADA before making a decision on my requests.

In the immediate future, I would be grateful if you could find a quick solution to my specific requests regarding the communication of the high-quality version and the two low-quality versions of Rmn-GP's 3D scans of Rembrandt Bugatti's « *Panthère marchant* », and I sincerely hope that we can find an effective solution to make additional Rmn-GP 3D scans directly available to the public in the very near future.

I am at your disposal to answer all your questions on this subject.

Please accept, Messieurs, the expression of my sincere thanks.



Cosmo Wenman

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Pierre Vigneron Pierre.Vigneron@rmngp.fr
Rene-Gabriel Ojeda Rene-Gabriel.Ojeda@rmngp.fr
Stephane Roger Stephane.Roger@rmngp.fr
Sent: 28 June 2022, 00:01 (PST)
Subject: Re: Request for license information

Bonjour,

Please see the attached letter.

Merci,

- Cosmo
cosmo.wenman@gmail.com

28 June 2022

Pierre VIGNERON
René-Gabriel OJEDA
Stephane ROGER
Agence Photographique
Réunion des musées nationaux - Grand Palais
254-256 rue de Bercy
75577 Paris cedex 12



COSMO.WENMAN@GMAIL.COM
COSMOWENMAN.COM
2369 ANDERSEN LANE
VISTA, CA, 92084
310 780 5130

Messieurs,

Thank you for your continued attention to my request for the communication of the two low-quality versions as well as the high-quality version of RMN-GP's 3D scan of « *Panthère marchant* » by Rembrandt Bugatti.

If it has not already been done, I kindly ask that you ensure that the RMN-GP personnel responsible for access to administrative documents (PRADA) be informed of my request and receive my complete correspondence with RMN-GP.

As you know, RMN-GP actively promotes the availability of the documents I have requested and offers them for sale on its own website. RMN-GP systematically advertises its 3D scans of works with a view to their reuse by the public, and has done so continuously since at least 2015. Indeed, RMN-GP has just announced the availability of two new scans only a few days ago! See these advertisements posted online on 22 June 2022:

<https://sketchfab.com/3d-models/double-tete-dhermes-0ddb559f3e444caca2cfa4fc4b11632c>

<https://sketchfab.com/3d-models/moulage-dun-rhyton-846a5b8bf961478598529208daae91fa>

For at least seven years and through today, RMN-GP's announcements have been consistent and perfectly clear: « This is a light 3D model for web display. To use the high quality model contact agence.photo@rmngp.fr » This message is repeated for each of the more than eight hundred 3D scans RMN-GP lists, and has been viewed by the public more than half a million times.

In this context, I am surely not the first person to request a 3D scan from RMN-GP, and this is certainly not the first time RMN-GP has contemplated a response to such a request. The fact that RMN-GP advertises the availability of these documents to the public while seeming to refuse to communicate them to me raises serious concern on my part. Requests for administrative documents must be treated in a non-discriminatory way. If RMN-GP did not already know this and you have obtained the advice of the CADA on this matter, I am sure that the CADA will have informed you that the law obliges RMN-GP to communicate these administrative documents to any person who makes a request.

For more than fifty-five days now, I have diligently and respectfully followed the procedures announced by RMN-GP with a view to the communication of documents the availability of which RMN-GP advertises to the entire world. I therefore ask you to now kindly inform me of your decision concerning my request.

If RMN-GP has indeed decided to refuse to communicate to me the requested administrative documents, please notify me in the form of a reasoned written decision including an indication of the means and time limits for appeal, as well as the legal foundation for your decision.

Finally, independent of my own request, I sincerely hope that RMN-GP will seriously consider making all of its 3D scans of public domain works readily available to the public in a way that does not require individualized requests, and which thus avoids unnecessary burden for the public and RMN-GP.

Thank you for your quick response.

I remain at your entire disposal.

Cordially,

A handwritten signature in blue ink that reads "Cosmo". The letters are cursive and connected.

Cosmo Wenman

From: Cosmo Wenman cosmo.wenman@gmail.com
To: Pierre Vigneron Pierre.Vigneron@rmngp.fr
Rene-Gabriel Ojeda Rene-Gabriel.Ojeda@rmngp.fr
Stephane Roger Stephane.Roger@rmngp.fr
Sent: 11 July 2022, 00:01 (PST)
Subject: Re: Request for license information

Bonjour,

Please see the attached letter.

Merci,

- Cosmo
cosmo.wenman@gmail.com

ENGLISH
TRANSLATION/FACSIMILE

11 July 2022

Pierre VIGNERON
René-Gabriel OJEDA
Stephane ROGER
Agence Photographique
Réunion des musées nationaux - Grand Palais
254-256 rue de Bercy
75577 Paris cedex 12



COSMO.WENMAN@GMAIL.COM
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2369 ANDERSEN LANE
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310 780 5130

Messieurs,

You will understand that, seen from the outside, it may seem strange to both promote and prohibit access to 3D scans. I don't think your team would like to be seen this way, and I understand if that is why you cannot respond to my requests.

A certain lack of internal cohesion or general direction seems to have emerged within RMN-GP. Compassionate in view of this difficult situation, it is not my intention to oppose you. Indeed, whatever internal conflicts animate RMN-GP's dissonant policies, I sincerely hope that those of you or your colleagues who privately advocate openness prevail, and I will do what is in my power to aid them.

You are aware that RMN-GP's silence, which it has maintained for more than one month, constitutes an implicit refusal to communicate the administrative documents and notifications of licenses and fees that I have requested. Consequently, without an affirmative response before 13 July 2022, I will engage the CADA. You may consult the documents I am prepared to send to the CADA here: <https://cosmowenman.com/RMNGP/>

RMN-GP will be required to explain its refusal to the CADA, and any statements by RMN-GP to the CADA will be made available to me. Undoubtedly, the public will be interested to know why RMN-GP is sabotaging its own sophisticated digitization and distribution infrastructure in order to make 3D scans of French cultural patrimony inaccessible to the public.

Once this explanation is available, allowing us to address it directly, I hope we can work together to arrive at a policy that works for everyone.

In the meantime, do not hesitate to contact me individually in a private capacity if you wish to share your insights on RMN-GP's situation.

Cordially,

A handwritten signature in blue ink that reads "Cosmo". The script is fluid and cursive.

Cosmo Wenman