

# Panel 2 How to best recognise 'orphan status'



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- Libraries want to digitise their collections to make them available online
- Publishers want to digitise their back list to make it available online
- In Europe, more than 5 millions books are in print



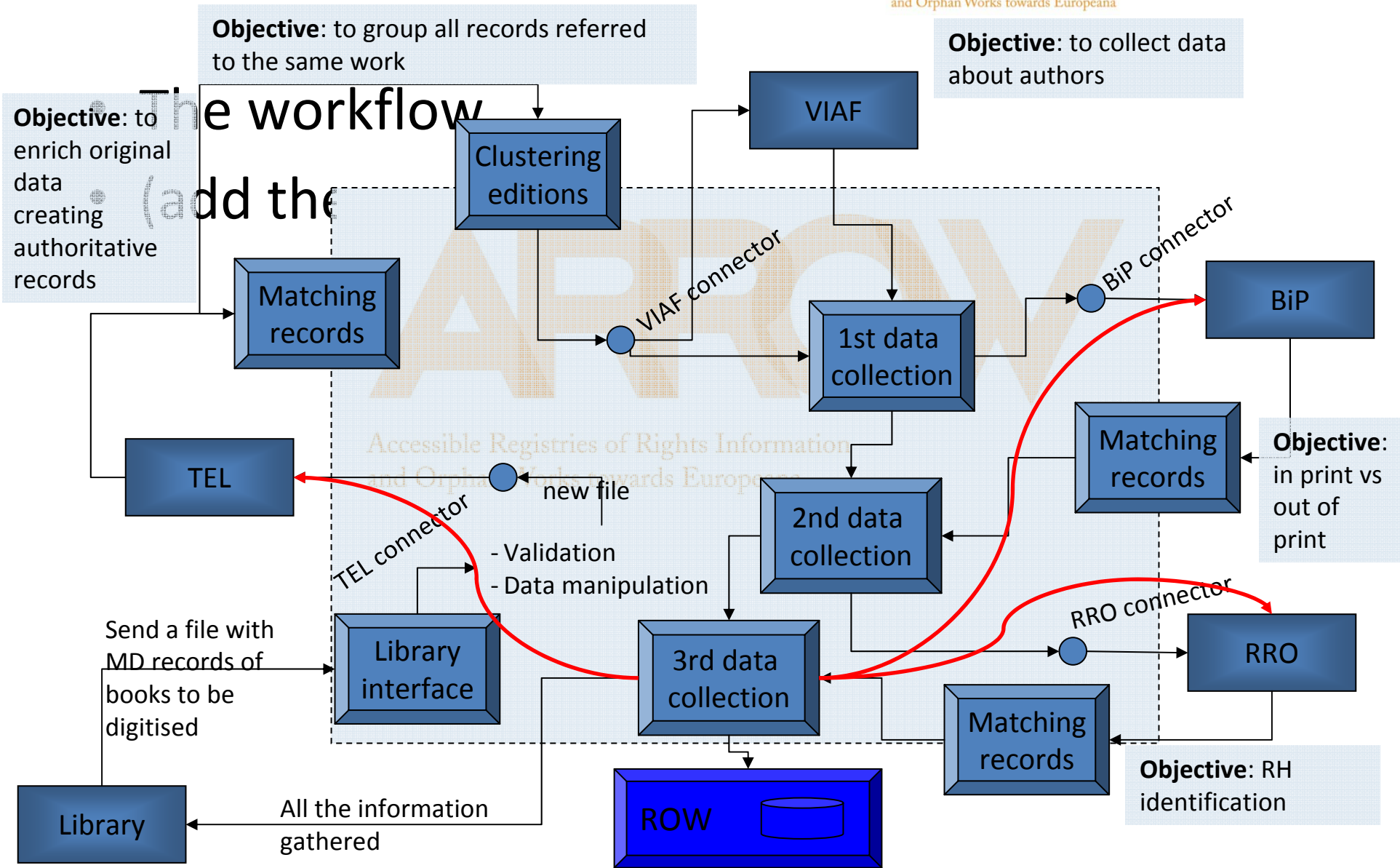
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- Consortium of European national libraries, publishers and collective management organisations, also representing writers
- Support the EC's i2010 Digital Library Project by finding ways to identify rightholders, rights and clarify the rights status of a work including whether it is orphan or out of print.
- Obtain information on who are the pertinent rightholders, which are the relevant rights concerned, who owns and administers them and how and where they can seek permission to digitise and / or make available the work to user groups.



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- HLEG on digital libraries agreed that prior to making a work available online, users should undertake a
  - Due diligent search
  - In the country of publication (when known that is in 99,99% of the cases)
- Available information sources
  - Books in print
  - Databases of RROs (reproduction rights organisations)
  - Other sources
- To facilitate the due diligent search within an agreed procedure. Depending on the countries, this might have to be completed, at this stage, by interrogating sources which are not yet in electronic formats





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## ARROW/The steps

1. **Create an authority file** in verifying the metadata with TEL (The European Library) and VIAF (Virtual International Authority File) which includes also clustering the various manifestation of the same works (for instance hardback and paperback, updated edition of a reference book...)
2. **Check the database of books in print** whether the title is commercially available
3. If the work is not in print, **check the database (s) of collective management administration of the written word** (for both reprography and public lending)
4. If the author or the publisher appear in one of the databases, then he/she should be asked for permission before making the book available online
5. If the author and the publisher don't appear in these databases
  1. **Possibly check in a currently non-electronic database** (you only have to search for works for which you have not received information about the right holder, i.e. between 3 and 5 %)
  2. Searching the available sources has not produced results and the work can be considered as orphan
6. **Establish a database of orphan works**



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- **Books in print**
- Databases operated in general by private companies, providing information to booksellers on the availability of books
- At least 5 millions books are in print in Europe
  - AUSTRIA AND GERMANY / VLB
  - BELGIUM / BANQUE DU LIVRE AND BOEKENBANK
  - CZECH REPUBLIC / <http://www.sckn.cz/ceskeknihy/>
  - DENMARK/ [www.forlagonline.dk](http://www.forlagonline.dk).
  - ESTONIA/ ESTER <http://ester.nlib.ee/search>
  - FINLAND /Finnbooks  
[http://www.kirjavalitys.fi/kv/misc/getpage.jsp?page=YHTEYSTIEDOT\\_PALKKI](http://www.kirjavalitys.fi/kv/misc/getpage.jsp?page=YHTEYSTIEDOT_PALKKI)
  - FRANCE / ELECTRE
  - GREECE/ BLIBLIONET
  - ITALY / ALICE
  - IRELAND AND UNITED KINGDOM / NIELSEN BOOK DATA
  - NETHERLANDS / CENTRAAL BOEKHUIS
  - NORWAY / DEN NORSKE BOKDATABASEN
  - SPAIN / DILVE
  - SWEDEN / BOKRONDELLEN
- **For all the other countries, ARROW partners are examining other possible sources of information – ARROW +**

- Databases of RROs administering
  - Reprography and public lending
  - List many rights holders in almost all the EU countries/together with details for distributing the remuneration
- Other sources to be agreed upon at national/regional/local level





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- Sidetracked, Henning Mankell published in 2002
  - Still in print, information can be found for the original text in the Swedish database Bokrondellen, for the English translation in Nielsen Book data → importance of searching in the country of publication
- Playing with Fire; same author, published in 2000
  - Out of print (in English), information on the English publishing house and translator – Copyright Licensing Agency CLA, information on the Swedish publishing house and the author - BonusPresskopia



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## ARROW

- Pilot to be launched early 2010
- At the completion of the project, beginning 2011, expected 10 countries to be participating

## ARROW+

- To improve the clustering of works
- To provide with models for the countries lacking appropriate information sources

Need to liaise between libraries and RROs to know what are the digitisation projects



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Any question, contact [abergman@fep-fee.eu](mailto:abergman@fep-fee.eu)  
or <http://www.arrow-net.eu/about-arrow>