

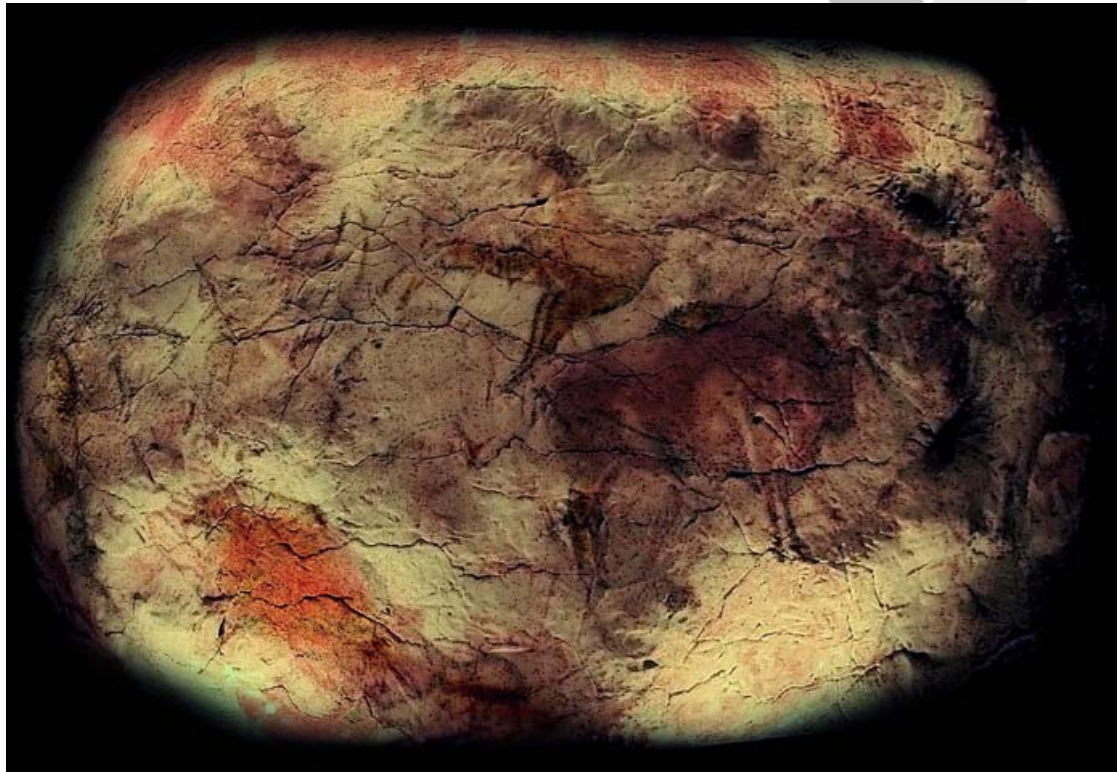


In From the Cold

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When should we have started to clear orphan works in the UK?



Cave painting, Altamira, Spain ca. c. 14,000

CHALLENGES RELATING TO ORPHAN WORKS

- Orphan works are a significant barrier to public access of collections
- Orphan works present obstacles to fulfilment of Europeana etc
- Orphan works growing at an alarming rate - Exponential growth in user generated content means “Today’s user generated content is tomorrow’s orphan works”; digital repository growth; professional skills gap; overheads in time, money and effort
- Number of projects and initiatives attempting to address the issue including:
 - EU-funded ARROW project
 - Google Books Settlement
 - i2010 Digital Libraries Copyright Sub Group “Due Diligence” Guidelines
 - Digital Britain Report and collective licensing proposals
- However, solutions require understanding of impact and scale of the problem
- Need to understand reasons for orphans to stop them happening in the future

IN FROM THE COLD

- First comprehensive research into scale and impact of Orphan Works in public collections in the UK by The Collections Trust and the Alliance
- Over 500 responses from across UK and Europe



REASONS FOR ORPHAN WORKS

- The work has no, or insufficient, information identifying the copyright owner
- The original owner of copyright can no longer be located at the original address
- The copyright ownership has been assigned to a new owner
- The copyright holder has died or the business ceased to exist
- Length of duration of copyright in unpublished text based works in the UK
- The copyright owner does not realise that they benefit from copyright

KEY FINDINGS 1. – QUANTITIES OF ORPHAN WORKS

- Average 5-10% of collection works are orphans
- British Library estimate 40% of all creative works as orphans
- Some archives and libraries, up to 50% of works are orphans
- BBC estimate 1m hours of broadcast footage as orphans
- This means that between 13-50m orphans in UK alone



KEY FINDINGS 2. – TYPES OF WORKS WHICH ARE ORPHANS

Typical orphans include:

- Documentary photographs
 - Sound recordings
 - Letters, diaries and unpublished text based works
 - Amateur-made films
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- Orphans of local/historic/academic/cultural significance
 - BUT – negligible or very low commercial value



KEY FINDINGS 3. – AFFECT ON PUBLIC SECTOR BODIES

- Orphan works represent massive resource & administrative drain for public sector
- 6.5 million days to clear all orphan works for works in survey
- Different levels of awareness and approach to orphan works:
 - Risk adverse: access locked up to ca. 5 million works
 - And/or exposure of public sector bodies to risk



“A total of 150 freelance and 152 staff hours (302 hours) resulted in eight permission being received” British Library Sound Archive identified 299 rights holders

KEY FINDINGS 4. – IMPACT

- 89% service delivery occasionally affected
- 26% service delivery frequently affected
- 70% believe it is a barrier to delivery
- 39% believe it is a barrier to research
- 60% believe it is affecting their digitisation
- 60% call for legislative change (certainty and exceptions)

“We see this all the time with really good ideas stopping at first base, because the chances of getting full clearance required is low, or zero” Natalie Cheeney, CEO, The National Archives



CONCLUDING REMARKS

- Most orphans were never meant to be commercially exploited
- Solutions need to be proportionate to:
 - Type of work and value
 - Proposed usage (commercial/non commercial)
 - Scale of digitisation
- Need to address reasons for orphan works:
 - Simplifying and harmonising copyright legislation across Europe
 - Promoting use of licences when publishing works online (i.e. Creative Commons)
 - Possible voluntary register of orphan works



Further information...

The “In from the Cold” report on orphan works and a complete range of free IPR and Licencing Tools are available from <http://sca.jiscinvolve.org/ipr-publications/>

Thank you for listening...

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