



ORPHAN WORKS IN EUROPE: A CRITICAL REVIEW

@MERISAMARTINEZ
UNIVERSITY OF BORÅS

@MELISSATERRAS
UNIVERSITY COLLEGE LONDON

WHERE ARE WE GOING?

WHY should we care?

WHAT are the issues?

WHO deals with them?

HOW are they dealt with?

WHERE should we go next?

WHY SHOULD WE CARE?

LACK OF ACCESS

You cannot go that way.



WHY SHOULD WE CARE?

DEGRADING MATERIALS



ARRI.COM/ARCHIVETECHNOLOGIES

WHY SHOULD WE CARE?

LACK OF ACCESS + DEGRADED MATERIALS
= NO (STRICTLY LEGAL) DIGITAL RESEARCH.

WHAT ARE THE ISSUES?

THE RIGHTS HOLDER IS
UNKNOWN OR CANNOT
BE FOUND

WHAT ARE THE ISSUES?

5-10%

WHAT ARE THE ISSUES?

50,000,000 IN THE UK

WHO DEALS WITH THESE ISSUES?

GLAMs

Universities

Private individuals

WHAT TYPES OF WORKS AFFECTED?

Printed media

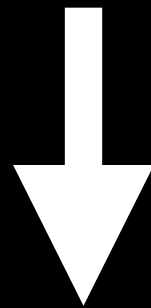
Audiovisual works

Unpublished works

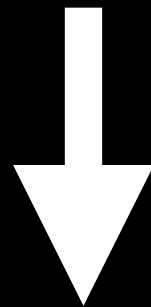
Still images

WHO DEALS WITH THESE ISSUES?

JISC "IN FROM THE COLD" (2009)



HARGREAVES REPORT (2011)



EU DIRECTIVE 2012/28/EU, aka "THE ORPHAN WORKS
DIRECTIVE"

HOW ARE THESE ISSUES DEALT WITH?

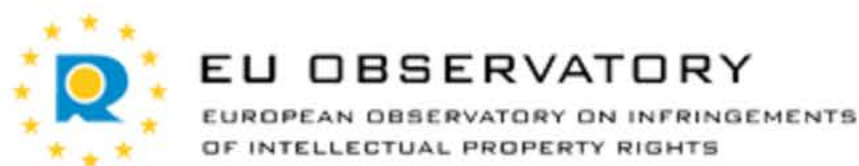
THE EU DIRECTIVE AIMED TO:

PROVIDE ADVICE TO MEMBER STATES

FACILITATE REGISTRATION AND SEARCH

ALLOW FOR MASS DIGITIZATION

HOW ARE THESE ISSUES DEALT WITH?



Promoting and supporting intellectual property value



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About us, Observatory network, Contact us, Call for proposals

Intellectual property for...

IP for enforcement, IP for business and consumers, IP for education and culture

Reports and studies

Observatory publications, IP Studies, Other publications, Observatory newsletter

News & events

News, Events, Media gallery

 [Home](#)

[Registration of Beneficiary Organisation](#)

Orphan Works Database

All Criteria ▾



Search

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The Orphan Works database is a single publicly accessible database that provides the public with information related to orphan works contained in the collections of publicly accessible libraries, educational establishments and museums, as well as archives, film or audio heritage institutions and public-service broadcasting organisations established in the Member States.

HOW ARE THESE ISSUES DEALT WITH?

Advanced search criteria

Work type i ☒ Main Work ☒ Embedded Works

and i Title of work i contains

and i Description i contains

and i Organisation country i

[Clean form](#) [Reset to default](#) [Basic Search](#) [Search](#)

i Search for Orphan Work with: **Work type** is **Main Work or Embedded Works** and **Organisation country** is **Belgium**

No data available

Showing 0 to 0 of 0 entries

HOW ARE THESE ISSUES DEALT WITH?



View the orphan works register

BETA: This is a new service - your [feedback](#) will help us to improve it. [Find out more about the beta phase.](#)

Category:

312 results

All

[Moving images](#)

[Music notation](#)

[Script and choreography](#)

[Sound recordings](#)

[Still visual art](#)

[Written works](#)

Black and white photograph of unknown man, with hand...

Known creators or right holders: None

Known identifiers: None

Category: Still visual art

Licensee name: [The University of Glasgow](#)

Status: Application Received (OWLS000057-5)



Extract from Doubt Magazine

Known creators or right holders: Tiffany Thayer - Editor of Doubt Magazine

Known identifiers: None

Category: Written works

Licensee name: [The University of Glasgow](#)

Status: Application Received (OWLS000057-4)

HOW ARE THESE ISSUES DEALT WITH?

OVERWHELMINGLY, EUROPEAN
COUNTRIES ARE NOT UTILIZING
THESE RESOURCES.

WHY?

"GOOD FAITH" DILIGENT SEARCH

UK EXAMPLE:

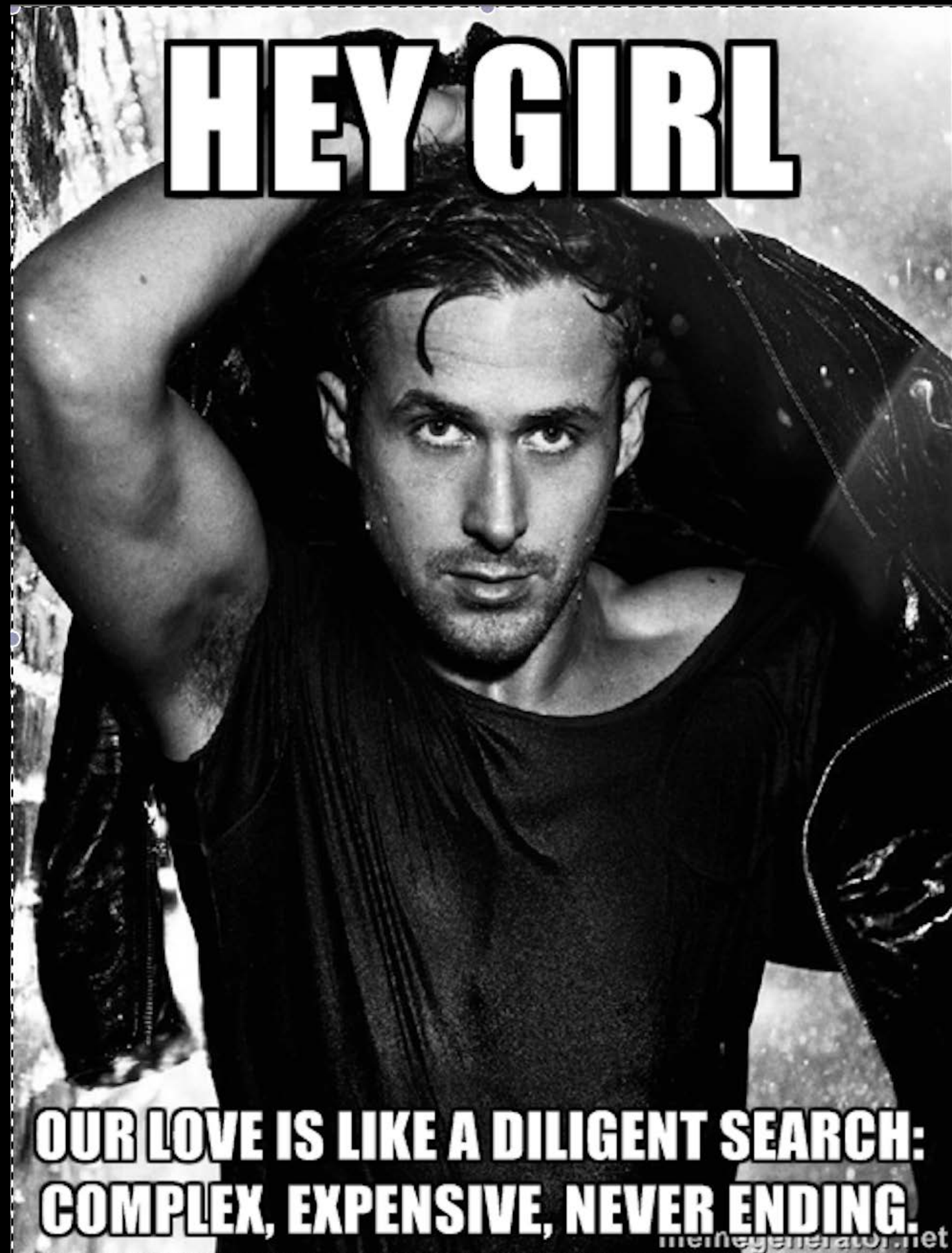
5-10%

.5 DAYS PER WORK

50 MILLION WORKS

6.5 MILLION DAYS

18,000 YEARS



“GOOD FAITH”
DILIGENT SEARCH IS EXTREMELY
EXPENSIVE AND TIME CONSUMING

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HOW ARE THESE ISSUES DEALT WITH?

UK Survey

59 Respondents (31 Users of OWR)

"currently the amount of effort involved in checking all the agencies etc is a major obstacle - cutting the number would make it easier" - *Survey Respondent 17.12.2015*

THE SITUATION REMAINS THE SAME

- DILIGENT SEARCH TOO EXPENSIVE
- DIRECTIVE TOO VAGUE FOR MEMBER STATES
- DOES NOT FACILITATE MASS DIGITIZATION

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HOW ARE THESE ISSUES DEALT WITH?

WE NEED MORE DATA.

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WHERE SHOULD WE GO NEXT?

- Suggestion 1: SAFE HARBOR / FAIR USE

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WHERE SHOULD WE GO NEXT?

- Suggestion 1: SAFE HARBOR/FAIR USE
- Suggestion 2: DILIGENT SEARCH GUIDELINES

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WHERE SHOULD WE GO NEXT?

- Suggestion 1: SAFE HARBOR/FAIR USE
- Suggestion 2: DILIGENT SEARCH GUIDELINES
- Suggestion 3: MEMBER STATE FEEDBACK

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WHERE SHOULD WE GO NEXT?

- Suggestion 1: SAFE HARBOR/FAIR USE
- Suggestion 2: DILIGENT SEARCH GUIDELINES
- Suggestion 3: MEMBER STATE FEEDBACK
- Suggestion 4: REVIEW LICENSE FEE STRUCTURE

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WHERE SHOULD WE GO NEXT?

- Suggestion 1: SAFE HARBOR/FAIR USE
- Suggestion 2: DILIGENT SEARCH GUIDELINES
- Suggestion 3: MEMBER STATE FEEDBACK
- Suggestion 4: REVIEW LICENSE FEE STRUCTURE
- Suggestion 5: INCORPORATE STILL IMAGES

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#DIXIT2



@DOEDERE



RICHARD PRINCE



"ART" BY RICHARD PRINCE



Figured I might as well post this since everyone is texting me. Yes, my portrait is currently displayed at the Frieze Gallery in NYC. Yes, it's just a screenshot (not a painting) of my original post. No, I did not give my permission and yes, the controversial artist Richard Prince put it up anyway. It's already sold (\$90K I've been told) during the VIP preview. No, I'm not gonna go after him. And nope, I have no idea who ended up with it! 🤔 #lifeisstrange #modernart #wannabuyaninstagrampicture

8,930 likes 523 comments

Instagram

FRIEZE
WEEK
MARCH
2015

NEW
YORK

IT CANNOT BE DENIED

A vast number and array of material collections are inaccessible to researchers for use and reuse because of unclear (or a complete lack of) guidance and legislation.

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