

International
Federation of
Reproduction
Rights
Organisations



Making cultural heritage available to the public

Managing Orphan and Out-of-Print Works

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19 November 2010

Performers rights in today's European Environment, Brussels

Digital libraries

Making them copyright compliant requires



Possibility to establish rights status



Mandate to licence orphan works

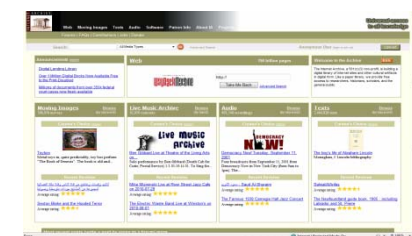


Copyright Licensing

“Digital Library” initiatives

Some examples

- Gutenberg project (www.gutenberg.org)
 - >100,000 titles, mainly out-of-copyright; free downloads
- World Digital Library (www.wdl.org)
 - 7 languages; 21 partners including IFLA
 - Primary material
 - Prototype: 1,468 items (672 books, reviews, texts, images)
- Internet Archive (www.archive.org)
 - > 1 million books available
 - Digital lending (70,000 books)
 - World Wide Web included



“Digital Library” initiatives

Google and European Digital Libraries

- Google Book Search programme + settlement
 - 12 million books (Goal 15 million)
 - 40 collaborating libraries, 8 European

I WANT YOU



To Speak English
or **GET OUT!**


- EUROPEANA (www.europeana.eu)
 - 14 million objects in 2010; (Goal 25 million by 2014)
 - > 180 collaborating libraries; archives; museums
 - Common access point to the collections



Digitising cultural heritage legally

Five key issues

Identifying and addressing

- Rights
 - Rightholders
 - Rights status
 - Rights clearance
 - handling Unidentifiable/Unlocatable rightholders
 - (Orphan works)
- 
- ### Requires

 - Search tools / facilities
 - Registries
 - Rights clearance mechanisms
 - Enabling legislation

Digital libraries

Making them copyright compliant requires

Stakeholder cooperation facilitating EUROPEANA



Establishing rights status: ARROW

Establishing rights and rights status

System for identification across borders of

- Rights status
 - In or out of ©
 - In or out of commerce
- Rights
 - Which rights are involved
- Rights owners and holders
 - Creators
 - Publishers
- How and where do I clear the rights
- Orphan Works → Orphan Works Registry

Requires

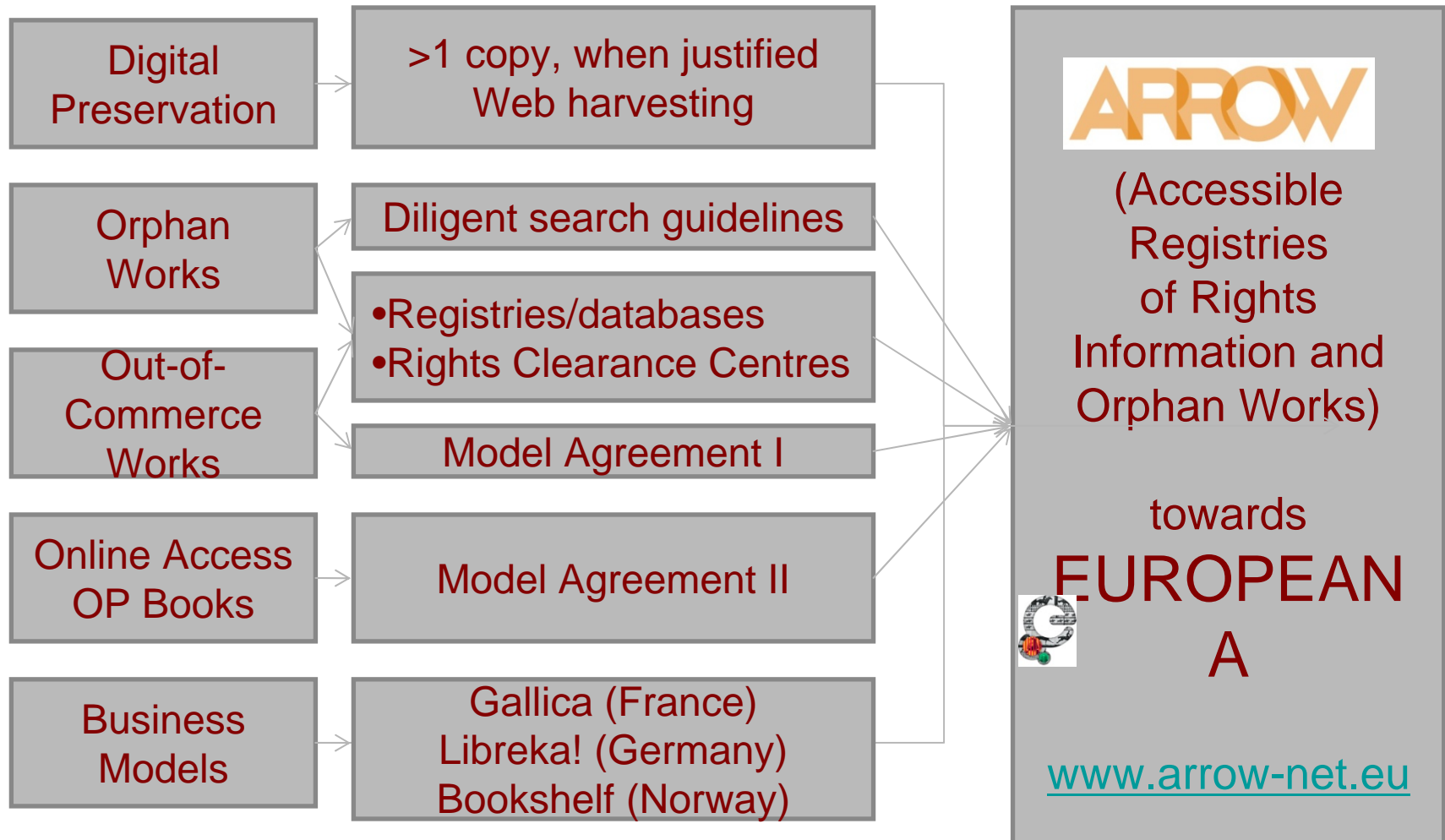
- Registries
- Standards
 - ISBN
 - ISSN
 - ISTC



30 Partners and associates

- 9 Libraries
 - 8 National libraries and 1 University library
 - Austria; Finland; **France**; **Germany**; Netherlands, Norway; Slovenia; **Spain**; **UK**
- 15 Rightholder organisations
 - 7 national authors and publishers associations
 - 8 RROs (Reproduction Rights Organisations)
- 3 International organisations
 - The European Digital Library
 - IFRRO; FEP (Federation of European Publishers)
- 3 ISBN Agencies; Business/Technology developers

Joint stakeholder project Implementing digital libraries solutions



Digital libraries

Making them copyright compliant requires



Out of Commerce (Print) Works



Orphan Works

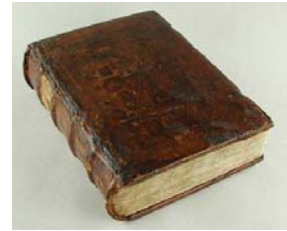
Digitising cultural heritage

Rights Status

The Bookshelf

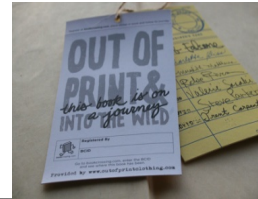


- Public Domain
 - No need to clear rights



• Known creator/publisher

- In Commerce
- Out of Commerce
- Rights can be cleared
 - Directly / CMO



• Unknown Creator/Publisher: Orphan



- Legislation to clear rights

Orphan Works

Criteria for Licensing and Rights Clearance

1. Diligent search

- When and as decided by creators & publishers or their representative associations in country of publication

2. Legal certainty

- For licensee and licensor
- **Authorisation to administer Orphan Works**

3. Licensing through Rights Clearance Centres

- Creator & Publisher governed not for profit organisation
- Public: policy, conditions, remuneration criteria, etc.

4. Conditions set by Creators and Publishers

- Of same or similar works

Orphan Works

National OW solution: Basic criteria to be complied with

1. Right to withdraw works
2. Right of remuneration
3. Sharing of information among rights clearers

Requires

- Search tools / facilities
- Registries
 - Standards: ISBN; ISTC
- Rights clearance mechanisms
- Legislation - enabling



Digital libraries

Making them copyright compliant requires



Copyright licensing

Rights Clearance

Collective Licence complements individual licence

- Individual licensing when appropriate
- Collective licence when individual licensing is
 - Impossible
 - Typically **Orphan works**
 - Impracticable or Insufficient
 - Typically **Out-of-Print works**

Collective licence **complements** individual licences

IFRRO – 128 Members in 65 Countries

The International Link and Global network

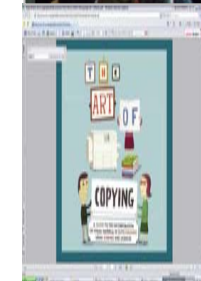
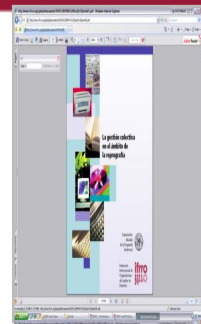
RROs (73)

- 59 RRO Members; 14 Associate Members
- Mandated by Creators and Publishers
- Licence reprography, & Certain Digital Uses
- Awareness raising and Enforcement Activities



Creators and Publishers associations (55)

- International
- National



Digital libraries

Making them copyright compliant in practice



Norway: Bookshelf project based on ECL



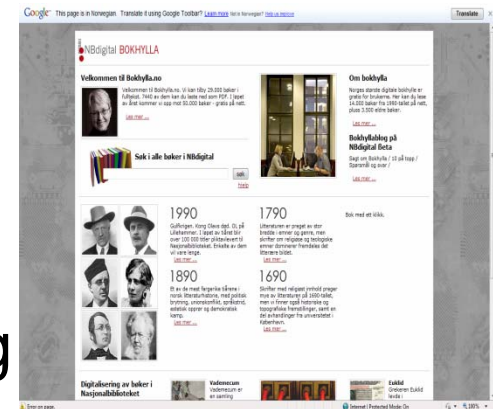
Germany: Out-of-Commerce collective licence

Library Digitising projects

Bookshelf project (Norway)

Contract National Library – RRO (Kopinor)

- Mandate from authors and publishers
- Extended Collective Licence
- Includes Orphan Works and Out of Commerce Works
- Digitise and make available 50,000 books
 - Published in: 1790-99; 1890-99; 1990-99
 - Fee per page per year
- User access
 - Registered library users
 - Norwegian IP addresses
 - View; No download, print-out or copying
 - Purchase opportunities

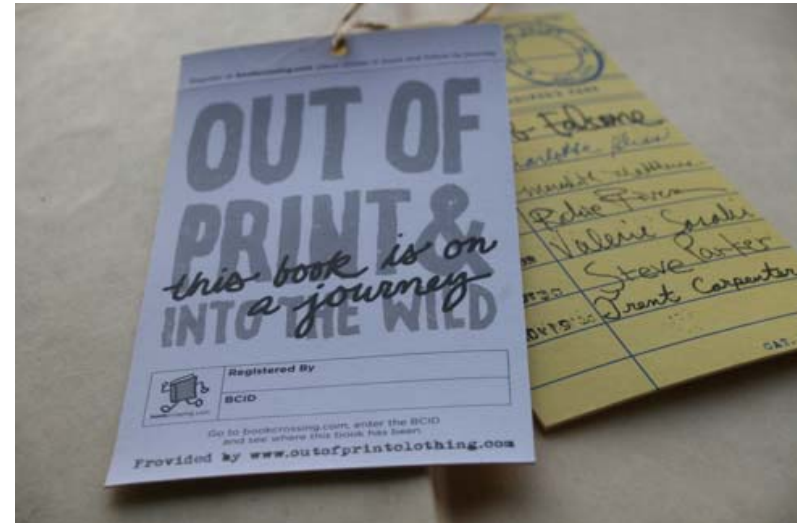


Library Digitising projects

Out-of-Commerce with a cut off date (Germany)

- Digitise and make available books out of commerce
 - Published 1965 or earlier

- Licensing by RRO (VG Wort)
 - Mandate from authors and publishers
 - Right of withdrawal



Digital libraries

Making them copyright compliant

In Conclusion

Library Digitising projects

Constructive solutions to administer and avoid new OWs

- Creative collaboration – finding solutions in the interest of all
- Copyright compliance

&



- Establish rights status
- Provide mandate
- Copyright licensing

ARROW

Enabling legislation
CMO Network



Thank you for your attention

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