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Orphan Works

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# Orphan Works

Orphan Works is a term used to describe works where the rights holder cannot be identified, located or contacted. This may occur if the publisher has gone out of business or in most cases with Orphan Works, the copyright term tends to far exceed the commercial life due to them being older works. The less successful in a commercial capacity a piece of work has been, more effort is required to track down the possible rights holder or author. The Intellectual Property Office (IPO) estimated there was around 91 million Orphan Works in the UK alone.

In 2014 the UK Government introduced the Orphan Works license, which can be applied to all works for commercial and non-commercial usage. The license can be awarded by the IPO for a period of seven years (upon payment of fee) and providing **due diligence** has been demonstrated. Due diligence will be covered in more detail in the following page.

Click on the link below to view a UK government video, which is an introduction to Orphan Works in the UK

[An Introduction to Orphan Works in the UK (YouTube video)](https://www.youtube.com/watch?v=5OHbM5gApv8)

## Key points relating to Orphan Works licence

* The licence is restricted to UK use only and has a 7-year limit. Therefore, the licence would not be applicable to works that have an Open Access licence associated with them.
* Educational, cultural heritage institutions/establishments can no longer rely on the Orphan Works copyright exception as it was tied to the UK’s membership of the EU
* There’s a reliance on risk management

## Orphan Works: Due Diligence

The nature of a due diligence search will vary depending upon the proposed use of the work, as with all copyright material there are many different types of rights. Some rights in music for example contain different types of rights covering the words, music and score. These rights may not necessarily be controlled by the same rights holder, it could be the case each of the separate rights has more than one holder. Another factor that may emerge is the work published or not?

The ultimate aim of a diligent search is to find the right holder who controls the appropriate rights. Consideration should be given to the type of diligent search, is it appropriate to the Orphan Work as whole or an orphan right within the work? The proposed usage must be considered.

The link below will provide you with help and guidance when trying to plan your diligent search for the rights owner.

[Orphan works diligent search guidance for applicants](https://www.gov.uk/government/publications/orphan-works-diligent-search-guidance-for-applicants)

# Links to help locating Rights Holders

#### The links below within the various sections will take you to applicable bodies or organisations who may be able to help you track down a rights holder for an orphan work(s) in a particular field, area, or discipline

### Web Links

[Orphans Work Register](https://www.orphanworkslicensing.service.gov.uk/view-register)

[Orphan Works database (OHIM)](https://oami.europa.eu/ohimportal/en/home)

[Writers, Artists and their copyright holders (WATCH)](http://norman.hrc.utexas.edu/watch/)

[Society of Authors](http://www.societyofauthors.org/)

[EThOS (British Library)](http://ethostoolkit.cranfield.ac.uk/tiki-index.php)

[The Copyright HUB](http://www.copyrighthub.co.uk/)

[The Content Map](http://www.thecontentmap.com/)

[Accessible Registries of rights Information and Orphan Works (ARROW)](http://www.arrow-net.eu/)