

Copyright

Seeking permission
for copyrighted &
orphaned material



Level: Beginner

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Seeking Copyright Permission

If you are not sure if the use of the works falls under fair dealing, the best course of action is to seek permission of the rights holder to absolutely clarify and gain permission to use their works. This may be a case of contacting the publisher or other party.

When obtaining permission to use a piece of work protect by copyright law it is normally good practice to contact the publisher. They may even be able to act on the copyright owners behalf, saving you the additional task of contacting them, in some cases they may redirect you to the relevant licensing body or pass your request directly to the copyright owner directly. Materials that are published on the internet, the best starting point would be to contact the website directly.

The following items would be advisable protocol to adopt when seeking copyright permission.

- Identify the rights holder
- Specify the material you wish to use, including the title of publication, page numbers, etc.
- If you are intending to make multiple copies of the work, remember and specify the exact number you intend to make
- Who will receive copies of the distributed work, will it be students?
- Remember to keep records of all correspondence
- Ensure you leave plenty of time for this process, think along the lines of it potential taking weeks or months
- If permission is granted, be sure to give acknowledgement to the rights holder



Don't make any assumptions

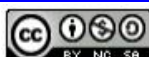
Obtaining written permission

It is very important to obtain formal written permission, this ensures there is evidence and written proof of your agreement to use the copyright protected work. This will give you peace of mind and most importantly make it easier to prove legally that you were granted permission.

Written permission does not have to be printed document, an email that contains the date of agreement will suffice. You may experience some rights holders do not have access to an email, in which case written correspondence will have to be utilised. You will also have to appreciate that corresponding this way will take longer when compared to email for example and should be factored in any time-scales you have. As mentioned in the previous page, the permission seeking process can take weeks or months.

Is verbal permission sufficient?

A verbal agreement in person or conducted over the telephone is not sufficient evidence and would not hold up to legal scrutiny. In the circumstance of discussions around agreeing upon copyright permission, it would be advisable to follow up any discussion with a formal written request.



What if I don't receive a reply from the rights holder or can't contact them?

If the rights holder does not reply to your request to make use of their copyrighted materials, **do not assume** it is OK to go ahead and use their materials. It is at this point you would have to consider your options available to you.

1. Look for alternative materials to use
2. Are there Creative Commons materials that could be used instead?
3. Buy/purchase copyright

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 went 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

<https://www.youtube.com/watch?v=5OHbM5gApv8>



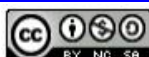
Orphan Works : Due Diligence

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](#) - this link opens in a new browser window



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](#) - please note this link opens in a new browser window

[Orphan Works database \(OHIM\)](#) - please note this link opens in a new browser window

[Writers, Artists and their copyright holders \(WATCH\)](#) - please note this link opens in a new browser window

[Society of Authors](#) - please note this link opens in a new browser window

[EThOS \(British Library\)](#) - please note this link opens in a new browser window

[The Copyright HUB](#) - please note this link opens in a new browser window

[The Content Map](#) - please note this link opens in a new browser window

[Accessible Registries of rights Information and Orphan Works \(ARROW\)](#) - please note this link opens in a new browser window

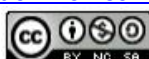
Music

[PRS for music](#) - please note this link opens in a new browser window

[PPL](#) - please note this link opens in a new browser window

Visual based work

[Design and Artist Copyright Society \(DACs\)](#) - please note this link opens in a new browser window



Performers Rights

[British Equality Collecting Society \(BECS\)](#) - please note this link opens in a new browser window

Print based material

[Copyright Licensing Agency \(CLA\)](#) - please note this link opens in a new browser window

[Publishers Licensing Society \(PLS\)](#) - please note this link opens in a new browser window

[Authors Licensing and Collecting Society \(ALCS\)](#) - please note this link opens in a new browser window

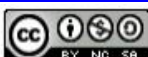
[NLA Media Access](#) - please note this link opens in a new browser window

[Printed Music Licensing Limited \(PMLL\)](#) - please note this link opens in a new browser window

Recording and broadcasting of television programmes by educational establishments

[Educational Recording Agency \(ERA\)](#) - please note this link opens in a new browser window

[Box of Broadcasts \(BoB\)](#) - please note this link opens in a new browser window



Films

[Motion Picture Licensing Corporation \(MPLC\)](#) - please note this link opens in a new browser window

[Film Bank](#) - please note this link opens in a new browser window

[British Film Council \(Archive\)](#) - please note this link opens in a new browser window

[London Screen Archive](#) - please note this link opens in a new browser window

[Find an Film](#) - please note this link opens in a new browser window

