

Solving the Orphan Works Problem in the United States

*Harmonizing international solutions through the
responses of information stakeholders to
**Orphan Works and Mass Digitization:
A Report of the Register of Copyrights***

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Introduction to Orphan Works

- ▶ **Orphan works:** protected by copyright but authors cannot be identified or located.
- ▶ **Orphan works problem:** users unable to obtain permission to use orphaned works.
 - ▶ Using information forms heart of education, research, and scholarship.
 - ▶ Hinders creative dissemination of information, including grey literature.
 - ▶ Policy issue for international grey literature scholars.

E.U. v. U.S. Perspectives

- ▶ E.U. **Directive 2012/28/EU** (25 October 2012) sets out common rules for orphan works and mass digitization.
- ▶ U.S. legislation defining rights of copyright owners or terms of use of copyrighted orphan works still does not exist.
- ▶ U.S. Copyright Office issued ***Orphan Works and Mass Digitization: A Report of the Register of Copyrights*** (June 2015) (“2015 Report”).
 - ▶ Due to increasing digitization of information, 2015 Report endorses legislative solutions to orphan works problem.

Research Problem

- ▶ **Research question:** What are reactions of information stakeholders to proposed legislative solutions to orphan works problem in 2015 Report?
- ▶ **Theoretical purpose:** illuminate orphan works and orphan works problem through eyes of information stakeholders.
- ▶ **Practical purpose:** inform information policy and provide guidance on how to effectively use orphan works in library collections.

Literature Review

- ▶ Introduces orphan works and main themes of orphan works problem in United States.
- ▶ Analyzes scholarly articles and U.S. government documents.
 - ▶ Reports: 2006 Report, 2012 Notice of Inquiry
 - ▶ Prior proposed legislation: 2008 Shawn Bentley Orphan Works Act
 - ▶ Case law: *Authors Guild v. Google Books* (2d Cir. 2015), *Authors Guild v. HathiTrust* (2d Cir. 2014)

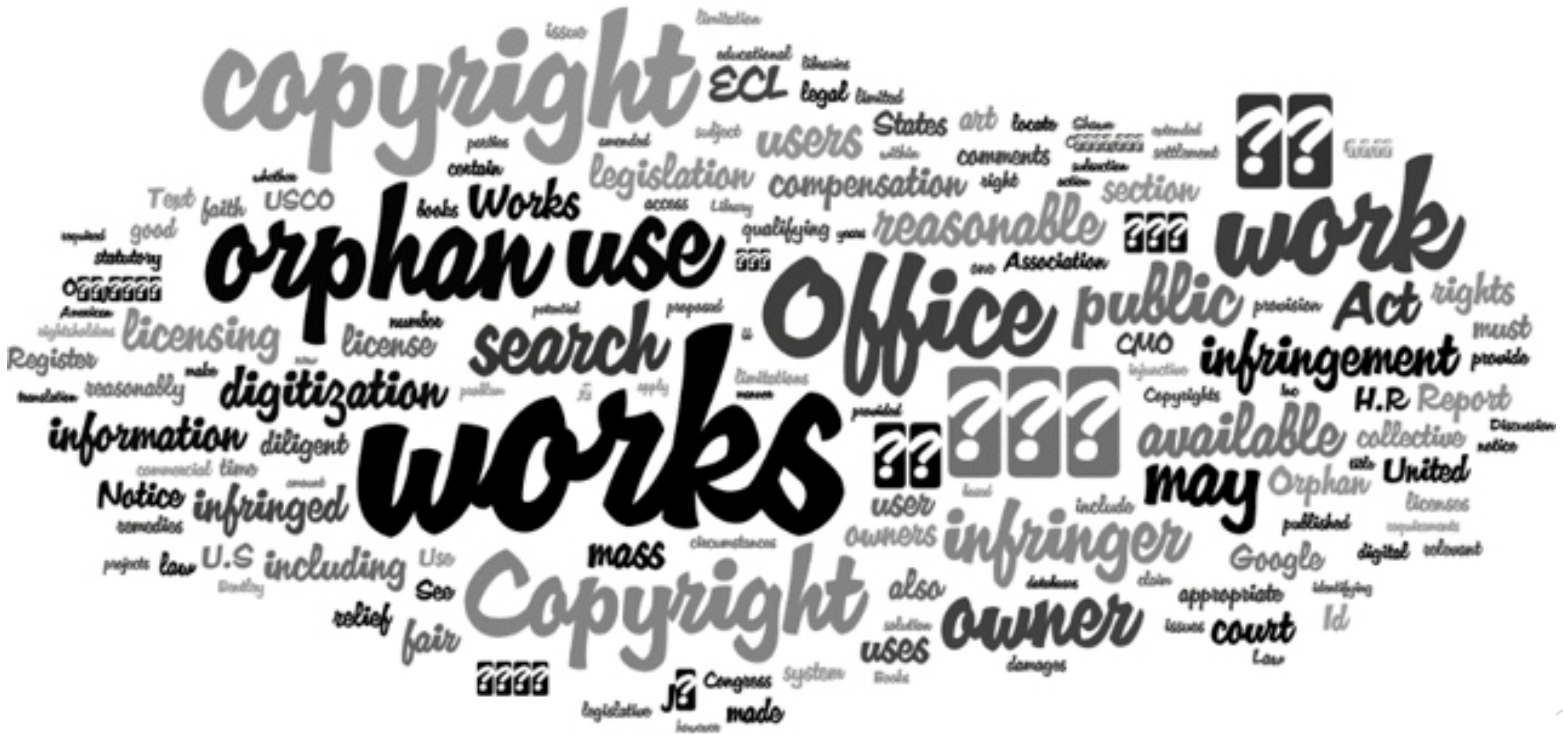
Gap in Research

- ▶ Needs of **information stakeholders**.
 - ▶ Libraries and librarians.
 - ▶ Scholars and students.
 - ▶ Copyright owners.
 - ▶ Interest groups.
- ▶ Reactions to 2015 Report, orphan works, and solutions to orphan works problem.

Goals of Research

- ▶ **Study** reactions of information stakeholders to 2015 Report proposed legislation.
- ▶ **Analyze** implications for U.S. Congress, future copyright legislation, and solution of orphan works problem in United States.
- ▶ **Recommend** U.S. legislation that harmonizes treatment of orphan works with E.U. Directive 2012/28/EU.
- ▶ **Support** international information policy for orphan works and grey literature.

Word Cloud of Common Terms in 2015 Report



Thank you!

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