



## **EBLIDA, LIBER and ENCES Statement on the European Commission Proposal for a Draft Directive on Orphan Works**

EBLIDA (European Bureau of Library Information and Documentation Associations), LIBER (Association of European Research Libraries) and ENCES (European Network for Copyright in support of Education and Science) welcome the commitment of the European Commission to find a solution for Orphan Works.<sup>1</sup>

EBLIDA, LIBER and ENCES believe the proposal, one of a number of key legislative changes required to the copyright aquis, is an important starting point to facilitate mass digitisation and ensure that European citizens have online access to the 20<sup>th</sup> century's academic, scientific and cultural output. The focus of the proposal on published literary and audiovisual works is an important step in making Europe's cultural heritage digitally available, and therefore avoid the so-called "black-hole of the 20<sup>th</sup> century".

However the proposal's exclusion of all varieties of unpublished works, stand alone artistic works and sound recordings has the potential to heavily distort memory institutions representation of 20<sup>th</sup> century culture and scientific output online. We believe access to letters, manuscripts, documentary photographs, films as well as oral histories and radio broadcasts, already freely available and publicly accessible from museums, libraries and archives are equally important facets of European culture. Any proposal that excludes these formats would be in conflict with the recent Comité des Sages report and we believe runs counter to the Digital Agenda itself.

The proposal is an important building block on the way to making orphan works available, but orphan works are not digitised in isolation. If the growing collections of 20th century material are to become part of the cultural online corpus available to European citizens, streamlined rights clearance mechanisms are also required. This will address the large volumes of 'out of commerce' in-copyright works held by

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<sup>1</sup> Orphan works are in-copyright works whose creators cannot be identified or found.

Europe's cultural institutions where rights holders can be identified, but where item by item separate rights clearance is so time consuming and costly that it becomes prohibitive. It will also help deal with complex issues such as "embedded works" where an entire copyright work is comprised of a number of smaller and differing works created by different rightsholders. (e.g. A picture in a book.) Extended collective licensing solutions, that streamline rights clearance while respecting the exclusive rights of authors, already exist at a national level within Scandinavian member states and provide a template to solve these complex copyright issues.

A well-rounded solution to orphan works, and pan-European cross-border licensing solutions are necessary to avoid the black hole of the 20<sup>th</sup> century. We look forward to a constructive dialogue with the Commission on these issues.

EBLIDA ([www.eblida.org](http://www.eblida.org)) is the European Bureau of Library, Information and Documentation Associations. It is an independent umbrella association of library, information, documentation and archive associations and institutions in Europe.

LIBER (Association of European Research Libraries: <http://www.libereurope.eu>) is the principal organisation representing research libraries in Europe. Its current membership includes more than 420 national and university libraries in more than 40 countries.

ENCES (European Network for Copyright in support of Education and Science: <http://www.ences.eu>) ENCES (European Network for Copyright in support of Education and Science) is an EU-wide network of organizations and individuals in science and education who share the view that copyright is a socially valuable construct and that the primary objective of copyright is to promote the progress of science, education, and culture as public goods.