



International Publishers and Librarians Agree On Access to Orphan Works

Geneva/The Hague

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A joint steering group of the International Federation of Library Associations and Institutions (IFLA) and the International Publishers' Association (IPA) has agreed on key principles of access to orphan works

The position paper is a contribution to the international debate on so-called "orphan works": "Orphan Works" are works in copyright whose owner cannot be identified and located by someone who wishes to make use of the work in a manner that requires the rights owner's permission. In a joint statement the international umbrella organisations of librarians and book and journal publishers have set out principles aimed at facilitating the use of orphan works.

The joint statement on orphan works was agreed by the Joint Steering Group, a working group established by the International Federation of Library Associations and Institutions (IFLA) and the International Publishers Association (IPA) to discuss issue of mutual interest.

The statement sets out five principles to be followed by users of orphaned works:

- A reasonably diligent search should be undertaken to find the copyright owner.
- The user of an orphan work must provide a clear and adequate attribution to the copyright owner.
- If the copyright owner reappears, the owner should be reasonably remunerated or appropriate restitution should be made.
- If injunctive relief is available against the use of a previously orphaned work, the injunctive relief should take into account the creative efforts and investment made in good faith by the user of the work.
- The use of orphan works in non-exclusive.

Claudia Lux (IFLA), co-Chair of the IFLA/IPA Steering Group declared: "Orphan works are bad news for all concerned: for information users, librarians, publishers and authors. Creativity and progress are stifled when so many works are consigned to a legal limbo because their copyright owners cannot be traced. The principles which IFLA has agreed with the IPA are an important step forward because they set out clearly what bona fide users of orphan works must do to avoid being held liable for copyright infringement, and what should be done if a missing copyright owner is found after the work has been used. If applied, the principles would ensure that the rights of copyright owners are respected without exposing users of orphan works to an intimidating level of risk."

Herman P. Spruijt (IPA), co-Chair of the Steering Group declared: "Copyright is crucially important to publishers. We must ensure that it supports access to knowledge and takes into account the interests of all those contributing to the knowledge economy, including publishers. As part of their business publishers seek authorisation to use previously published works, including orphan works. Publishers will therefore benefit from a pragmatic, common sense approach that balances the legitimate interests of all sides. Our principles will help to achieve this."

Notes for editors:

The full statement can be found at:

<http://www.internationalpublishers.org/images/pdf/IndustryPolicy/IFLAIPA/JointStatements/ifla-ipa%20orphan%20works%2020070607.pdf>

IFLA is the global voice of the library and information profession. Established in 1927, IFLA currently has some 1500 members in 50 countries. Together, IFLA's association and institutional members represent over 500.000 librarians and library workers serving almost two billion registered library users worldwide. IFLA is an accredited Non-Governmental Organisation enjoying consultative status to the United Nations. For more on IFLA, see: www.ifla.org

The International Publishers Association (IPA) is the global non-governmental organisation representing all aspects of book and journal publishing worldwide. Established in 1896, IPA's mission is to promote and protect publishing and to raise awareness for publishing as a force for cultural and political advancement worldwide. IPA is an industry association with a human rights mandate. IPA currently has 65 member associations in 53 countries.

The members of the IFLA/IPA Steering Group are:**For IFLA:**

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