

Citizens' summary

EU proposal – making “orphaned” works available online

WHAT'S THE ISSUE?

- [Orphan works](#) are works (books, newspapers, films etc.) that are covered by copyright but whose **owners cannot be identified or found**. If a work's copyright owner cannot be found to give permission to use the work, any person or organisation that creates a digital version could theoretically be taken to court.
- This is a serious obstacle for large-scale **digitisation projects**, such as the [Europeana cultural heritage portal](#). And for **libraries** that want to digitise their collections and make them available online.
- For years, US internet company Google has been actively creating digital libraries of printed works that can be consulted using its search engine technology. Europe needs to catch up.
- A new EU law would provide **lawful, cross-border online access to orphan works..**

WHAT EXACTLY WOULD CHANGE?

- In the EU country where a work was first published, a library, museum, archive etc. would be **required to conduct a thorough search** to find the copyright holder before creating a digital version.
- If the rightholder cannot be identified or located, the work is identified as an "orphan" and that **status would apply throughout the EU** so that the work could be made available online without prior authorisation until the owner is identified and found.

WHO WOULD BENEFIT AND HOW?

- **Libraries and other institutions** – would be able to digitise orphan works in their collections and make them available online without infringing copyright, promoting Europe's cultural diversity and increasing sources of knowledge and learning.
- **Researchers** – would gain access to extremely valuable works that would otherwise be unavailable.
- **Citizens** – would have access to orphan works from anywhere in Europe.

WHY DOES ACTION HAVE TO BE TAKEN BY THE EU?

- Countries working alone could only solve this issue on their own territories – falling short of the goal of providing access for all European citizens.
- Europe-wide access – essential for comprehensive digital libraries such as *Europeana* – can only be obtained via laws at EU level.
- The creation of a legal framework to make it easier to digitise, disseminate and index orphan works is a key element of the [Digital Agenda for Europe](#).

WHEN IS THE LAW LIKELY TO COME INTO EFFECT?

2012 – Adoption by the European Parliament and Council

18 months after adoption – EU countries must pass their own laws.