

Office for Harmonisation in the Internal Market: Launching of the Orphan Works Database

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*Svetlana Yakovleva
Institute for Information Law (IViR), University of Amsterdam & De Brauw,
Blackstone, Westbroek*

The EU's Office for Harmonisation in the Internal Market (OHIM) has recently launched the online Orphan Works Database. The database was created and is managed by the OHIM in accordance with Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (see IRIS 2012-10/1).

The Orphan Works Database is a single EU-wide publicly accessible online database that provides information related to orphan works located in publicly accessible libraries, educational establishments and museums, as well as in archives, film or audio heritage institutions and public-service broadcasting organisations, established in all EU Member States (beneficiary organisations).

The Database aims to compile information about writings (such as books, journals, newspapers and magazines), cinematographic, audiovisual works and phonograms, works embedded or incorporated in other works or phonograms, first published or broadcast in the Member States. Under certain circumstances, information about works which have never been published or broadcast can also be included in the Database.

Before the OHIM includes a work in the Database, the beneficiary organisation must conduct a diligent search to identify or locate the rightholder of the work according to the procedure prescribed by the Directive. If a rightholder has not been identified or located as a result of the search, the beneficiary organisation must forward information about the work to the designated competent national authority, which in turn has to share it with the OHIM.

The Database has a simple and user-friendly interface. It allows users to search information on orphan works by either description, title or category of the work (audiovisual work, illustration, literary work, phonogram, etc.) or the name of the rightholder. The advanced search option provides for the possibility to search using all of the above-mentioned criteria simultaneously, combined with the country of publication, broadcast or production of the work and its International Standards Number (ISN).

The establishment of the Database is an important step in furthering the digitisation of cultural heritage by the beneficiary organisations throughout the EU. Once a work has been recognised as orphan in one Member State, information about it becomes publicly available through the Database. As a result, any beneficiary organisation can freely access this information and lawfully use the work in the public interest, which among other things, includes its digitisation and making available to the public online.

The Database also makes information about works recognised as orphan and organisations using them transparent to the works' authors or rightholders. Having obtained this information, authors or rightholders can contact the relevant organisation and put an end to the orphan status of their work. Thus, the number of orphan works can be reduced.

Office for Harmonisation in the Internal Market, “Orphan Works Database goes live”, Press release, 27 October 2014

<https://oami.europa.eu/ohimportal/en/web/observatory/news/-/action/view/1595189>

