Webinar: Best Practices in Fair Use of Orphan Works

Wednesday, December 3, 2014

Media Advisory-

At a 2:00 pm ET (11:00 am PT) live webinar on Thursday, Dec. 4, UC Berkeley and American University researchers will release a new statement on best practices in the use of orphan works by libraries, archives and other institutions. The webinar is sponsored by the American Library Association, Office of Information Technology Policy. The event is free, and there is no need to pre-register.

Over the last several years, libraries, archives and other institutions have recognized that copyright law poses a significant obstacle to digital preservation of—and online access to—large segments of their collections.. This problem especially acute for archives and collections that contain orphan works--i.e., works for which it is difficult or impossible to find rights holders who might give permission for their use. This so-called "orphan works" problem is significant enough that it has led to proposed legislative solutions by members of congress, the U.S. Copyright Office, and private parties.

The new *Statement of Best Practices in Fair Use of Collections Containing Orphan Works for Libraries, Archives, and Other Memory Institutions* (*Statement*) is the most recent of several frequently-used community-developed best practices of fair use, which includes the Association of Research Libraries' *Code of Best Practices in Fair Use for Academic and Research Libraries,* among others.

The new *Statement* is the result of intense discussion group meetings over the last two years with over 150 librarians, archivists, and other memory institution professionals from around the United States. The *Statement* documents their ideas about how to apply fair use to collections with orphan works and how to make them available online. It outlines the fair use rationale and identifies best practices in the preservation of, and access to, those collections.

This best practices statement was facilitated by Jennifer Urban and David Hansen, researchers from the Samuelson Law, Technology & Public Policy Clinic at UC Berkeley School of Law; Peter Jaszi and Meredith Jacob from the Program on Information Justice and Intellectual Property at American University; Washington College of Law; and Patricicia Aufderheide from the Center for Media and Social Impact at American University, School of Communication.

For more information, including the text of the statement and a list of initial endorsements, please see http://cmsimpact.org/orphanworks. This website will be updated regularly with additional endorsements, names of institutions using the statement, a FAQ, and information about how *the* Statement has helped improve access to collections. Funding for this project was provided by the Alfred P. Sloan Foundation.

The webinar will be led by two of the project's facilitators: David Hansen (UC Berkeley School of Law and UNC Chapel Hill Law) and Peter Jaszi (American University, Washington College of Law).

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