

ORPHAN WORKS
BRIDGEMAN ART LIBRARY RESPONSE

1. Orphan Works whilst technically subject to copyright law should be treated differently so that their reproduction is not restricted by lack of information to the copyright holder.
2. By not restricting reproduction, the exposure of these works will enable and encourage the copyright holder to come forward.
3. However, users must be aware that they must do all in their power to track down the copyright holder by sending requests by registered post to copyright agencies such as The Bridgeman Art Library which administers a copyright database and represents copyright holders.
4. If a copyright holder comes forward as a result of an Orphan Work's use, this use should not be unduly penalised if they have tried hard to find the author prior to publication. Could a limit be set?
5. Should be a fee set on normal commercial rates with perhaps a 5-year term from the date of the first publication.
6. Could we not imitate the BBC and Canadian style of creating a general account whereby if a copyright holder comes forward to claim a fee, the record of works published makes this easier to identify and administer.
7. Many organisations, ourselves and the National Portrait Gallery included have a large database of copyright information which is used internally only, partly because of the Data Protection Act. We are often telephoned by people who have been referred to us by the Tate Gallery and the Arts Council as one of the few UK organisations who can provide this type of information. We are considering formalising this information and would be interested to hear from anyone who would like to join us in this initiative.
8. It is interesting to note that on occasion rival organisations have withheld copyright information from us in order to protect their pitch. They are legally entitled to do this but it is obviously not helpful to do this. Is there a way around this?
9. You ask about difficulties encountered even after the copyright owner is identified. We have found that sometimes the artist has up to 10 legatees and clearing permission can be both time consuming and difficult, particularly if not everyone wants to give permission. Again, we would be interested if you have any ideas how to get around this problem.