## Foster the Light:

## **Orphan works and Underrepresented Communities**

Presentation by Kiowa Hammons, Rights Clearance Coordinator: The New York Public Library

TCDL Conference 2018 May 15th, 2018

### **Copyright Law and what it serves**

The copyright law of the United States is intended to encourage the creation of art and culture by rewarding authors and artists with a set of exclusive rights.

### An "orphan" work is:

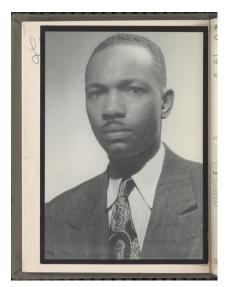
"...a term used to describe the situation where the owner of a copyrighted work cannot be identified and located by someone who wishes to make use of the work in a manner that requires permission of the copyright owner".

--United States Copyright Office (2006). "Report on Orphan Works". Register of Copyrights.

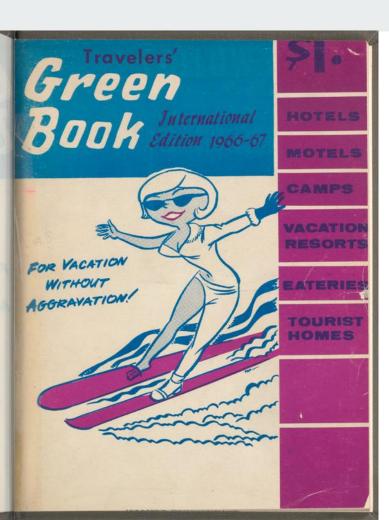
### The Green Book

Travelers' Green Book: 1966-67 International Edition: For Vacation Without Aggravation





а	BUD PEOK
я	The state of the s
11	
ш	
31	
я	
	THE RESERVE TO SERVE
ш	
и	
и	Committee of the Commit
1	STATE OF THE PROPERTY OF THE PARTY OF THE PA
d	ARIZONA
3	Hotels — Motels — Tourist Homes — Restaurants
:9	BISBEE
31	Hotel Copper Queen
	Faustina Wilson Tourist Home 1002 16th Street
	FLAG STAFF
4	El Rancho Flag Staff
-,	Park Plaza MotelRts. 66 & 89
2	Bright Angle
л	El Toya Hotel
	KINGMAN Mountain Villa Motel
11	*White Rock Court 843 E. Andy Dr.
9	MESA
Tall I	Peter Pan Motel620 Main St.
23	NOGALES Coronado900 Grand Ave.
-11	El Porto MotelTucon Road
-3	PHOENIX
	Alhambia Restaurant 1246-48 East Washington St. Hotel Rice 535 East Jefferson Street
146	Lucille's Motel 2021 E, Van Buren St.
3	Lucille's Motel 2021 E. Van Buren St.  *PADUCAH HOTEL AND APARTMENTS 14 North 6th Street
71	254-0938 — Reasonable Rates — Write for Reservations Rose Restaurant
	*SWINDALL'S TOURIST HOME 1021 East Washington St.
15	PRESCOTT
15	Mission Lodge
12	TUCSON Mrs. Louise Pitts Tourist Home722 North Perry Street
4	Rio Motel3031 Sc. 6th
10	7



## Why is this an "orphan" work?

- 1966-67 US publication
- Published with proper notice
- Copyright renewal not required based on publication date
- Victor H. Green Co. no longer active
- Relatives of Green currently unknown

30th Consecutive Issue

#### FOUNDED 1936

By Victor H. Green

### Travelers' GREEN BOOI

"Assured Protection for the Negro Traveler"

## 1966-67 EDITION Published by VICTOR H. GREEN CO.

L. A. WALLER
MELVIN TAPLEY
Co-Publishers

SHIRLEY WILLIAMS KAY BRINSON Associate Editors

#### INSIDE

The 50	Stat	es				4-77
Canada						79-80
Caribbe	ean .					77-81
Latin A	me	rica	m			80-89
Europe						86
Africa .					9	92

#### Features:

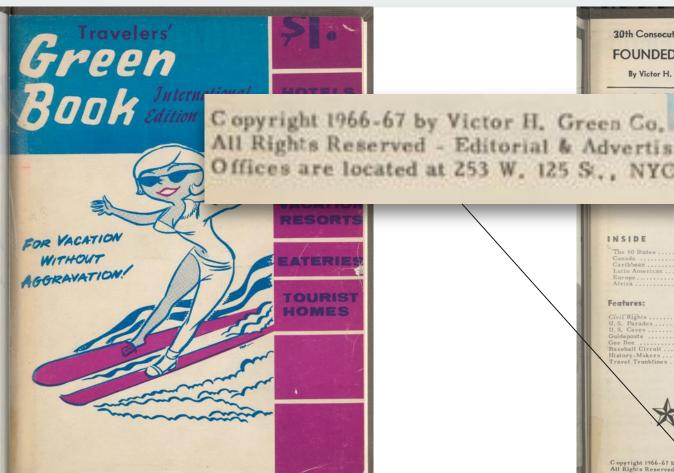
Civil Rights 2-	3
U.S. Parades	67
U. S. Caves 1	78
Guideposts	95
Gee Bee	
Baseball Circuit	97
History-Makers	99
Travel Trunklines	99







Copyright 1966-67 by Victor H. Green Co. All Rights Reserved - Editorial & Advertising. Offices are located at 253 W. 125 St., NYC.



30th Consecutive Issue

#### FOUNDED 1936

By Victor H. Green

#### Travelers' GREEN BOOL

"Assured Protection for the Negro Traveler"

All Rights Reserved - Editorial & Advertising. Offices are located at 253 W. 125 St., NYC.

#### INSIDE

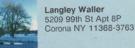
The 50 States	4-7
Canada	79-8
Caribbean	
Latin American	
Africa	

#### Features:

Civil Rights 2	-3
U. S. Parades	67
U. S. Caves	78
Guideposts	95
Gee Bee	97
Baseball Circuit	97
History-Makers	99
Travel Trunklines	







Copyright 1966-67 by Victor H. Green Co All Rights Reserved - Editorial & Advertising. Offices are located at 253 W. 125 St., NYC.

"...the most striking aspect of orphan works is that the frustrations are pervasive in a way that many copyright problems are not. When a copyright owner cannot be identified or is unlocatable, potential users abandon important, productive projects, many of which would be beneficial to our national heritage."

--Statement of Marybeth Peters, The Register of Copyrights before the Subcommittee on Courts, the Internet, and Intellectual Property, Committee on the Judiciary United States House of Representatives 110th Congress, 2nd Session, March 13, 2008

## Underrepresented Groups Protected by copyright law

- Racially discriminated groups such as African Americans, Jews, Native Americans, Asiatic nationalities, Latin Americans, etc...
- Women
- Individuals or communities limited by economic means
- LGBTQ communities
- "Outsider" artists

• Expensive to register

- Expensive to register
- Lack of instruction on how to register works with the Copyright Office

- Expensive to register
- Lack of instruction on how to register works with the Copyright Office
- Lack of representation from galleries and museums

- Expensive to register
- Lack of instruction on how to register works with the Copyright Office
- Lack of representation from galleries and museums
- Exclusion from Performance Rights Organizations

- Expensive to register
- Lack of instruction on how to register works with the Copyright Office
- Lack of representation from galleries and museums
- Exclusion from Performance Rights Organizations
- Communal ownership of works

- Expensive to register
- Lack of instruction on how to register works with the Copyright Office
- Lack of representation from galleries and museums
- Exclusion from Performance Rights Organizations
- Communal ownership of works
- Unwanted exposure through the publication and registration of works

## The Need for Bringing These Works To Light

Social justice movements in the latter half of the 20th century have led to public interest.

Finding a balance between access and protecting the intellectual property of authors.

Finding a balance between making works available and protecting creator's rights.

Suggestions for remedies for orphan works:

- Limited Remedies
- Compulsory License
- Extended Collective Licensing (ECL)
- Implementation of Best Practices By Memory Organizations

**Limited Remedies** 

**Compulsory License** 

Extended Collective Licensing (ECL)

Implementation of Best Practices By Memory
Organizations

# Methods for identifying that a work is an orphan: due diligence searches

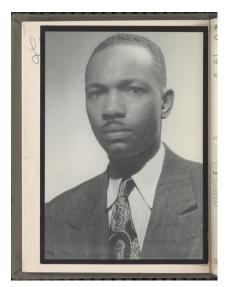
### Research:

- Search engines and databases
- Review acquisition paperwork
- Contact sister institutions that may have holdings by the author
- Review obituaries
- Conduct reverse image searches or search quoted excerpts

### The Green Book

Travelers' Green Book: 1966-67 International Edition: For Vacation Without Aggravation





18	THE CONTRACTOR OF THE PARTY OF
ш	
ш	The state of the s
811	
31	
31	
166	A CONTRACTOR OF THE PROPERTY O
24	hard and a second
3	
ш	The state of the s
7	AND A SECOND SEC
43	ARIZONA
20	Hotels — Motels — Tourist Homes — Restaurants
160	BISBEE
4	Hotel Copper Queen
33	Paustina Wilson Tourist Home 1002 16th Street
10	FLAG STAFF
9	El Rancho Flag StaffBox 1241
ш	Park Plaza Motel Rts. 66 & 89
75	GRAND CANYON
02	Bright Angle
J.	El Toya Hotel KINGMAN
	Mountain Villa Motel Hwy, 66, East
11	*White Rock Court 843 E. Andy Dr.
15	MESA
25	Peter Pan Motel620 Main St.
	NOGALES
-	Coronado900 Grand Ave. El Porto MotelTucon Road
Lill I	PHOENIX
	Albambia Restaurant 1246-48 East Washington St.
255	Hotel Kice 352 East Journal Street  Lucille's Motel 2021 E. Yan Buren St.  *PADUCAH HOTEL AND APARTMENTS 14 North 6th Street
10	*PADUCAH HOTEL AND APARTMENTS
	Pore Pertaurant 947 West Watkins Street
	*SWINDALL'S TOURIST HOME 1021 East Washington St.
15	PRESCOTT
	Mission Lodge
	TUCSON Mrs. Louise Pitts Tourist Home722 North Perry Street
	Mrs. Louise Pitts Tourist Home
12	NIO (MOTE) 7

## Thanks!