



Foster the Light:

Orphan works and Underrepresented Communities

Presentation by
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TCDL Conference 2018
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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.



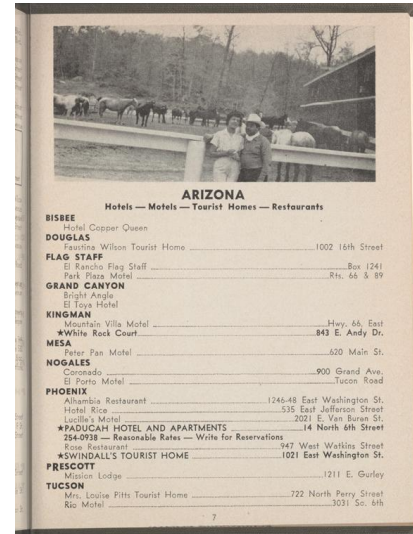
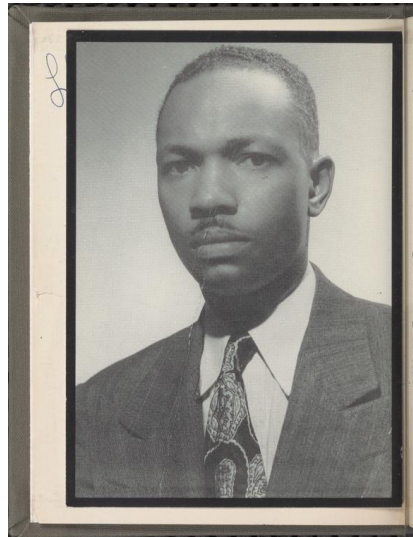
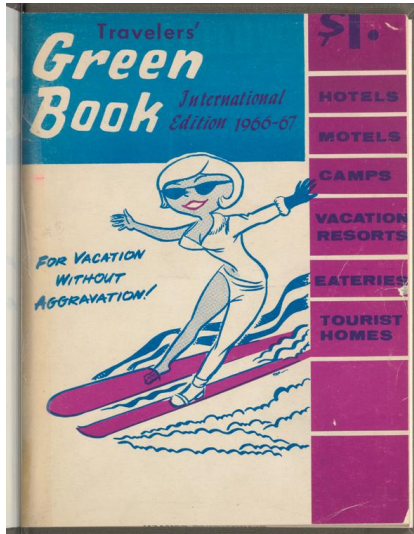
An “orphan” work is:

“...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



Travelers' **Green Book** *International Edition 1966-67*

\$1.

HOTELS

MOTELS

CAMPS

VACATION
RESORTS

EATERIES

TOURIST
HOMES

FOR VACATION
WITHOUT
AGGRAVATION!



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- Victor H. Green Co. no longer active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

1966-67 EDITION

Published by
VICTOR H. GREEN CO.

L. A. WALLER
MELVIN TAPLEY
Co-Publishers

SHIRLEY WILLIAMS
KAY BRINSON
Associate Editors

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Travel Trunklines	99



Travelers' GREEN BOO!

"Assured Protection for the
Negro Traveler"



Langley Waller
5209 99th St Apt 8P
Corona NY 11368-3763

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Offices are located at 253 W. 125 St., NYC.

Travelers'
**Green
Book** International
Edition

FOR VACATION
WITHOUT
AGGRAVATION!



VACATION
RESORTS

EATERIES

**TOURIST
HOMES**

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“...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



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- 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.



Making orphan works accessible

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



Making orphan works accessible

Limited Remedies



Making orphan works accessible

Compulsory License



Making orphan works accessible

Extended Collective Licensing (ECL)



Making orphan works accessible

Implementation of Best Practices By Memory
Organizations



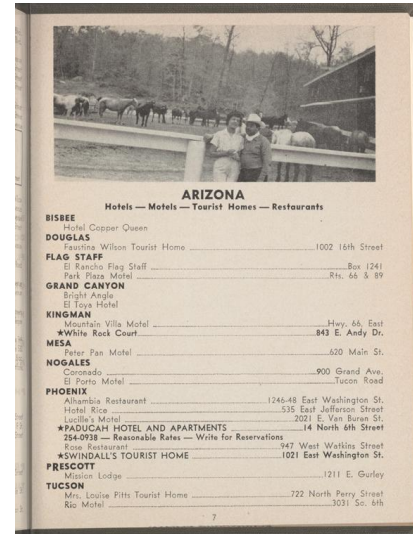
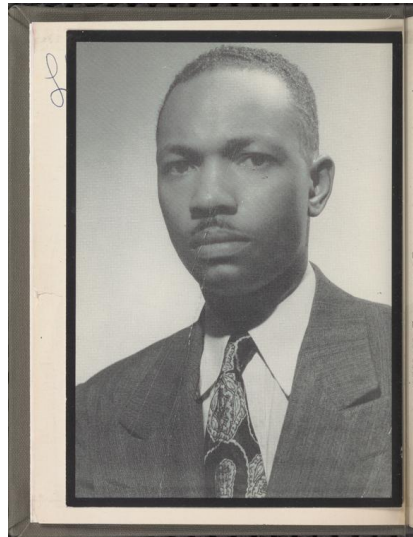
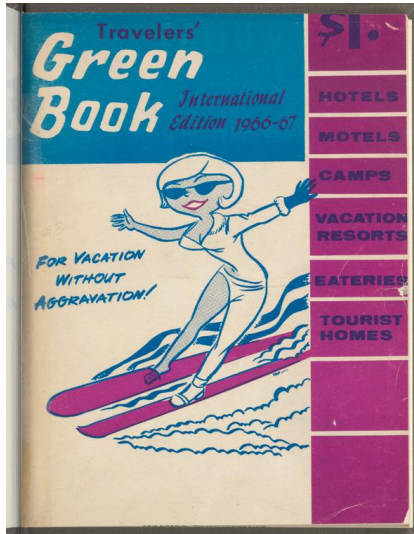
Methods for identifying that a work is an orphan: due diligence searches

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

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Thanks!