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”.

The Green Book
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- Victor H. Green Co. no longer active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
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.”

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
Reasons why works by underrepresented groups have become orphans
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- 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
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Extended Collective Licensing (ECL)
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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
Thanks!