

A SIMPLE AND FLEXIBLE SOLUTION FOR COPYRIGHT CLEARANCE : ARROW

The first steps have been taken for the clearance of copyright for orphan works, with the ARROW system being an important element in this task and which can save libraries many resources in rights clearance and ensure a critical mass for Europeana. Libraries and rights holders are creating the right conditions together.

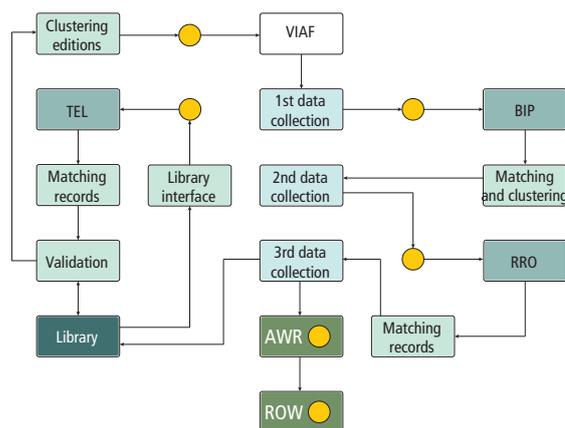
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Some years ago, in 2005, the British Library raised the issue of orphan works in assessing that 40% of their collections were composed of orphan works i.e. works for whom the rights holders cannot be identified or located. In the United States, the Congress had been examining a bill (that fell to the ground in 2006) which would have allowed users, after performing a diligent search, to be shielded from liability if the right holders reappeared. However in Europe this has, so far, not been seen as a major issue.

But, in the meantime, there had been the big bang. Google had unilaterally (well with the consent of the libraries, but without asking permission of authors or publishers) begun to digitise millions of works, many of them still in copyright. This was the most brutal hold-up in cultural history. Google was building, for itself, the supreme library. Europe had to react. Heads of States, at the initiative of French President Chirac, wrote to the President of the EC to request common efforts to build a digital library which would later become Europeana.

Rather quickly thereafter, authors, publishers, their collective management organisations and libraries sat down together and devised a project, the objective of which was to simplify the search for rights holders, while guaranteeing these rights holders that works would not be misused by cultural institutions.

More than 500.000 new books are published each year in Europe alone and this means that unless we have precise and updated databases, we cannot do business with booksellers and others. National libraries receive legal deposit and based on these copies national bibliographies are produced, and collective management organisations have their own databases in order to distribute payment to authors and publishers. If these three sources of information could be queried automatically using the very own library standards, this would mean that libraries could gain accurate information within minutes about the rights status of a book, including whether it was still in copyright without having to go through long manual searches.



The ARROW system will query three type of databases containing bibliographical data; 1. The national bibliography and VIAF Virtual International Authority File; 2. The books in print database and 3. The national collecting society database. After the third data collection, information is fed into ARROW Work Registry (AWR) which, in turn, forms the foundation for the Registry of Orphan Works (ROW). In addition, the information is provided directly to the library which has posed the query.

The European Commission co-financed the project where all stakeholders were represented and by the end of phase one, four countries (France, Germany, Spain, United Kingdom) have an operational ARROW system. Phase two means that more countries would be involved: Austria, Belgium, Bulgaria, Finland, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania.

And last year the British Library, a partner in the ARROW project, after testing the system underlined that 'whilst it could take 1,000 years for one person to clear the rights of just 500,000 books manually – equating to 4 hours per book - the use of the ARROW system would reduce this dramatically to less than 5 minutes per title to upload the catalogue records and check the results'.

It is hoped that the Directive on certain permitted uses of orphan works will be finalised soon and that this will create the impetus to use ARROW, which would also be of great help in regard to voluntary licensing agreements covering out of commerce works. ●

For more information www.arrow-net.eu