

Copyright in the public eye



*The Librarian of Congress views
treasures that Jefferson Patterson
Junior Fellows Summer Interns
discovered among materials
deposited for copyright registration.*

ORPHAN WORKS

Orphan works are copyright-protected works whose owner cannot be identified or located. When the user is unable to find the owner of an orphan work, even after a reasonably diligent effort to identify or locate the owner, the user remains uncertain about whether or under what conditions the owner would permit use. This situation prevents a possible productive and beneficial use of the work merely because the user cannot locate the owner.

In January 2006, the Office submitted to Congress its report and recommendations on orphan works. The Office concluded that the orphan works problem is real. It also concluded that the copyright law does not address many orphan works situations, and therefore legislation is necessary to provide a meaningful solution to the problem. The report recommended that Congress amend the copyright law's remedies section to cover the threshold requirements of a reasonably diligent search for the copyright owner and the limitation of remedies that would be available if the user proves that he conducted a reasonably diligent search but could not find the copyright owner. In its report, the Office recommended specific legislative language.

The Office recognizes that its recommended legislative solution does not address how to make ownership information more current and accessible, and it continues to consider ways in which the copyright system can be improved to provide more accurate and up-to-date ownership information in order to minimize the number of works where users cannot locate the owner.