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# Digital libraries and silent works

María J. Iglesias

Head of the IP Research Unit

CRID



- Silent works
- Vertical, horizontal and structural solutions
- Conclusions and further research



## Silent works

- orphan works
- out of print works
- other abandonment situations
- unpublished works
- ....?



## Copyright vs access to culture

- Uncertainty about the rightholder's will
- Full application of *copyrights*
- Social function of Copyright? (*Silent works do not provide any benefit to the author neither to the society*)
- Unbalanced situation



# Copyright vs Digital libraries

- DL role in the digital environment
- Technical opportunities vs copyright mandatory silent



# Vertical solutions

## ➤ Orphan works

(i.e. mandatory collective management, licences issued by a public authority, limitation on remedies, safe harbour provisions, etc...)

## ➤ Out of print works

(i.e. HLG 2 model licences)

## ➤ Lack of response

(i.e. BC annex)

## ➤ *Unpublished works*



# Horizontal and structural solutions

## ➤ Horizontal solutions

Extended collective licences for certain uses

Ad hoc court decisions

## ➤ Structural reforms

Registration and renewal formalities

Reduction of the copyright term



## Conclusions and further research

### 1. Completion of a Silent works Roadmap

### 2. A specific regime for large scale digitisation projects having a *clear objective of public interest*

**Elements of the system & Policy options**

**(Dual solution: voluntary licensing  
scheme + subsidiary limitation)**

### 3. More research on structural reforms

**Copyright term + registration formalities + 3step test/limitations**

### 4. Impact of Privacy and legal deposit rules on DL projects



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*Thanks!!!*