

ARROW and the Diligent Search in EU Round table

Giulia Marangoni, Krakow, 10 Dec 2013

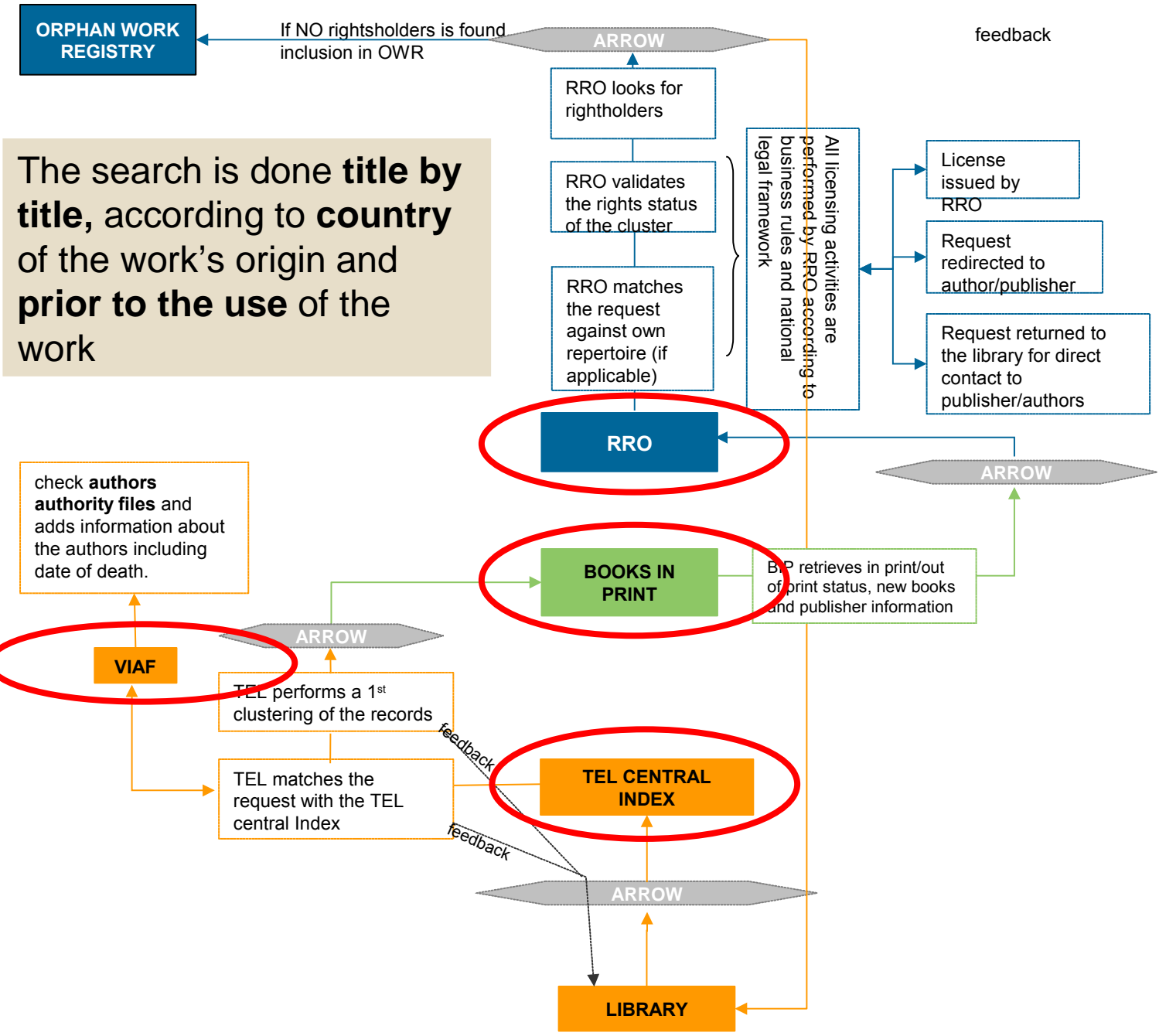
www.arrow-net.eu

ARROW Plus is a Best Practice
Network selected under the
ICT Policy Support Programme
(ICT PSP)



ARROW approach to diligent search

- The ARROW system workflow complies with the key principles of diligent search established by the **HLG** and endorsed by the **MoU** on Out of Commerce and Orphan Works
 - } The search is done **title by title**, according to **country of the work's origin** and prior to the use of the work. Finally **each step of the search is documented** and results stored
- From the HLG: “A work ***becoming orphaned is essentially an issue of missing or incomplete information***. The best way to ensure that works do not become orphan is to address the creation, maintenance and accessibility of relevant information”
 - } In the case of Orphan Works the **information is stored in a Registry of Orphan Works** available for searches and for rightsholders to claim their rights ownership individually or through a collective representative



The search is done **title by title**, according to **country** of the work's origin and **prior to the use** of the work

check **authors authority files** and adds information about the authors including date of death.

All licensing activities are performed by RRO according to business rules and national legal framework

- License issued by RRO
- Request redirected to author/publisher
- Request returned to the library for direct contact to publisher/authors

RRO

BOOKS IN PRINT

TEL CENTRAL INDEX

VIAF

LIBRARY

ORPHAN WORK REGISTRY

If NO rightholders is found inclusion in OWR

feedback

ARROW

RRO looks for rightholders

RRO validates the rights status of the cluster

RRO matches the request against own repertoire (if applicable)

RRO

BOOKS IN PRINT

BIP retrieves in print/out of print status, new books and publisher information

TEL CENTRAL INDEX

TEL performs a 1st clustering of the records

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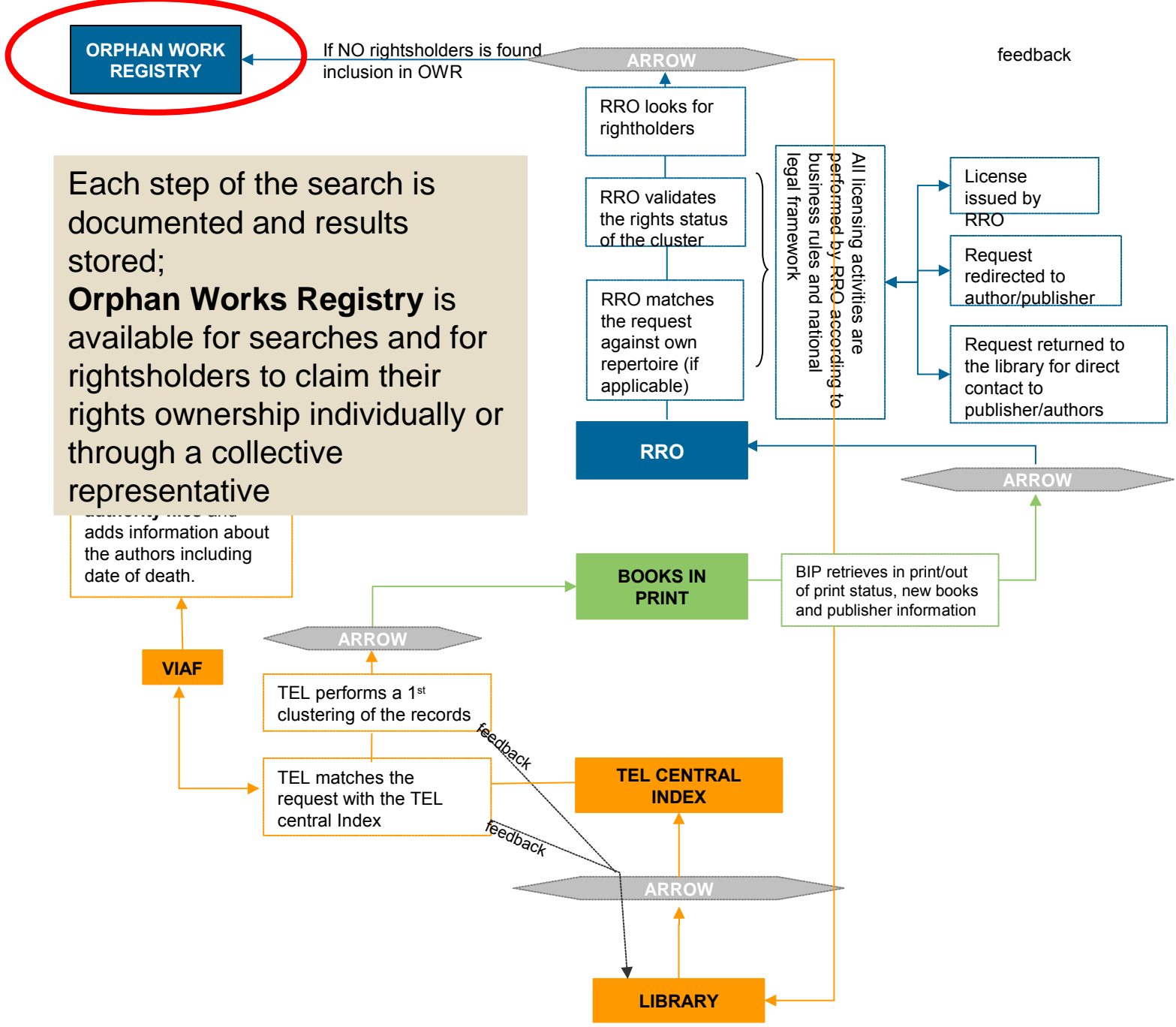
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ARROW and the OW Directive

- Joining the ARROW system offers the opportunity to get prepared for the implementation of the **Orphan work directive**, due by 29 October **2014**
 - } the ARROW system has been listed **among the appropriate sources to be consulted in conjunction with a diligent search process** for rightsholders of published works
 - } ARROW itself integrates already a number of the other relevant sources mentioned by the Directive

ARROW and the OW Directive

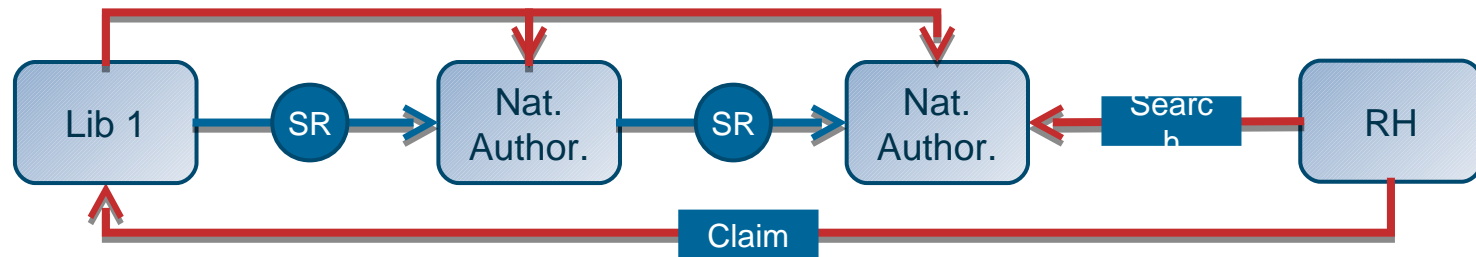
- The sources referred to in Article 3(2) include the following
 - } (a) legal deposit, **library catalogues and authority files** maintained by libraries and other institutions
 - } (b) the publishers' and authors' associations in the respective country
 - } (c) existing databases and registries, WATCH (Writers, Artists and their Copyright Holders), the ISBN (International Standard Book Number) and databases listing **books in print**
 - } (d) the **databases of the relevant collecting societies**, in particular reproduction rights organisations
 - } (e) sources that integrate multiple databases and registries, including **VIAF** (Virtual International Authority Files) and **ARROW** (Accessible Registries of Rights Information and Orphan Works)

Many things to be decided at national level

- Member States shall decide whether these sources are enough to qualify a diligent search or **additional sources** are required
- Likewise, depending on the national implementation of the Directive
 - } What is the **procedure to consult** the relevant sources in the diligent search?
 - } Who is entitled **to validate** the claim?
 - } Who is in charge to inform all the libraries using the same work (**cross-border**)?
- ARROW can integrate additional sources according to the national implementation of the Directive, following stakeholders agreement
- Experience and expertise acquired in ARROW in our “Registry of orphan works” may serve the implementation process

The data flow envisaged by the Directive

- Art. 3 designs the following flow



- **Many things to be decided at national level**
 - } What is the procedure to consult the relevant sources in the diligent search?
 - } Who is entitled to validate the claim?
 - } Should the rights holder claim to all the individual libraries?
 - } What happens in the time from the claiming to validation?
 - } Who is in charge to inform all the libraries using the same work (cross-border)?
- **Experience and expertise acquired in ARROW in our “Registry of orphan work” may serve the implementation process**