



COUNCIL OF
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Intellectual property: new EU rules for orphan works

The Council today¹ adopted a directive establishing a legal framework aimed at improving access to and digitisation of orphan works across the EU ([PE-CONS 36/12](#)).

Orphan works are works (such as books, newspapers, magazines, audio recordings, films, etc.) that are protected by copyright but whose owners cannot be identified or found.

The new rules will facilitate the digitisation of and lawful cross-border online access to orphan works contained in the collections of libraries, educational establishments, museums, archives, audiovisual heritage institutions and public service broadcasting organisations.

These beneficiary institutions will be able to use orphan works when fulfilling their public interest missions without the risk of infringing copyright.

It is a major step for the creation and development of digital libraries, such as *Europeana*², which contribute to the preservation and dissemination of European cultural heritage.

¹ The decision was taken without discussion at the Employment and Social Policy Council meeting. It follows an agreement with the European Parliament at first reading.

² The Italian delegation voted against ([13878/12 ADD1](#)).
<http://www.europeana.eu/portal/>

P R E S S

The directive will apply to works that are first published or broadcast in the territory of a EU member state. A diligent search for right holders will be carried out in that member state prior to granting the orphan work status.

Material catalogued as having orphan status in a member state will have the same status in all member states. A single publicly accessible online database will contain the information related to orphan works, including the results of searches for right holders.

The directive provides for a system of compensation in the event of reappearing right holders. The level and conditions of compensation will be fixed by the member states taking into account the non-commercial use of the works made by the beneficiary institutions.

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Member states will have a maximum of two years to incorporate the new rules into their national legislations.
