



## COPYRIGHT

### Request:

- We urge Congress to support legislation to allow better use of and access to “orphan works” after reasonably diligent efforts to identify and find copyright holders have been conducted by museums.

### Introduction:

“Orphan Works” are copyrighted works – such as illustrations, music, films, graphics, photographs or stories – whose owners are difficult or impossible to identify or locate. Currently, museums are hesitant to use certain works in exhibits and museum materials in order to avoid potential liability and adverse publicity.

### Talking Points:

- The nation’s great archives, libraries and museums care for tens of thousands of items which are individually of little monetary value, but are of immense significance to our national memory – such as old family photographs or letters from Holocaust survivors, for example.
- Orphan Works are often not made available to the public for fear of legal action if a copyright holder later comes forward. Legislation is needed to help make valuable works of art, documents, and photographs more available to the public.
- Orphan Works legislation (S. 2913/H.R. 5889 in the 110<sup>th</sup> Congress) would help bring copies of Orphan Works out of museum storage rooms by providing a limitation on judicial remedies in copyright infringement cases involving orphan works where a copyright holder later comes forward. The legislation would also have ensured that museums would have a safe harbor in allowing public access to important collections when a copyright holder cannot be identified.

### STATUS

No legislation has been introduced in the 111<sup>th</sup> Congress. In the 110<sup>th</sup> Congress, S. 2913 (the “Shawn Bentley Orphan Works Act”) passed the Senate on September 26, 2008. H.R. 5889 – a similar but less effective version – was introduced in the House.