

RESOLUTION IN SUPPORT OF “ORPHAN WORKS” LEGISLATION

WHEREAS, The inability to locate copyright owners to clear the rights in their works prevents libraries and other cultural institutions from providing access to the information in their collections and prevents library users from making transformative uses of those works; and

WHEREAS, It is preferable to find the copyright owner; nevertheless, it is critical to the advancement of science and useful arts to be able to use and preserve works whose owners are not known or cannot be located (“orphan works”); and

WHEREAS, The US Copyright Office has identified practical and effective ways to amend the Copyright Act better to facilitate the uses of orphan works; and

WHEREAS, Librarians, archivists, scholars, historians, and curators have testified that such an amendment would improve their work, as well as the work of individual artists, writers, musicians and filmmakers, all of whom struggle to balance the rights of missing or unidentifiable copyright holders with the mission of making letters, manuscripts, photographs and other culturally significant material available to the public; and

WHEREAS, Congress has recognized in recent oversight hearings that loss of access to and use of orphan works is not in the public interest and that amendment of the law in this regard would benefit the intellectual, historical and cultural life of all Americans; now, therefore, be it

RESOLVED, That the American Library Association urges Members of the US Senate and the US House of Representatives to introduce legislation to amend the Copyright Act to facilitate the use of “orphan works” if the user has made a reasonably diligent, good faith search to locate the owner of the work but was unable to find the owner.

Initiated by: COL

Endorsed by: Intellectual Freedom Committee

Endorsed in principle by: OITP Advisory Committee and ACRL

ALA Policy: #50.15 Principles for the Networked World

#51.(4) Federal Legislative Policy

Prior History: 2000-01 CD #20.4

Adopted by the American Library Association Council

Wednesday, January 24, 2007

Seattle, Washington