

# *Clearing the rights for Public heritage collections: The problem with Diligent Search*

## Panel:

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EnDOW Workshop

CREATe festival 2016

*Copyright and the Future of Digital Creativity*

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***EnDOW:  
Enhancing access to 20th  
Century Cultural Heritage  
through Distributed Orphan  
Works Clearance***



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**PARTICIPANTS:**  
CIPPM, Bournemouth University  
CREATE, University of Glasgow  
IViR, University of Amsterdam  
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# The Problem

- Mass digitisation of cultural heritage collections could benefit from newly-created legislation that allows publishing online copyright works whose right owner is unknown or non-locatable ('Orphan Works')
- However, before using an Orphan Work these institutions have to show that they have tried their best to locate the right owners. It is the so called 'Diligent Search' requirement.
- The problem is that carrying out this search is overly burdensome for cultural heritage institutions (complex, costly and time consuming).

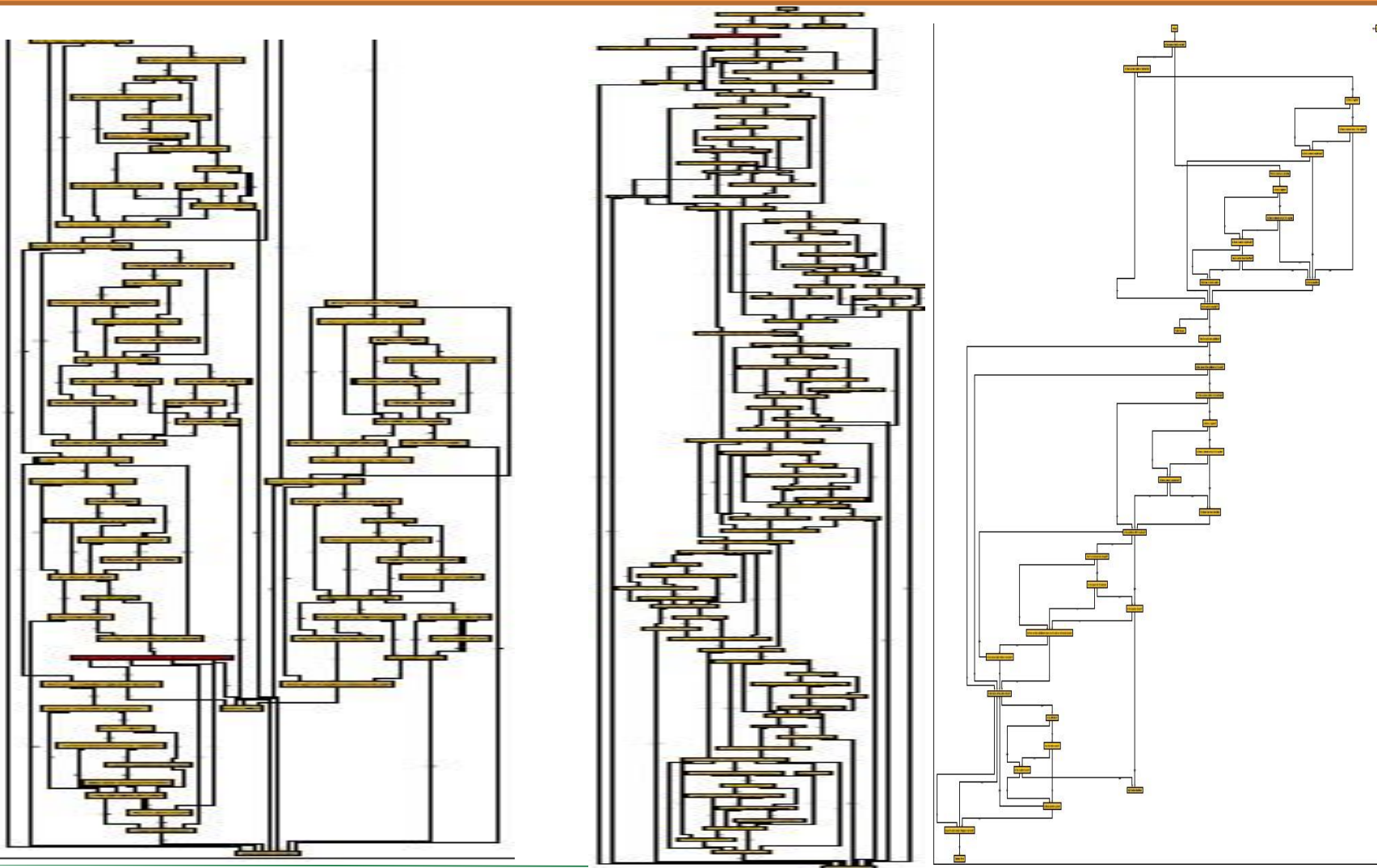
# The EnDOW concept

- Reducing the burden of Diligent Search by distributing the task among a large number of institutional patrons or public volunteers (→ “crowdsourcing”)

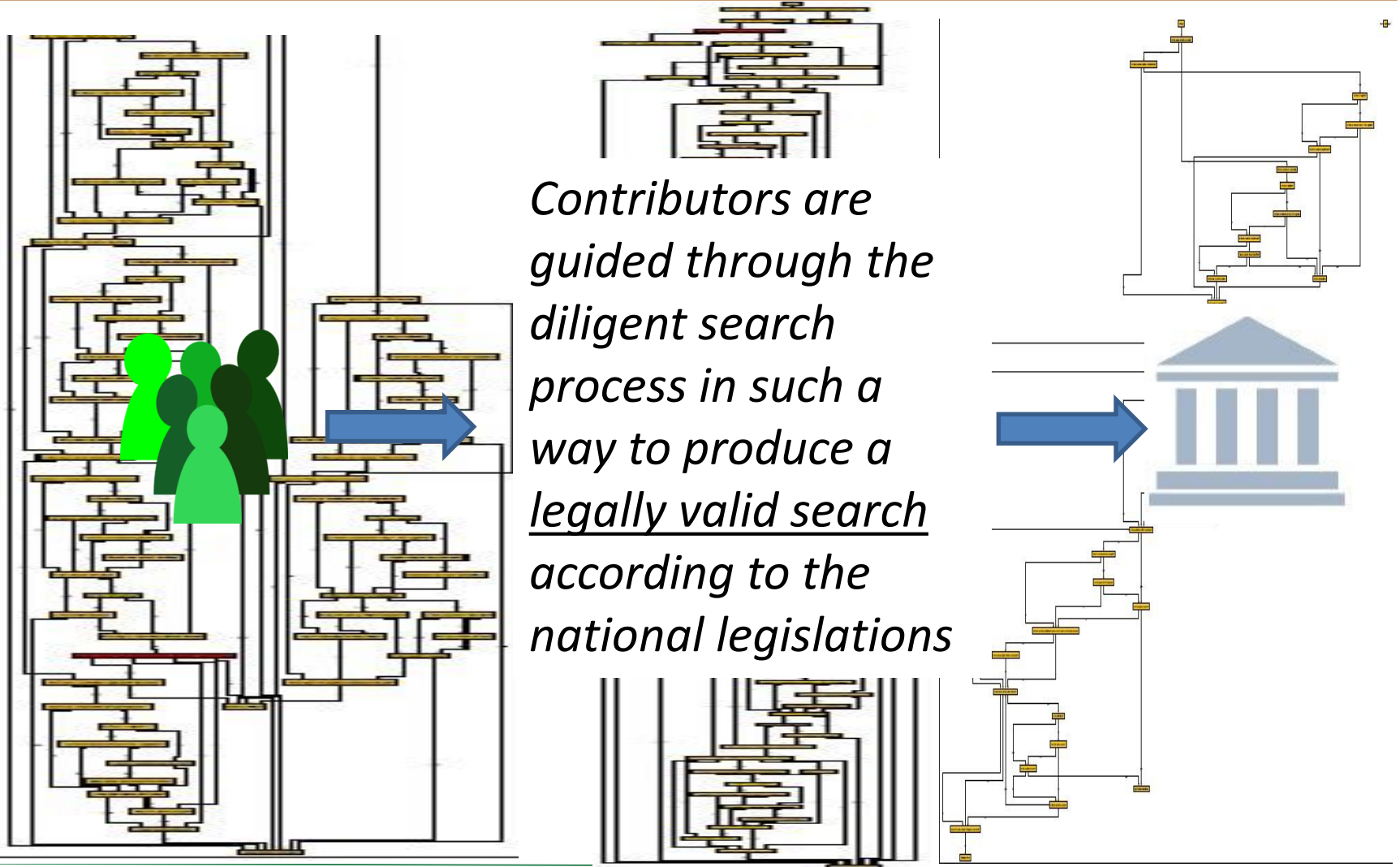
# EnDOW in practice: the Diligent Search platform



# Diligent Search platform – flowcharts of operations



# Diligent Search platform – flowcharts of operations



# Preliminary findings

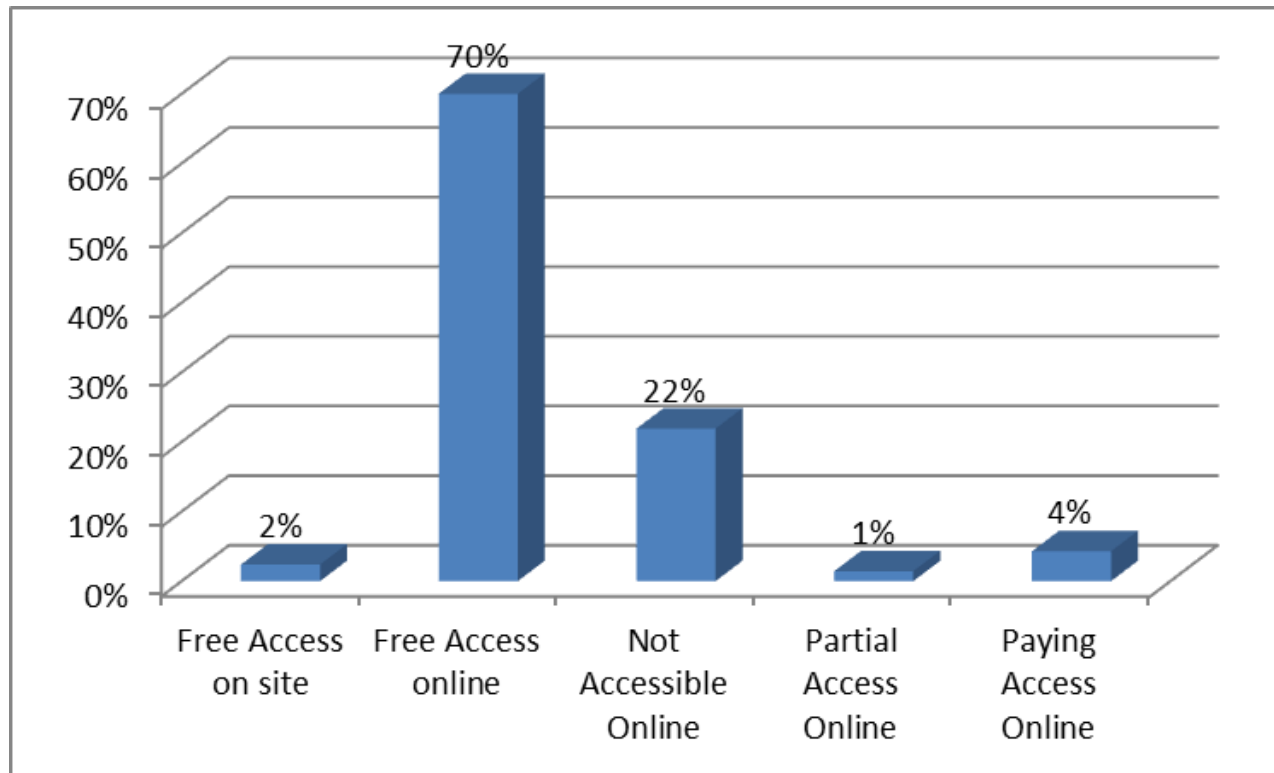
## Diligent search requirement in 3 jurisdictions (UK, Italy, NL) – “relevant sources”

- Overall 210 “relevant sources” are listed in the UK
- Sources to carry out DS on books: up to 80
- ...and on films: up to 106
- Not all available online



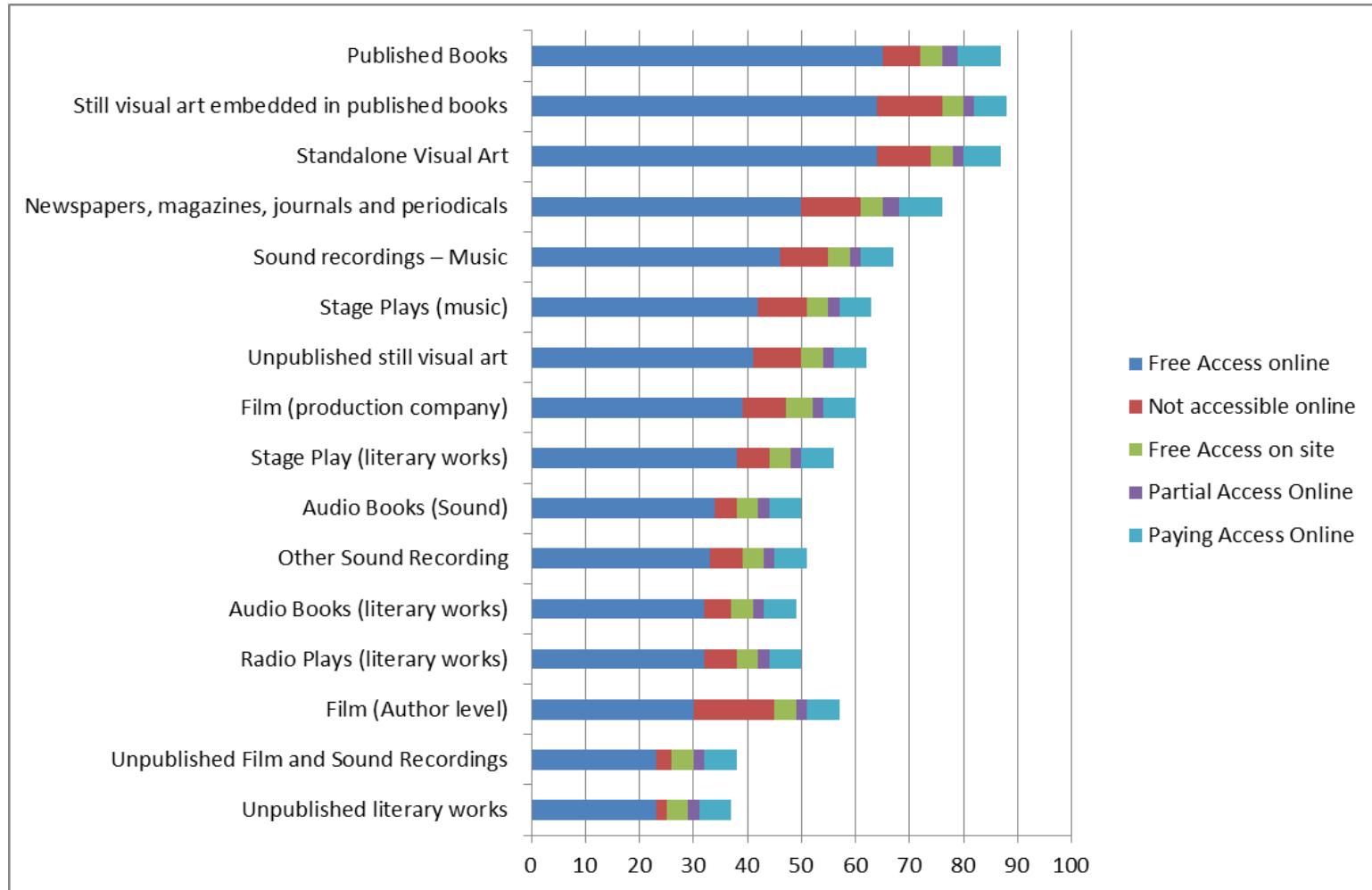


# Accessibility of sources






Source: M. Favale, S. Schroff and A. Bertoni *Requirements for Diligent Search in the United Kingdom, the Netherlands and Italy*, EnDOW Report 1.1 (2016) <<http://diligentsearch.eu/resources>>

# Accessibility of sources – categories of works



# Accessibility of sources – countries

						
Sources from	IPO guidelines		EnDOW RA		EnDOW RA	
N. Sources	210	%	357	%	87	%
<b>Free Access online (incl Reg)</b>	<b>147</b>	<b>70%</b>	<b>200</b>	<b>56%</b>	<b>47</b>	<b>54%</b>
<b>Not Freely Accessible Online (incl. all below)</b>	<b>63</b>	<b>30%</b>	<b>157</b>	<b>44%</b>	<b>40</b>	<b>46%</b>
DB Not Accessible online	46	22%	82	23%	36	41%
Paying access online	9	4%	10	3%	2	2%
Free Access on site	5	2%	24	7%	0	0%
Partial Access online	3	1%	33	9%	1	1%
WIP (will be access online)	0	0%	8	2%	1	1%

Source: M. Favale, S. Schroff and A. Bertoni *Requirements for Diligent Search in the United Kingdom, the Netherlands and Italy*, EnDOW Report 1.1 (2016) <<http://diligentsearch.eu/resources>>

# DILIGENT SEARCH EXPERIMENT CASE STUDIES

1

**Title:** Galashiels and Braw Lads' Gathering 1951 (Original)

**Production country:** United Kingdom

**Credits:** *Production Company:* [Elder Film Productions](#)

Viewable here; <http://player.bfi.org.uk/film/watch-galashiels-and-braw-lads-gathering-1951-1951/>

2

**Title:** The Gloves of Ptames 1914 (Original)

Gloves (Acquisition)

The Mysterious Gloves (Alternative)

**EIDR identifier:** [10.5240/35DF-FD80-7928-2CE8-D01B-2](https://www.eidr.org/record/10.5240/35DF-FD80-7928-2CE8-D01B-2)

**Production country:** United Kingdom

**Credits:** *Director:* [Dave Aylott](#) *Production Company:* [Martin Film Company](#)

**Cast:** [Fred Rains](#)

Viewable here; <http://player.bfi.org.uk/film/watch-gloves-of-ptames-1914/>