Orphan works survey
Completed for Thomas Ash in aid of Dissertation Research for the City, University of London

*Required

1. Email address *

Consent Form

I understand that Thomas Ash is collecting data in the form of an online survey for use in an academic research project as part of his Msat City, University of London. The survey will assist in determining the extent to which the current UK Orphan Works (works whose owner/s cannot be identified or located) legislation is effective in enabling mass digitisation of orphan works. As part of this it will seek to understand the impact the presence orphan works have on digitisation practices and activities within cultural heritage organisations.

The survey consists [x] questions and will take around x minutes to complete.

I give my consent to the use of data for this purpose on the understanding that:

- All names and other material likely to identify individuals will be anonymised.
- The material will be kept in secure storage at all times.
- The material may be used in future publications, both print and online.

I know that I can at any point contact Thomas at thomas.ash@city.ac.uk using the email address I have entered above to ask any questions and withdraw my consent at any point after completing the survey.

Point of contact:
Researcher's name and email: Thomas Ash, thomas.ash@city.ac.uk
Supervisor's name and email: Dr Lyn Robinson, L.Robinson@city.ac.uk
Department address: School of Mathematics, Computer Science & Engineering, City, University London, Northampton, Square London, EC1V 0HB

2. I agree with the above consent form and am happy to continue with the survey *
   Tick all that apply.

   - [ ] I AGREE

About your organization
Information about the organization you work for
3. 1) What type of organisation do you represent? *  
Mark only one oval.

- [ ] National Archive
- [ ] Other Archive/Records Office
- [ ] Film or audio heritage institution
- [ ] Gallery
- [ ] National Museum
- [ ] Other type of Museum
- [ ] National Library
- [ ] Higher Education Library or Archive
- [ ] Special or other type of library
- [ ] Other:  
  ________________________

4. 2) What is the size of your organisation?  
Mark only one oval.

- [ ] Less than 50 employees
- [ ] 50 to 100 employees
- [ ] 100 to 500 employees
- [ ] 500 to 1000 employees
- [ ] 1000 to 5000 employees
- [ ] Don't know

About your collection(s)

5. 3) What is the size of your collection?  
Mark only one oval.

- [ ] Less than 1000 items
- [ ] 1001 to 5000 items
- [ ] 5001 to 10,000 items
- [ ] 10,001 to 500,000 items
- [ ] 500,001 to 1 Million items
- [ ] 1 Million + items
- [ ] Not sure
6. 4) What types of material has your organisation digitised or is planning to digitise?

Tick all that apply.

- Books
- Rare Books
- Manuscripts
- Newspapers/Magazines
- Other printed materials
- Microfilms
- Maps/Plans
- Photographs
- Other still image materials
- 2D Visual artworks
- 3D Artworks
- Music
- Sound recordings
- Film
- Other Audio-Visual material

Copyright and your organization

7. 5) Please indicate what percentage of your collection you know or estimate to be Orphan Works?

Mark only one oval.

- Less than 5%
- 5 - 10%
- 11 - 20%
- 21 - 30%
- 31 - 40%
- 41 - 50%
- 51 - 60%
- 61 - 70%
- 71 - 80%
- 81 - 90%
- 91 - 100%
- Don't Know

8. 6) Does your organisation have a Copyright policy or internal regulation related to Copyright?

Mark only one oval.

- Yes
- No
- Not sure
9. 7) Does your organisation have a specific person in charge of dealing with copyright issues in particular?
Mark only one oval.

- Yes
- No
- Not sure

Copyright and your organization

10. 8) Please indicate your degree of familiarity with the following aspects of Copyright? *
Tick all that apply.

<table>
<thead>
<tr>
<th>No knowledge or awareness</th>
<th>Little knowledge or awareness</th>
<th>Some knowledge or awareness</th>
<th>High level of knowledge or awareness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copyright law in general</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copyright issues relating to digitisation</td>
<td></td>
<td></td>
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<tr>
<td>Copyright exceptions</td>
<td></td>
<td></td>
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<tr>
<td>Copyright issues and legislation relating to orphan works</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rights clearance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. 9) Has the presence of in-Copyright material in your collections ever impacted upon a planned digitisation project? If so please indicate in what way:
Tick all that apply.

- Project abandoned
- Copyrighted material removed and only public domain material digitised
- Copyright material digitised but not made available
- Rights clearance undertaken and only cleared material digitised and made available
- All material digitised and made available using a risk managed / takedown strategy
- No Impact
- Other:...

Barriers to digitisation

12. 10) Which of the following approaches best describes your organisation's approach to digitisation:
Mark only one oval.

- Only digitises material that is out of Copyright
- Only digitises materials where the organisation or its partners hold the Copyright
- Is willing to digitise in Copyright material where the majority of rights are held by a single rights holder
- Is willing to digitise in Copyright material with multiple rights holders
13. 11) What are the main reasons that prevent your organisation from digitising orphaned and other material in your collections?  
Tick all that apply.

☐ Lack of funding for digitisation activities  
☐ Lack of staffing for digitisation activities  
☐ Lack of knowledge about Copyright and orphan works  
☐ Length of time required to locate and correspond with rights holders  
☐ Staff costs of locating and corresponding with rights holders  
☐ Other costs involved in locating and corresponding with rights holders  
☐ Other

Orphan Works Directive

14. 11) Has your organisation ever digitised orphan works material under the Orphan Works exception?  
Mark only one oval.

☐ Yes  
☐ No  
☐ Not aware of the exception

15. 12) If yes please provide a brief description of the project and a url if available:


Reasons for not using the EU Exception

16. 13) If you have not digitised Orphan Works using the exception, please indicate the reasons why:  
Tick all that apply.

☐ Used the Orphan Works License Scheme instead  
☐ Complexity of diligent search requirements  
☐ Lack of guidance on conducting diligent search  
☐ Cost of performing diligent search (in terms of staffing)  
☐ Cost of performing diligent search (non-staff)  
☐ Length of time required to conduct diligent search  
☐ Restrictedness of sources needed to conduct diligent search  
☐ Lack of knowledge about orphan works or copyright  
☐ Orphaned material in collection not covered by scope of exception (e.g. stand-alone images)  
☐ Other:

Orphan Works Licensing Scheme
17. 14) Have you ever made orphan material in your collection available using the IPO Orphan Works Licensing scheme?

Mark only one oval.

☐ Yes  
☐ No  
☐ Not aware of the License Scheme  
☐ Other: ____________________________

Reasons for not using the Orphan Works Licensing Scheme

18. 15) If you have not used the Orphan Works License scheme to digitise orphaned material in your collections, please indicate the reasons why:

Tick all that apply.

☐ Used the Orphan Works exception instead  
☐ Complexity of diligent search requirements  
☐ Cost of licensing to high  
☐ Length of license insufficient  
☐ Length of time required to conduct diligent search  
☐ Administrative and staffing costs too high  
☐ Lack of knowledge about orphan works or copyright  
☐ Unsuitability of scheme for mass digitisation  
☐ Rights holder located during diligent search  
☐ Scope of license insufficient (i.e. U  
☐ Other: ____________________________

19. If yes please explain the reasons why you chose to do so:

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

___________________________________________________________________________

Skip to question 23.

Reasons for not using the License Scheme
20. 15)If you are aware of the Orphan Works License Scheme but haven’t made use of it please indicate why? (tick all that apply):

Tick all that apply.

- Used EU directive
- Cost of licensing to high
- Rights holder located during diligent search
- Administrative and staffing costs too high
- Length of license insufficient
- Lack of publicly available sources for diligent search
- Length of time required to correspond with rights holder
- Other:

21. 16) What would make you more likely to use the license scheme?

For organisations not using the exception or the license

22. 17) If you have digitised orphaned material but haven’t used either the EU exception or the UK licensing scheme how have you made them available:

Tick all that apply.

- Online using a risk managed approach and takedown policy
- Made them available via standalone terminal
- Using another Copyright exception (please say which)
- Other:

23. Further comments:

Estimated costs
In order to a recent digitisation project please indicate:

24. Name of the project

25. Total number of items included in the project

26. Estimated time (staff hours) spent searching for rights holders

27. Estimated cost (non-staff) of obtaining rights clearance (including any fees paid for access to non-public databases/sources whilst searching for rightsholders)
28. Percentage of works found to be orphaned after diligent search/rights clearance

29. Percentage of works found to be in public domain after diligent search/rights clearance

30. Percentage of works registered under UK IPO Orphan Works licensing scheme

31. The number of takedown requests

32. The number of works where permission to digitise was denied following correspondence with the rights holder

33. Overall cost of the project (if not known please estimate)

34. Any further comments

35. Does your organisation have a takedown policy for orphan material?
   Mark only one oval.
   
   ☐ Yes
   ☐ No

Soloutions

36. 19) Which of the following would make it easier for your organisation to digitise orphan works in your collection
   Tick all that apply.
   
   ☐ Reduced costs for licensing
   ☐ Less complex requirements for diligent search
   ☐ Ability to use employ a third party to conduct diligent search / rights clearance
   ☐ A mandatory exception
   ☐ Shorter copyright term
   ☐ An extended collective license for orphan works
   ☐ Further guidance or training in Copyright
   ☐ Other:
Follow up and further contacts

37. **Would you be willing to take part in a follow up interview to discuss your answers:**
   *Mark only one oval.*
   - [ ] Yes
   - [ ] No

38. **Please provide any alternative contact details if needed:**

39. **Do you know of anyone else who would be willing to take part in this survey (please provide details)**

A copy of your responses will be emailed to the address that you provided