

Abstract

Applying Extended Collective Licensing to Orphan Works

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The principal issue in digitalizing copyrighted works is to obtain permission to use copyrighted works, in particular orphan works. Regarding copyright permission, there are problems such as huge expenses, potential legal actions, a large volumes of orphan works, and the absence of applicable rules. While collective licensing is applied in many countries, extended collective licensing(hereafter referred to as "ECL") which has been introduced in Northern Europe would be more applicable for orphan works if some issues such as moral rights and freedom of contract are resolved, in that, under the ECL system, the collective societies can represent all the copyright holders in the certain types of copyrighted works including orphan works. This paper examines the definition of orphan works, the problems in digitalizing orphan works, and the features and limits of collective licensing. And then, it suggests that ECL is an efficient tool to optimize the balance between right holders and users in digitalizing orphan works.

Keywords

digitalization, copyright permission, copyright clearance, orphan works, collective licensing, extended collective licensing(ECL), non-formalism, moral rights

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