

Orphan Works

Response to 3 Questions for LC Study

1. The typical example of orphan works in BHCC archives is dealing with the non-identified photographs with unknown names of the photographers. In most cases these photographs capture the college wide events and have been taken by staff and/or faculty members.

To obtain the copyright clearance for publishing and/or online use, it is always a question if the people captured on the photo or the photographers are the copyright owners.

BHCC is state funded educational institution. Can we consider these photos as public records? To identify the copyright for online use selected photographs for the BHCC 30th anniversary, can we apply the rule of public records ownership for the materials produced within the state institution?

Another example of orphan works is a collection of scrapbooks and memorabilia, which was created by, given to or collected by the founding President and given to the archives after his death. There is no formal deed of gift or transfer of copyright ownership due to the items being “found.”

2. Locating the copyright owner is often problematic when using items for public and for digital display. For example, if college publication contains articles written by faculty and staff members, do we need to acquire the permission from all authors to post the content of the publication online?

It is often a question if a publication issued in college and written by college employee should have the college or the author copyright ownership.

3. We experience difficulties with using newspaper publications from newspaper clippings collection for displays and digital projects on history of the college. Though it might be easy to identify the ownership by the title of the newspaper, permission for use needs to be obtained from the publisher. The permission usually involves money charge (especially for photographs,) that in most cases is difficult to provide.

Also, we have clippings from newspapers, which are no longer in existence. How to deal with those?