



Intellectual  
Property  
Office

# Orphan works diligent search guidance for applicants: Film and Sound



November 2015

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This document/publication is also available on our website at [www.gov.uk/government/publications/orphan-works-diligent-search-guidance-for-applicants](http://www.gov.uk/government/publications/orphan-works-diligent-search-guidance-for-applicants)

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November 2015

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# 1. Introduction

Orphan works are copyright works where one or more of the right holders are unknown or cannot be located. If an individual wants to use a work within copyright they must, with a few exceptions, seek the permission of the relevant right holder who may include the creators and/or publishers. It is not normally possible to reproduce the work if the right holder – or perhaps one of a number of right holders – cannot be found. This situation benefits neither the right holder, who may miss opportunities for licensing, nor potential users of those works.

Under the Enterprise and Regulatory Reform Act 2013, the UK government has powers to enable licensing of orphan works in the UK for commercial and non commercial use. The licensing scheme has been implemented through the Copyright and Rights in Performances (Licensing of Orphan Works) Regulations 2014<sup>1</sup> which states that a diligent search must comprise a reasonable search of the relevant sources to identify and locate the right holder. The relevant sources under 4 (3) of the Regulations that must be consulted for all diligent searches are:

- The orphan works register for the UK licensing scheme,
- The OHIM orphan works database and,
- The appropriate sources set out under Part 2 of Schedule ZA1 of the Copyright, Designs and Patents Act 1988.

This guidance is provided for under 4 (4) of the Regulations and is for potential applicants and provides an aid to conducting a diligent search. It explains what is involved in a diligent search and what to consider in advance. The guidance includes details on the relevant sources that applicants must consult and provides a non-exhaustive list of additional sources, and explains how an applicant must submit their evidence to the authorising body which is the UK Intellectual Property Office (IPO).

An applicant must perform a diligent search for the right holder prior to a licence being considered. Where there are multiple right holders, a diligent search is needed for each right holder where the right is relevant to the proposed use. The diligent search will need to be carried out to the satisfaction of the authorising body.

Although the guidance is intended primarily for those wanting to apply to use the UK's licensing scheme it may also be of help to those conducting a diligent search in relation to the EU Directive on certain permitted uses of orphan works<sup>2</sup>. (See below for further information.)

The object of the diligent search will depend on the proposed use of the work, in every copyright work there are many different rights. A film is a good example of a work with multiple right holders where you have the rights of the principal director, the author of the screenplay, author of the dialogue and the composer of the music. There may also be other underlying rights within the film such as the designers of the sets, costumes and other visual aspects of the film and the performers. These rights are not necessarily all controlled by the same right holder; moreover, each of these rights may

1 <http://www.legislation.gov.uk/ukdsi/2014/9780111117644/introduction>

2 [http://ec.europa.eu/internal\\_market/copyright/orphan\\_works/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/orphan_works/index_en.htm)

have more than one right holder. Only the right holder who controls the relevant rights can grant a licence which will cover a particular use. The aim of the diligent search is to find the right holder who controls the appropriate rights. A diligent search should be appropriate to the orphan work as a whole or to an orphan right within the work depending on the proposed use.

Another factor that will affect the search is whether the work has been published. The rights in unpublished works generally belong to the creator or their heirs. If the author is dead, his or her rights may have passed to one or more heirs.

As with any other copyright work, applicants will also need to gain permission from any relevant known and locatable right holder in order to avoid copyright infringement. The authorising body can only license for unknown or unlocatable right holders. Where you have located some but not all the right holders these are considered to be partial orphan works.

To avoid unnecessary delay in the process applicants will not need to obtain these permissions before making an application, this can be done at the same time as applying for a licence for the orphan right/s. Where permissions have been obtained before an application is made then details of the right holder(s) who have granted permission should be included to support the application.

The diligent search may result in finding the right holder in which case the work is not an orphan and a licence should be sought from the right holder.

A diligent search is not a new process, and it is already undertaken by cultural heritage organisations and others to locate right holders in copyright works they wish to reproduce. There is no set procedure to follow as the search will depend on the information available.

However, while there is no set minimum requirement to be followed in every case, applicants will need to show that their search was indeed diligent. Applicants are required to consider multiple sources where possible. If an initial avenue of enquiry yields no results, then others should be considered. A process map of the application process is set out in Figure 1.

The guidance has been developed through extensive dialogue with working professionals with expertise in conducting diligent searches to locate right holder in the film and sound sector. An acknowledgement of those involved is at the end of this guidance and the IPO is grateful for their assistance. The IPO co-ordinated sector specific groups to look at diligent searches in literary works, film and sound recordings and still visual art. Guidance for other sectors (literary works and still visual art) is available on [gov.uk](http://gov.uk).

The sector specific guidance reflects the different requirements for each sector when searching for a right holder. However, the guidance cannot list every possible source nor will every source be relevant to every search. For example, where a work is known to be unpublished, there would be no need for an applicant to make use of sources for published works.

### The EU Directive on certain permitted uses of orphan works.

In addition to the UK's domestic licensing scheme the EU Directive on certain permitted uses of orphan works provides an exception to copyright law for cultural and heritage organisations. It applies to literary works, audiovisual works and sound recordings and embedded visual art (it excludes standalone artistic works such as photographs and illustrations) and only allows for digitisation and making available online of orphan works for non commercial purposes. To see if your organisation qualifies for this exception go to the qualifying criteria on the orphan works section of gov.uk.

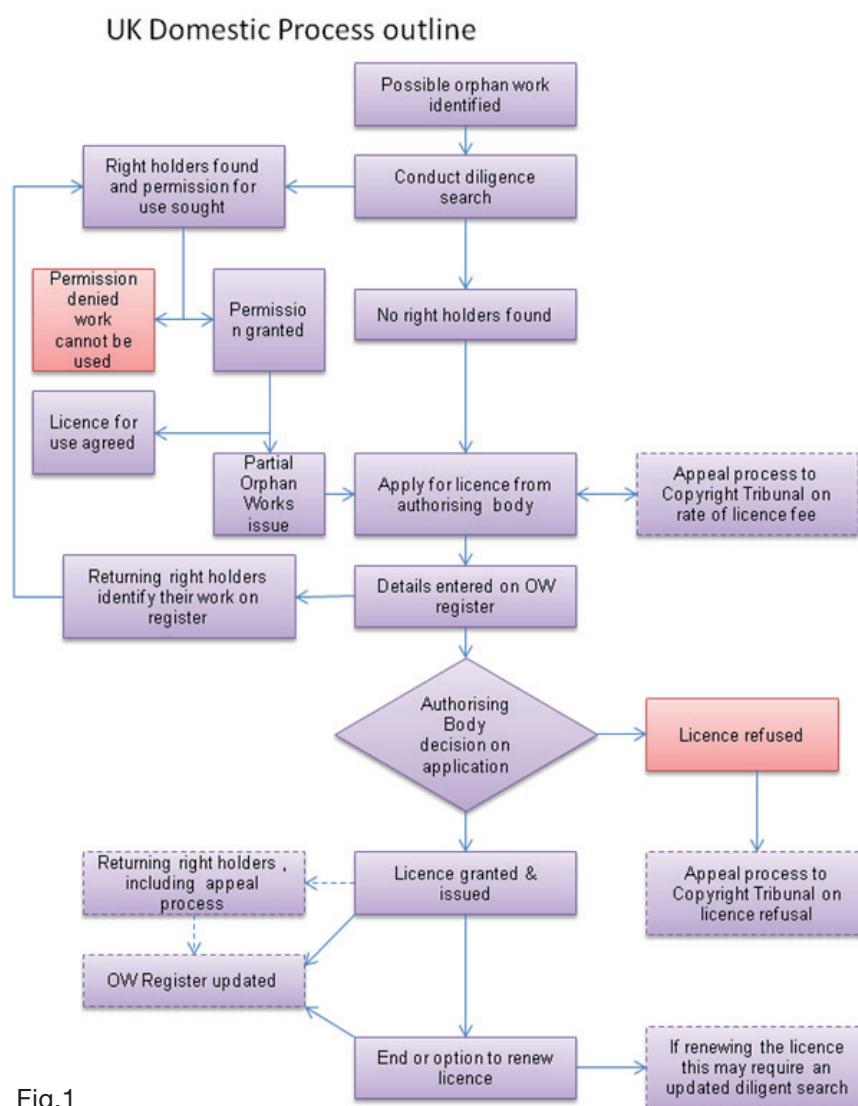


Fig.1



## 2. Things to consider before starting a diligent search

Before completing a diligent search applicants should first consider the following issues relating to the work, the rights within the work and the right holder(s):

### Why do you want to use this particular work?

The orphan works licensing scheme provides a legal process to reproduce works that cannot currently be used because the right holder is unknown or unlocatable.

Conducting a diligent search takes some time and there may be costs related to it. Applicants may wish to consider why they want to use a particular work and consider if there is a substitute available for which the right holder is known and locatable.

### Do you know whether the work is within copyright?

An applicant should always first consider if it is reasonable to assume that the work is still within copyright because if the work is in the public domain (where the intellectual property rights have expired), then the work can be used freely. To determine if a work is within copyright, an applicant should consider:

- When the work was first created/published/performed
- What is the estimated age of the work?
- Is it known if the right holder is still alive? If not when did they die?

Sound recordings - For musical compositions copyright applies when it is set down in permanent form, either by writing it down or in any other manner. With a song there will usually be more than one copyright associated with it. The composer of the music will be the author of the musical work and will have copyright in that music. The lyrics of a song are protected separately by copyright as a literary work (see diligent search guidance for literary works) and the person who writes the lyrics will own the copyright in the words. If the work is subsequently recorded the sound recording will also have copyright protection. The producer of the recording will own the copyright in the sound recording.

The term of protection or duration of copyright varies depending on the type of copyright work. The term of copyright for sound recordings and performers' rights is set at 70 years from the end of the year in which the recording is published and is harmonised throughout Europe. In September 2011 the European Union approved a Directive which extended copyright term in most cases for sound recordings and performers' rights in sound recordings from 50 to 70 years. The Directive was implemented into UK law on 1 November 2013 by the Copyright and Duration of Rights in Performances Regulations 2013<sup>3</sup>.

For the music and lyrics in a musical composition where both are written specifically for each other copyright lasts until 70 years after the death of the last surviving author (of the words or of the music).

3 <http://www.legislation.gov.uk/ukxi/2013/1782/made>



However, there are a few exceptions to the general rule of copyright term. Some of these are listed below and illustrated in Annex B and C.

- Crown Copyright - Generally the duration of protection lasts for 125 years from the year in which the work was made. If the work is published commercially within 75 years from the year it was made, then copyright lasts for 50 years from the date it was commercially published.
- Parliamentary copyright - lasts for 50 years from the end of the calendar year in which the work was made. Where an international organisation is the first owner, copyright also lasts for 50 years from the end of the calendar year when the work was made.
- Unpublished works before 1989 - lasts until 31 December 2039 if the work was created but not published, performed in public or sold to the public, before 1 August 1989, and where the author is known and died before 1969, or in the case of unknown authors, where the work was created before 1969.

**Films** - For films, copyright may exist in a number of its components, for example, the original screenplay, the music and so on, as well as the film itself. The person who produced the film would normally own the rights in the work. Generally copyright in a film runs out 70 years after the end of the year in which the death occurs of the last to survive of the principal director, the authors of the screenplay and dialogue, or the composer of any music specially created for the film.

However, there are a few exceptions to the general rule of copyright term. Some of these are listed below and illustrated in Annex B and C.

- Films made before 1 June 1957 were not recognised as a distinct work. They would have protection as an original dramatic work or individual frames treated as photographs. The soundtrack may also be protected as a sound recording, so copyright term would relate to these rights.
- Crown and Parliamentary Copyright – Parliamentary copyright only exists in films made on or after 1 August 1989. Earlier films are attributed to the employee.
- Unpublished works before 1989 – lasts until 31 December 2039 if the work was created but not published, performed in public or sold to the public, before 1 August 1989, and where the author is known and died before 1969, or in the case of unknown authors, where the work was created before 1969.

### Who are the right holders?

- The right holder is a legal entity or person entitled to permit or prohibit the use of the work.
- The name of the creator will not always be known especially in unpublished works but there may be crucial information on the work itself, for example, an acknowledgement or an attribution in the credits or other information appearing with the work. The context of the work might help in terms of pointing you towards a possible right holder. For published works, the name of the author and publisher should be within the work.
- There may be multiple rights within a work so applicants will need to try and identify the different rights and which right holder hold these i.e. for films the screenplay, dialogue and any music created for the work.

- The right holder might not always be the creator, for example, if the work was produced by an employee in the course of their employment or the rights have been assigned or transferred to someone else.
- Applicants will need to search for each relevant right holder within a work. It may help to find the relevant right holder by asking any locatable ones for the work for further information on the unlocatable right holder.
- If there is evidence that the right holder is outside the UK, searches of the equivalent sources in this guidance should still be conducted in those countries. Applicants should also refer to the section on foreign right holders.
- If it is known or becomes known during the diligent search that the author is deceased, the copyright could have been passed onto the estate or family members. If the copyright owner dies without a will (intestate) and without entitled blood relatives (kin) their property is known as bona vacantia. In such cases the Treasury Solicitors act for the Crown to administer the estates.
- If the work is a translation, then there may be copyright in the translation so an applicant would need to search for the name of the translator as they may be a right holder. If applicant wishes to use the source work (and that work is in copyright), a translator, or publisher of translation, if known and locatable, may also be able to help locate right holder of the source work. Applicants will require consent of right holders of both translation and source (if different) where it is proposed to use a translation of a copyright work.
- Some works might be anonymous or authors may publish under more than one variant of their legal name. They may also publish under a pseudonym (fictitious name used by an author) and an applicant will need to bear this in mind.

### Where did you find the work?

- The provenance (i.e. where the work was found) of a work could also provide valuable information on the right holder, if it is held in a library, museum or archive they might hold information on the work. If the provenance does not provide any useful information look for other clues within the work.

### Has the work already been found to be orphan?

- Before starting any diligent search, an applicant needs to refer to the UK orphan works register and the OHIM orphan works database to see if a previous diligent search has been completed on the work. A diligent search carried out under the EU Directive can be relied upon for the purpose of an application under the UK licensing scheme if the search was for the relevant right holder and relevant rights within the work (i.e. digitising works and making them available online).

### Has the work been published, broadcast or performed?

- If the work has been made available to the public on the internet, made accessible to the public to view or published/broadcast/performed at any time, then publishers and collecting societies are likely to hold relevant information. For unpublished works, applicants would need to consider the information available within the work and where it was found.

After considering the above an applicant should have more of an understanding on where to start a diligent search. It is important that applicants consult with multiple sources to validate information on a creator.

## 3. Conducting a diligent search

Applicants conducting a diligent search need to submit a completed checklist for each right holder as evidence that this has been completed to support an application, see Annex A. This must include a narrative of how the search was conducted including the sources checked. Failure to submit this form or not including sufficient information will result in the authorising body requesting further information and will delay your application.

There is no set way to conduct a diligent search as this will depend on the information available on the work. Below is a list of actions that applicants will usually need to take.

### Actions to take

- Applicants **must** complete and submit the diligent search checklist with each application.
- Applicants for an orphan works licence will need to maintain a record of the diligent search. If an applicant is successful in their application, this evidence should be retained by the licensee for a minimum of eight years. Other supporting evidence such as correspondence (letters, e-mail, telephone, etc) should also be retained.
- If possible, in the first instance, an applicant should always contact the creator of the work. If the creator is not the right holder they might know who holds the rights.
- Where the creator cannot be found applicants should attempt to consult multiple sources to validate information.
- When consulting the most appropriate sources to search for a particular work, an applicant might uncover further information on the right holder. This new information could be used in other sources that were previously ruled out so an applicant should consider revisiting the suggested sources to see if these are now appropriate.

### Other issues to consider

- When the person or company believed to be the right holder has been located but fails to respond to efforts to obtain permission to use the work, the right or work cannot be declared orphan. It is the right holder's choice not to respond to an applicant.
- If there is evidence that the right holder is outside the UK the authorising body is not the appropriate body to decide disputed cases of ownership regarding orphan works. When this is the case then this would need to be resolved between the relevant parties through mediation or the courts.
- Applicants need to be aware that there may be some costs associated with searching some of the suggested sources.

### Making contact with possible leads and creators

*Contacting the estate of a creator* – After referring to the relevant sources, if an applicant discovers a current or even the last known address of the potential right holder, a letter should be sent seeking permission. It is important to note that if someone was contacted, they are under no obligation to respond or provide you with information. If there is strong evidence to suggest that they are the right holder for the work, and they decide not to respond this does not mean that the work is orphan.

*Contacting publishers* – Once an applicant has identified a creator or estate but does not have any contact details, they should contact the publisher to seek further information. It is suggested that a covering letter is sent for the publisher to forward to the creator or estate seeking permission to use the work.

*When making contact with a possible right holder* – If they do not control the rights that you are seeking ask for any information they have that may help you in your search.

If you succeed in making contact with a right holder, but you know or believe that there are other right holders whom you have not yet traced, always ask them if they have any information that might help you trace the others.

## 4. Sources for sound recordings:

This section on sound recordings is split between music where there is a composition and other sound recordings such as oral history and natural science. It provides information on the relevant sources that must be consulted and additional sources that applicants will need to consider.

### Music (with composition)

#### Relevant Sources

**Check orphan works' registers** - If the work is on the UK orphan works' register a diligent search would already have been completed and may still be valid. Applicants should also check the orphan works' database maintained by the Office for Harmonisation in the Internal Market (OHIM) for orphan works identified under the EU Directive. An EU Directive diligent search can be relied upon for the purpose of an application under the UK licensing scheme, if the search was for the relevant right holder and relevant rights within the work (i.e. digitise the work and make it available online).

**Check the Producers' Associations** - For published works Producers' Associations might hold information on the right holder or might even hold the rights themselves. For sound recordings information might be found with:

- Producers Alliance for Cinema and Television (PACT),
- Music Producers Guild,
- British Phonographic Industry (BPI),
- Music Industries Association,
- Federation of Commercial Audio/visual Libraries (FOCAL). Focal provide a free service to locate footage and content which sends information on a work to over 140 libraries.

If an applicant does not have the contact details of the creator and has identified their publisher they will need to contact them to ask if they hold the relevant rights and request to use the work or ask if they can forward the request to the creator.

Useful links:

PACT - [www.pact.co.uk](http://www.pact.co.uk)

Music Producers Guild - [www.mpg.org.uk](http://www.mpg.org.uk)

BPI - [www.bpi.co.uk/default.aspx](http://www.bpi.co.uk/default.aspx)

Music Industries Association - [www.mia.org.uk](http://www.mia.org.uk)

FOCAL - [www.focalint.org](http://www.focalint.org)

FOCAL footage finder - [www.focalint.org/footage-and-content-gallery](http://www.focalint.org/footage-and-content-gallery)

**Check databases of film or audio heritage institutions and national libraries -**

These might hold relevant information on the right holder. For sound recordings information might be found with

British Film Institute (BFI),  
British Library,  
National Library of Scotland,  
National Library of Wales.

Useful links:

BFI - [www.bfi.org.uk](http://www.bfi.org.uk)  
British Library - [www.bl.uk](http://www.bl.uk)  
National Library of Scotland - [www.nls.uk](http://www.nls.uk)  
National Library of Wales - [www.llgc.org.uk](http://www.llgc.org.uk)

**Check databases with relevant standards and identifiers** – Depending on the type of work there are international identifiers that are attributed to certain works. The International Standard Audiovisual Number (ISAN) is a voluntary numbering system for the identification of audiovisual works. The International Standard Music Work Code (ISWC) is a unique identifier for musical works that are registered. They do not incorporate information about the works region, creator or publisher rather they are simply issued in sequence when registered. It identifies works not recordings.

To identify recordings the International Standard Recording Code (ISRC) is an international standard code for uniquely identifying sound recordings and music video recordings. An ISRC code identifies a particular recording, not the work (composition and lyrical content) itself. Therefore, different recordings, edits, and remixes of the same work should each have their own ISRC code.

Useful links:

International Standard Audiovisual Number - [www.isan.org.uk](http://www.isan.org.uk)  
International Standard Music Work Code - [www.iswc.org](http://www.iswc.org)  
International Standard Recording Code - [www.usisrc.org](http://www.usisrc.org)

**Check the databases of all the relevant collecting societies** – (as a creator might only be registered with one):

- PRS for Music (including Mechanical Copyright Protection Society)
- PPL
- Video Performance Limited (VPL)

These may hold information regarding the relevant right holder. In particular they could have information on the reproduction rights within a work.

PRS for Music is a society of songwriters, composers and music publishers. They license the use of members' musical compositions and lyrics when they are played in public, broadcast on radio or TV, used on the internet or copied onto physical products such as CDs or DVDs. PPL licenses the use of recorded music where played in public, broadcast on radio or TV, or used on the internet, on behalf of record companies and performers. The PRS website includes a section on orphan works and the information they require to check their database of musical works.

VPL is PPL's sister company and specifically deals with the licensing of music videos when they are played in public or broadcast on TV. Although technically a separate company, VPL operates under the same management as PPL and applicants will need to contact PPL

Useful links:

PRS for Music - [www.prsformusic.com](http://www.prsformusic.com)

PRS orphan works requests - [www.prsformusic.com/aboutus/essentialinfo](http://www.prsformusic.com/aboutus/essentialinfo)

PPL - [www.ppluk.com/lgc.org.uk](http://www.ppluk.com/lgc.org.uk)

**Credits and other information appearing within the work** – This might provide clues to the name or location of the right holder. Published works should contain information on the creator, date of publication and the publisher this would be on the cover if available.

If the work contains the publisher's business address, applicants will need to be aware that the details might have changed or the publisher might have gone out of business. If this is the case refer to the Firms out of Business (FOB) database which may tell you if the business was bought by anyone else. Companies House will also hold information on companies trading or no longer trading.

There might also be information on the date of publication to assist in establishing the date of first publication and may include details of subsequent issues and revisions.

For multi-author works such as collaboration then there will probably be acknowledgments or permissions which will give details of a creator or publisher.

There may be information in the sound recording that will allow an applicant to narrow the search.

Useful links:

Firms out of Business database - [www.norman.hrc.utexas.edu/watch/fob.cfm](http://www.norman.hrc.utexas.edu/watch/fob.cfm)

Companies House - [www.companieshouse.gov.uk](http://www.companieshouse.gov.uk)

PRS orphan works requests - [www.prsformusic.com/aboutus/](http://www.prsformusic.com/aboutus/)



**Check databases of representative groups** – If an applicant knows the name of the author these organisations might hold relevant contact details:

- Association of Independent Music,
- Association of Professional Recording Services,
- The British Academy of Songwriters, Composers and Authors,
- English Folk and Dance Song Society,
- Equity,
- International Music Managers Forum,
- Jazz services,
- Musicians Union,
- The Music Publishers Association,
- UK Music.

Useful links:

Association of Independent Music - [www.musicindie.com](http://www.musicindie.com)  
 Association of Professional Recording Services - [www.aprs.co.uk](http://www.aprs.co.uk)  
 The British Academy of Songwriters, Composers and Authors - [www.basca.org.uk](http://www.basca.org.uk)  
 English Folk and Dance Song Society - [www.efdss.org](http://www.efdss.org)  
 Equity - [www.equity.org.uk](http://www.equity.org.uk)  
 International Music Managers Forum - [www.immf.com](http://www.immf.com)  
 Jazz services - [www.jazzservices.org.uk](http://www.jazzservices.org.uk)  
 Musicians Union - [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)  
 The Music Publishers Association - [www.mpaonline.org.uk](http://www.mpaonline.org.uk)  
 UK Music - [www.ukmusic.org](http://www.ukmusic.org)

## Additional Sources

An applicant will also need to consider which of the following suggested sources are most appropriate when conducting a diligent search as not all of these will be relevant to all types of work. It is important to note that this is not an exhaustive list and if applicants are aware of other sources that will contain information on a right holder then they need to consult them.

**The provenance of a work (i.e. where the work was found)** – This could provide valuable information on any right holder. Orphan works can be found anywhere and applicants should consider where the work is held or where it was found. For example if the work is held by a museum/library/website then information or records on the right holder and any permissions might be known by these organisations, although this is not always the case, especially if the works were donated by a person who was not the right holder.

If the work is in a private collection the archivist might hold records relating to the right holder. Orphan works can also be found in people's homes unearthed from a forgotten dusty box in the attic.

Applicants will need to consider what they know about where the work came from originally and where it was found. This can help to narrow down the search for the right holder or provide vital information on where to search.

**General internet searching** – A general web search is useful tool and especially at the beginning of a search but also when new information is discovered. The creator might have a website or web page or there might be other information that will provide a lead. Searching for the creators name with “music or film agent” can also produce results.

Applicants need to take care when using search engines and the terms that are used as they can produce different results. For example, it is not sufficient to just search the right holder name, search terms such as “wife”, “son”, or “daughter” may be helpful in generating family contact detail of the identified author. It is advised that multiple pages of results from a search engine are viewed.

The following websites could prove useful however applicants will need to search multiple sources to verify that the information is accurate.

- Google
- Bing
- Wikipedia
- People search sites such as [www.192.com](http://www.192.com) or [www.usidentify.com](http://www.usidentify.com)

**Check WATCH (Writers, Artists and their Copyright Holders)** - This is a database of copyright contacts for writers, artists, and prominent figures in other creative fields. This might provide contact details for the creator or agents. The WATCH database will not always contain pseudonyms or variant forms of names.

Useful links:

[www.norman.hrc.utexas.edu/watch/index.cfm](http://www.norman.hrc.utexas.edu/watch/index.cfm)

**Check databases with relevant standards and identifiers** – The International Standard Music Number (ISMN) is a unique number for the identification of all notated music publications (sheet music). The Music Publishers Association is the approved issuer of numbers in the UK and Ireland.

Useful links:

International Standard Music Number - [www.ismn-international.org](http://www.ismn-international.org)

**Advertising for possible right holder** - This could bring attention to the works to identify right holder, for example, adverts in newspapers or relevant media such as radio stations for particular community groups.

**Copyright Hub** – This is a creative industries led project that seeks to be a central source of information about rights ownership with connections to a wide range of websites, digital copyright exchanges and databases in the UK and around the world and will facilitate licensing for consumers and businesses to purchase.

Useful links:

Copyright Hub - [www.copyrighthub.co.uk](http://www.copyrighthub.co.uk)

**Online databases and catalogues** – Information on published works could be available for works that are for sale on online databases and catalogues such as Amazon, Google Play and Apple itunes. This will include information on the author and dates of publication. However, it is worth noting that sometimes publication dates are not accurate so it is suggested that multiple sources are used to verify the information.

Useful links:

Amazon - [www.amazon.co.uk](http://www.amazon.co.uk)

Google Play - [www.play.google.com/store/music](http://www.play.google.com/store/music)

Apple itunes - [www.apple.com/uk/itunes/](http://www.apple.com/uk/itunes/)

## Trace heirs to an estate

**If a creator is known or believed to be dead, the following sources can help to trace the heirs to the estate, as well as the date of death if this is not known.**

**Digitised newspaper archives** – These may contain a death notice and or obituary. A growing number of websites provide access to digitised newspapers.

The “Times” and the “Guardian” have online archives. Subscription access only, but short-term subscriptions are available. The “London Gazette”, freely accessible online, carries some probate notices with the deceased’s full address and date of death.

Some libraries have newspaper collections. Regional newspaper collections are held in:

- British Library Newspapers – the main British copyright collection
- The National Library of Wales
- National Library of Scotland
- Belfast Central Library
- National Library of Ireland

Search the ARCHON Directory to find other libraries and local archives that hold newspaper collections.

Useful links:

ARCHON Directory - [www.nationalarchives.gov.uk/archon/default.htm](http://www.nationalarchives.gov.uk/archon/default.htm)

The Gazette - [www.thegazette.co.uk/wills-and-probate](http://www.thegazette.co.uk/wills-and-probate) , [www.thegazette.co.uk](http://www.thegazette.co.uk)

Online Newspaper archives - [www.en.wikipedia.org/wiki/Wikipedia:List\\_of\\_online\\_newspaper\\_archives](http://www.en.wikipedia.org/wiki/Wikipedia:List_of_online_newspaper_archives)

**Genealogy sites** – that contain records of births, marriages and deaths can help in finding people's history and tracing family members who could hold the copyright for the work.

Useful links:

National Archives - [www.nationalarchives.gov.uk/records/looking-for-person](http://www.nationalarchives.gov.uk/records/looking-for-person)

Ancestry - [www.ancestry.co.uk](http://www.ancestry.co.uk)

**Searching for wills** – The Postal Searches and Copies Department of the Probate Service will search for a will and could provide copies. There is a fee for this service. Applicants will need the correct full name of the deceased person and the year from which the search is to begin; normally the year of death. It is often possible to discover the exact date from death notices, etc. gov.uk now provides an online service to find a will or probate for people who died before 1858. There is also a fee for this service.

The National Probate Calendar, which indexes wills and administrations for each year since 1858, contains details of the deceased person's last address, full name, date and place of death and the date and place of grant of probate or administration.

The years up until 1966 can now be viewed online on the website [ancestry.co.uk](http://ancestry.co.uk). This is a 'premium' source, so a subscription is required.

The full Calendar is available to view in London at court 38 in the Royal Courts of Justice between 9am and 1pm and 2pm and 4pm. However, the indexes for the last 50 years may be viewed at the District Probate Registries.

A search on the National Archives' online catalogue "Discovery" and related databases can assist for wills between 1384 and 12 January 1858.

## Useful links:

Ministry of Justice (Wills, probate and inheritance) - [www.gov.uk/wills-probate-inheritance/searching-for-probate-records](http://www.gov.uk/wills-probate-inheritance/searching-for-probate-records)

Find a will or probate - [www.gov.uk/search-will-probate](http://www.gov.uk/search-will-probate)

Form PA1S - [hmctsformfinder.justice.gov.uk/courtfinder/forms/pa001s-eng.pdf](http://hmctsformfinder.justice.gov.uk/courtfinder/forms/pa001s-eng.pdf)

Court and Tribunal Finder - [courttribunalfinder.service.gov.uk/areas-of-law/probate](http://courttribunalfinder.service.gov.uk/areas-of-law/probate)

England & Wales, National Probate Calendar 1858-1966 - [search.ancestry.co.uk/search/db.aspx?dbid=1904](http://search.ancestry.co.uk/search/db.aspx?dbid=1904)

Ancestor-search.info - [www.ancestor-search.info/NAT-Probate.htm](http://www.ancestor-search.info/NAT-Probate.htm)

National Archives (Wills 1384-1858) - [www.nationalarchives.gov.uk/records/wills.htm](http://www.nationalarchives.gov.uk/records/wills.htm)

**Search archives** – The National Archives is the official archive and publisher for the UK government, and for England and Wales. It has a collection of over 11 million historical government and public records. A search on the “Access to Archives” database can find out whether the creators work or any related papers have been deposited in a UK archive. An applicant should contact the archivists to find out if they know whom to contact about the copyright. Other databases that may be useful are AIM25 (for archives within Greater London) and Archives Hub they contain descriptions of any still visual art.

## Useful links:

Access to Archives - [www.nationalarchives.gov.uk/a2a/](http://www.nationalarchives.gov.uk/a2a/)

AIM25 - [www.aim25.ac.uk](http://www.aim25.ac.uk)

Archives Hub - [archiveshub.ac.uk](http://archiveshub.ac.uk)

**Treasury Solicitors Department (Bona Vacantia Division)** – An applicant would search here in respect of bona vacantia which is the name given to ownerless property, which by law passes to the Crown. The Treasury Solicitors act for the Crown to administer the disposal of assets of people who die intestate (without a will) and without known kin (entitled blood relatives) and collect the assets of dissolved companies and other various ownerless goods in England and Wales.

## Useful links:

Treasury Solicitors - [www.gov.uk/government/organisations/bona-vacantia](http://www.gov.uk/government/organisations/bona-vacantia)

## Other Sound Recordings – (oral history and natural science)

### Relevant Sources

Applicants will need to consult with the appropriate relevant sources for music and the following relevant sources for other sound recordings listed below.

**Check the Producers' Associations** – For published works Producers' Associations might hold information on the right holder or might even hold the rights themselves. For sound recordings information might be found with:

- PACT, FOCAL. Focal provide a free service to locate footage and content which sends information on a work to over 140 libraries.

Useful links:

PACT - [www.pact.co.uk](http://www.pact.co.uk)

FOCAL - [www.focalint.org](http://www.focalint.org)

[www.focalint.org/footage-and-content-gallery/footage-and-content-finder](http://www.focalint.org/footage-and-content-gallery/footage-and-content-finder)

**Check representative groups** – If an applicant knows the name of the creator these organisations might hold relevant contact details:

- Oral History Society,
- Oral History Association,
- International Oral History Association.

Useful links:

Oral History Society - [www.ohs.org.uk](http://www.ohs.org.uk)

Oral History Association - [www.oralhistory.org](http://www.oralhistory.org)

International Oral History Association - [www.iohanet.org](http://www.iohanet.org)

### Additional Sources

An applicant will also need to consider which of the following suggested sources are most appropriate when conducting a diligent search as not all of these will be relevant to all types of work. It is important to note that this is not an exhaustive list and if applicants are aware of other sources that will contain information on a right holder then they need to consult them.

**The provenance of a work (i.e. where the work was found)** – This could provide valuable information on any right holder. Orphan works can be found anywhere and applicants should consider where the work is held or where it was found.

**General internet searching** – A general web search is useful tool and especially at the beginning of a search but also when new information is discovered.

**Check WATCH (Writers, Artists and their Copyright Holders)** - This is a database of copyright contacts for writers, artists, and prominent figures in other creative fields.

**Advertising for possible right holder** - This could bring attention to the works to identify right holder, for example, adverts in newspapers or relevant media such as radio stations for particular community groups.

**Copyright Hub** – This is a creative industries led project that seeks to be a central source of information about rights ownership with connections to a wide range of websites, digital copyright exchanges and databases in the UK and around the world and will facilitate licensing for consumers and businesses to purchase.

Useful links:

Copyright Hub - [www.copyrighthub.co.uk](http://www.copyrighthub.co.uk)

**Online databases and catalogues** – Information on published works could be available for works that are for sale on online databases and catalogues such as Amazon, Google Play and Apple itunes. This will include information on the author and dates of publication. However, it is worth noting that sometimes publication dates are not accurate so it is suggested that multiple sources are used to verify the information.

Useful links:

Amazon - [www.amazon.co.uk/](http://www.amazon.co.uk/)

Google Play - [www.play.google.com/store/music](http://www.play.google.com/store/music)

Apple iTunes - [www.apple.com/uk/itunes/](http://www.apple.com/uk/itunes/)

**If a creator is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**



## 5. Appropriate Sources for Films:

For films applicants are advised to first search for right holder with the licensing body at the production company level such as a studio sales agent, distributor broadcaster or producer. If there is no trace of the right holder then applicants should try to identify the film author (producer and director).

### Production Company Level

#### Relevant Sources

**Orphan work registers** – If the work is on the UK orphan works' register a diligent search would already have been completed and may still be valid. Applicants should also check the orphan works' database maintained by the Office for Harmonisation in the Internal Market (OHIM) for orphan works identified under the EU Directive. An EU Directive diligent search can be relied upon for the purpose of an application under the UK licensing scheme, if the search was for the relevant right holder and relevant rights within the work (i.e. digitise the work and make it available online).

**The Producers' Associations** – These are organisations that represent and promote the interests of creative content producers. The following organisations might hold relevant information.

- British Film Producers Association,
- PACT,
- Federation of Commercial Audiovisual Libraries (FOCAL). Focal provide a free service to locate footage and content which sends information on a work to over 140 libraries.

Useful links:

PACT - [www.pact.co.uk](http://www.pact.co.uk)

FOCAL - [www.focalint.org](http://www.focalint.org)

FOCAL footage finder - [www.focalint.org/footage-and-content-gallery/footage](http://www.focalint.org/footage-and-content-gallery/footage)

Check databases of film or audio heritage institutions and national libraries – These databases might hold relevant information on the right holder.

- British Film Institute,
- British Universities Film and Video Council,
- British Library,
- National Library of Scotland,
- National Library of Wales.

Applicants may also want to consult with other databases that list films to try and locate right holders.

Useful links:

BFI - [www.bfi.org.uk](http://www.bfi.org.uk)  
 British Universities Film and Video Council - [www.bufvc.ac.uk](http://www.bufvc.ac.uk)  
 British Library - [www.bl.uk](http://www.bl.uk)  
 National Library of Scotland - [www.nls.uk](http://www.nls.uk)  
 National Library of Wales - [www.llgc.org.uk](http://www.llgc.org.uk)

**Check databases with relevant standards and identifiers** – The International Standard Audiovisual Number (ISAN) is a voluntary numbering system for the identification of audiovisual works. It provides a unique, internationally recognised and permanent reference number for each audiovisual work registered in the ISAN system.

Useful links:

International Standard Audiovisual Number - [www.isan.org.uk](http://www.isan.org.uk)

**Check the databases of all the relevant collecting societies** – (as an author might only be registered with one).

- BECS,
- Directors UK,
- Motion Picture Licensing Company,
- Video Performance Limited (VPL).

These may hold information regarding the relevant right holder. In particular they could have information on the reproduction rights within a work.

VPL is Phonographic Performance Limited (PPL) sister company and specifically deals with the licensing of music videos when they are played in public or broadcast on TV. Although technically a separate company, VPL operates under the same management as PPL and applicants will need to contact PPL.

Useful links:

BECS - [www.equitycollecting.org.uk](http://www.equitycollecting.org.uk)  
 Directors UK - [www.directors.uk.com](http://www.directors.uk.com)  
 Motion Picture Licensing Company - [www.themplc.co.uk](http://www.themplc.co.uk)  
 Video Performance Limited - [www.ppluk.com](http://www.ppluk.com)

**Credits and other information appearing within the work** - This might provide clues to the name or location of the right holder. Published works should contain information on the licensing body this would be in the work itself. Applicants should look for studio, distributor or a production company that is named within the work. If the film is a documentary, applicants should check whether it was financed by a known company or a charitable organisation.

If the work contains the publisher's business address, applicants will need to be aware that the details might have changed or the publisher might have gone out of business. If this is the case refer to the Firms out of Business (FOB) database which may tell you if the business was bought by anyone else. Companies House will also hold information on companies trading or no longer trading.

Films contain a number of different rights held by different people including the Director, Producer, Actors and Composers. There may be acknowledgments or permissions within the credits of the work which will give details of these right holders.

There might also be information on the date of publication to assist in establishing the date of first publication and may include details of subsequent issues and revisions.

**Check with the actor associations and trade associations** – They might hold information related to the right holder.

- Equity,
- Actors Guild,
- Screen Actors Guild.

Useful links:

Equity - [www.equity.org.uk](http://www.equity.org.uk)

Actors Guild - [www.actorsguild.co.uk](http://www.actorsguild.co.uk)

Screen Actors Guild - [www.sagaftra.org](http://www.sagaftra.org)

### Additional Sources

An applicant will also need to consider which of the following suggested sources are most appropriate when conducting a diligent search as not all of these will be relevant to all types of work. It is important to note that this is not an exhaustive list and if applicants are aware of other sources that will contain information on a right holder then they need to consult them.

**The provenance of a work (i.e. where the work was found)** – This could provide valuable information on any right holder. Orphan works can be found anywhere and applicants should consider where the work is held or where it was found. For example, if the work is held by a museum/library/archive/website then information or records on the right holder and any permissions might be known by these organisations, although this is not always the case, especially if the works were donated and the person was not the right holder.

If the work is in a private collection the archivist might hold records relating to the right holder. Orphan works can also be found in people's homes unearthed from a forgotten dusty box in the attic.

Applicants will need to consider what they know about where the work came from originally and where it was found. This can help to narrow down the search for the right holder or provide vital information on where to search.

**General internet searching** – A general web search is useful tool and especially at the beginning of a search but also when new information is discovered. The creator might have a website or web page or there might be other information that will provide a lead. Searching for the creators name with “film” or “film agent” can also produce results.

Applicants need to take care when using search engines and the terms that are used as they can produce different results. For example, it is not sufficient to just search the right holder name, search terms such as “wife”, “son”, or “daughter” may be helpful in generating family contact detail of the identified author. It is advised that multiple pages of results from a search engine are viewed.

The following websites could prove useful however applicants will need to search multiple sources to verify that the information is accurate.

- Google
- Bing
- Wikipedia
- IMDb
- People search sites such as [www.192.com](http://www.192.com) or [www.usidentify.com](http://www.usidentify.com)

**Check WATCH (Writers, Artists and their Copyright Holders)** - This is a database of copyright contacts for writers, artists, and prominent figures in other creative fields. This might provide contact details for the creator or agents. The WATCH database will not always contain pseudonyms or variant forms of names.

**Charity Commission** – Will hold information on charities this is useful if they have financed a film or documentary. If the charity is shown to be dissolved on Charity Commission's site applicants should attempt to trace who acquired assets after liquidation.

Useful links:

Charity Commission - [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

**Check databases with relevant standards and identifiers** - The Entertainment Identifier Registry (EIDR) is a universal unique identifier system for movie and television assets.

Useful links:

Entertainment Identifier Registry - [www.eidr.org](http://www.eidr.org)

**Copyright Hub** – This is a creative industries led project and seeks to be a central source of information about rights ownership with connections to a wide range of websites, digital copyright exchanges and databases in the UK and around the world and will facilitate licensing for consumers and businesses to purchase.

Useful links:

Copyright Hub - [www.copyrighthub.co.uk](http://www.copyrighthub.co.uk)

**Halliwell's Film Guide** – is a reference book for films that includes information on right holder.

**If a creator is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**

**If there is no traceable company, applicants are advised to move on to tracing the film authors – producer and director.**

### Film Author Level (producer and director)

**Credits and other information appearing within the work** – This might provide clues to the name or location of the right holder. The work might contain the name of the creator, publisher and when the work was published.

Applicants should look for any producer and/or director that are named within the work. If the film is a documentary, applicants should check whether it was financed by a known company or a charitable organisation.

Films contain a number of different rights held by different people including the Director, Producer, Actors and Composers. There may be acknowledgments or permissions within the credits of the work which will give details of these right holders.

**The provenance of a work (i.e. where the work was found)** – This could provide valuable information on any right holder. Orphan works can be found anywhere and applicants should consider where the work is held or where it was found.

**General internet searching** – A general web search is useful tool and especially at the beginning of a search but also when new information is discovered.

**Check WATCH (Writers, Artists and their Copyright Holders)** – This is a database of copyright contacts for writers, artists, and prominent figures in other creative fields.

**Contact relevant guild or union** – These following organisations might hold a record of membership for the right holder:

- Directors Guild,
- The Broadcasting, Entertainment, Cinematograph Theatre Union (BECTU),
- UNITE.

Applicants will need to consider if there is evidence that this person made a career in a different role on other productions. If so, applicants can try other relevant guilds or unions, for example, if they've ever had any acting roles, contact Equity; if they've ever written scripts try the Writers Guild.

Useful links:

Directors Guild - [www.dggb.org](http://www.dggb.org)  
 BECTU - [www.bectu.org.uk](http://www.bectu.org.uk)  
 UNITE - [www.unitetheunion.org](http://www.unitetheunion.org)

**Check with Agents** - Many talent agencies list their clients on their websites. There are talent agencies that cover various roles, including directors, not just actors, writers or musicians.

**Check with the British Academy of Film and Television Arts (BAFTA)** –The right holder might be a member or known to the organisation.

Useful links:

BAFTA - [www.bafta.org](http://www.bafta.org)

**Copyright Hub** – This is a creative industries led project and seeks to be a central source of information about rights ownership with connections to a wide range of websites, digital copyright exchanges and databases in the UK and around the world and will facilitate licensing for consumers and businesses to purchase.

Useful links:

Copyright Hub - [www.copyrighthub.co.uk](http://www.copyrighthub.co.uk)

**If a creator is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**

## Useful websites

- Arts Council of Great Britain - [www.artscouncil.org.uk](http://www.artscouncil.org.uk)
- Assistant Directors Association – [www.adauk.org](http://www.adauk.org)
- The British Copyright Council - [www.britishcopyright.org](http://www.britishcopyright.org)
- British Council Films Department - [www.britishcouncil.org](http://www.britishcouncil.org)
- Educational Recording Agency - [www.era.org.uk](http://www.era.org.uk)
- Film Export UK - [www.filmexportuk.com](http://www.filmexportuk.com)
- FOCAL International – [www.focalint.org](http://www.focalint.org)
- GreeningFilm - [www.greeningfilm.com](http://www.greeningfilm.com)
- Greenshoot - [www.greenshoot.com](http://www.greenshoot.com)
- KFTV Formerly Kemps [www.kftv.com](http://www.kftv.com) the international website for filming overseas [www.kftv.com](http://www.kftv.com)
- The Knowledge - [www.theknowledgeonline.com](http://www.theknowledgeonline.com) the production directory for UK company and freelance contacts
- Women in Film and Television [www.wftv.org.uk](http://www.wftv.org.uk)

## National and Regional Screen Agencies

- Creative England provides dedicated support to Film, Television, Games and Digital & Creative Services in the English regions outside London [www.creativeengland.co.uk](http://www.creativeengland.co.uk)
- Film London – [www.filmlondon.org.uk](http://www.filmlondon.org.uk)
- Scottish Documentary Institute - [www.scottishdocinstitute.com](http://www.scottishdocinstitute.com)



## 6. Sources for stage plays, radio plays and audio books

For stage, radio plays and audio books there will be a right holder for the written work such as the script but also within the performance if this has been recorded in a fixation such as a video tape or CD. This section provides advice in finding the right holder for the performance.

To locate the right holder for the written works, such as a script, applicants will need to refer to the guidance on literary works for advice.

### Stage Plays

Applicants will initially need to consult with the relevant sources for films as well as considering the additional sources below.

**Credits and other information appearing within the work** - This might provide clues to the name or location of the right holder. The work might contain the name of the actors, producer or publisher.

**Credits and other information appearing in any programmes from productions of the play.**

**The provenance of a work (i.e. where the work was found)** - This could provide valuable information on any right holder. Orphan works can be found anywhere and applicants should consider where the work is held or where it was found.

**General internet searching** - A general web search is useful tool and especially at the beginning of a search but also when new information is discovered.

**Agents** - Agents representing actors and writers have a separate trade association the Personal Managers' Association (PMA). Also the Association of Talent Agents is a useful source.

Useful links:

Personal Managers' Association - [www.thepma.com](http://www.thepma.com)

Association of Talent Agents - [www.agentassociation.com](http://www.agentassociation.com)

**Check with the actor associations and trade associations** – They might hold information related to the right holder.

- Equity,
- Actors Guild,
- Screen Actors Guild.

## Useful links:

Equity - [www.equity.org.uk](http://www.equity.org.uk)  
 Actors Guild - [www.actorsguild.co.uk](http://www.actorsguild.co.uk)  
 Screen Actors Guild - [www.sagaftra.org](http://www.sagaftra.org)

**Check with Publishers** - If a play is published some rights may be with the publisher. A few suggested publishers for dramatists are:

- Samuel French,
- Nick Hern Books,
- Oberon Books.

## Useful links:

Samuel French - [www.samuelfrench-london.co.uk](http://www.samuelfrench-london.co.uk)  
 Nick Hern - [www.nickhernbooks.co.uk](http://www.nickhernbooks.co.uk)  
 Oberon Books - [www.oberonbooks.com](http://www.oberonbooks.com)

**Check WATCH (Writers, Artists and their Copyright Holders)** - This is a database of copyright contacts for writers, artists, and prominent figures in other creative fields.

Applicants should consider any other sources listed in this guidance that would be relevant for the work.

**If a performer is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**

## Radio plays

Many radio plays are produced and broadcast by the BBC so they would hold information relating to the performers. However, some plays are produced independently. If it is known which regional BBC office produced a given radio play, they can be contacted via the BBC website. Alternatively, contact them via post at Radio Rights Department, New Broadcasting House, London W1A 1AA.

Applicants will initially need to consult with the relevant sources for other sound recordings and should then consider the following additional sources.

### Credits and other information appearing within the work

### The provenance of a work (i.e. where the work was found)

### General internet searching

**The Radio Independents Group** – is a trade body that represents the interests of the independent radio producers of the UK.

Useful links:

The Radio Independents Group - [www.radioindies.org](http://www.radioindies.org)

Applicants should consider any other sources listed in this guidance that would be relevant for the work.

**If a performer is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**

## Audio Books

Applicants will initially need to consult with the relevant sources for other sound recordings and then consider the following additional sources.

### Credits and other information appearing within the work (or its packaging)

#### The provenance of a work (i.e. where the work was found)

#### General internet searching

Applicants should then attempt to contact the following people to locate the relevant rightholders.

- **The author and/or agent of the book** - They may know whether these rights are still with the producer or have reverted.
- **The adaptor of the book for audio** - They may have rights in any adaptation or abridgement.
- **The producer**, who has rights in the production.
- **The actor/reader in the work**. Generally, the actor/reader assigns the rights in their performance to the producer, but this should be verified with the actor/reader and their agent.

Other useful information:

**Publishers** – The Publishers Association has an Audio Publishers Group.

**Identifiers** – The work should contain an ISBN number this will be different from any print or digital edition. This will provide details of the publisher.

**If a performer is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**

## 7. Appropriate Sources for unpublished films and sound recordings:

In the case of unpublished works it is likely that little is known of the creator. If the work is by a known published creator, or by a well known figure, then applicants will need to refer the sources in section 4, 5 and 6 depending on the type of work.

For unpublished works where little is known of the creator applicants will need to consider the information available to them within the work to judge which of the relevant and additional sources would be most appropriate. If it is known that the creator has died the best chance of finding the right holder could be to trace any living relatives. See section 4 for information about using genealogical sources on the web.

Where the creator is deceased it might be necessary to consult the creator's will to find out who has inherited their copyright. In cases where the creator has made a will and there is no specific bequest of copyrights owned by the creator or of documents, recordings or other objects containing unpublished works in which the creator owned the copyright, the rights will have passed to the residuary legatee.

Applicants will need to consider if the sources suggested in this guidance are relevant for the unpublished work and refer to previous sections for more detail. Applicants should also consider the following sources.

### **Check orphan work registers**

**Credits and other information appearing within the work** - This might provide clues to the name or location of the right holder.

**The provenance of a work (i.e. where the work was found)** – This could provide valuable information on any right holder, especially for unpublished works.

**General internet searching** – A general web search is useful tool and especially at the beginning of a search but also when new information is discovered.

**PRS for Music** - They hold some limited information on unpublished sound recordings.

**If a creator is known or believed to be dead, applicants should consult with the sources in section 4 that can help to trace the heirs to the estate, as well as the date of death if this is not known.**

## 8. Appropriate sources for film and sound recordings under the EU Directive

The Copyright and Rights in Performances (Certain Permitted Uses of Orphan Works) Regulations 2014<sup>4</sup> implemented the EU Directive into UK Law. The Regulations set out the minimum appropriate sources that need to be consulted, for those organisations that qualify for its use, when completing a diligent search.

The appropriate sources for film and sound recordings are listed below. Under 5 (4) of the Regulations the IPO can issue guidance on sources to consult. It is suggested that those who wish to use works under the Directive also consider the other sources listed in this guidance and determine if they are relevant to complete a diligent search for the work.

- For audiovisual works and phonograms:
  - a. legal deposit;
  - b. the producers' associations in the respective country;
  - c. databases of film or audio heritage institutions and national libraries;
  - d. databases with relevant standards and identifiers such as ISAN (International Standard Audiovisual Number) for audiovisual material, ISWC (International Standard Music Work Code) for musical works and ISRC (International Standard Recording Code) for phonograms;
  - e. the databases of the relevant collecting societies, in particular for authors, performers, phonogram producers and audiovisual producers;
  - f. credits and other information appearing on the work's packaging;
  - g. (g) databases of other relevant associations representing a specific category of rightholders.
- For unpublished works:
  - a. Those sources listed above which are appropriate to the relevant work.

## 9. Diligent searches for right holders outside the UK

Where there is evidence to suggest that the right holder may be outside the UK an applicant will need to conduct a diligent search in sources relevant to that country. In these cases, the requirements for a diligent search would be just the same as a right holder within the UK in terms of the need to be able to demonstrate diligence.

Some of the sources listed in the guidance are international in their scope such as ISAN (International Standard Audiovisual Number) for audiovisual material, ISWC (International Standard Music Work Code) for musical works and ISRC (International Standard Recording Code) for sound recordings. However, to complete a diligent search effectively an applicant will need consult the corresponding sources listed in this guidance in that country such as collecting societies and authors associations. Below are some suggested international organisations that could hold relevant information.

- The International Association of Wildlife Filmmakers - This website contains a list of members with contact details.  
[www.iawf.org.uk](http://www.iawf.org.uk)
- International Federation of Film Societies - This website contains a list of members with contact details.  
[www.ficc.info/](http://www.ficc.info/)
- The International Federation of Film Archives - This website contains a directory contains the names of affiliates institutions.  
[www.fiafnet.org/uk/](http://www.fiafnet.org/uk/)
- The International Federation of Television Archives - This website contains a directory of most of the archives of the major broadcasters.  
[www.fiatifta.org](http://www.fiatifta.org)

### **International Organisations**

- **ADG** - Australian Directors Guild  
[www.adg.org.au](http://www.adg.org.au)
- **CISAC** - The International Confederation of Societies of Authors and Composers  
[www.cisac.org](http://www.cisac.org)
- **ICMP** – International Music Publishers Association  
[www.icmp-ciem.org](http://www.icmp-ciem.org)
- Directors Guild of America  
[www.dga.org](http://www.dga.org)
- Directors Guild of Canada  
[www.dgc.ca](http://www.dgc.ca)
- Screen Directors Guild of Ireland  
[www.sdgi.ie](http://www.sdgi.ie)
- Directors and Editors Guild New Zealand  
[www.degnz.co.nz](http://www.degnz.co.nz)

### **European Organisations**

- Author Societies - dedicated to explaining the value of authors' societies across Europe  
[www.authorsocieties.eu](http://www.authorsocieties.eu)
- Federation of European Film Directors  
[www.filmdirectors.eu](http://www.filmdirectors.eu)
- Society of Audiovisual Authors  
[www.saa-authors.eu](http://www.saa-authors.eu)



## 10. Useful Contacts

### PACT

3rd Floor Fitzrovia House  
153-157 Cleveland St  
London  
W1T 6QW  
Tel: 020 7380 8230  
Fax: 020 7504 8212

[www.pact.co.uk/home/](http://www.pact.co.uk/home/)

### Music Producers Guild

General enquires  
[communications@mpg.org.uk](mailto:communications@mpg.org.uk)

### BPI (British Recorded Music Industry)

Riverside Building  
County Hall  
Westminster Bridge Road  
London SE1 7JA  
T: +44 (0)20 7803 1300  
F: +44 (0)20 7803 1310  
E: [general@bpi.co.uk](mailto:general@bpi.co.uk)  
[www.bpi.co.uk/default.aspx](http://www.bpi.co.uk/default.aspx)

### Music Industries Association

Bailey House,  
4-10 Barttelot Road, Horsham,  
West Sussex RH12 1DQ  
Tel: 01403 800500  
Fax: 01403 260746

### Focal International Limited

79 College Road  
Harrow  
Middlesex HA1 1BD  
Tel: 020 3178 3535  
Fax: 020 3178 3533  
Email: [info@focalint.org](mailto:info@focalint.org)

### British Film Institute

21 Stephen Street  
London W1T 1LN  
Tel: 020 7255 1444

### The British Library

96 Euston Road  
London  
NW1 2DB  
Tel: 01937 546060  
[www.bl.uk](http://www.bl.uk)

### National Library of Scotland

George IV Bridge  
Edinburgh  
EH1 1EW  
Scotland, UK  
Tel: 0131 623 3700  
Fax: 0131 623 3701

### The National Library of Wales

Aberystwyth,  
Ceredigion SY23 3BU  
Tel: 01970 632 800  
Fax: 01970 615 709

### ISAN UK Ltd

c/o Pact  
3rd Floor Fitzrovia House  
153-157 Cleveland Street  
London, W1T 6QW

### CISAC - International Confederation of Societies of Authors and Composers

20 / 26, bd du Parc  
92200 Neuilly sur Seine  
FRANCE  
Tel : +33 1 55 62 08 50  
Fax : +33 1 55 62 08 60  
e-mail : [info@iswc.org](mailto:info@iswc.org)

### US ISRC Agency

RIAA  
1025 F Street, NW, 10th Floor  
Washington DC, 20004  
Attn: US ISRC Agency Representative  
Email: [ISRC@riaa.com](mailto:ISRC@riaa.com)  
Tel: 202.857.9626  
Fax: 202.775.7253

**PRS for music**

Two Pancras Square,  
London, N1C 4AG  
Tel: 0203 741 3888  
Fax: 020 7306 4455  
Email: [applications@prsformusic.com](mailto:applications@prsformusic.com)

**PPL**

1 Upper James Street,  
London, W1F 9DE  
Tel: 020 7534 1000

**Musicians' Union,**  
60–62 Clapham Road,  
London SW9 0JJ  
Tel: 020 7582 5566  
email [info@theMU.org](mailto:info@theMU.org)

**English Folk and Dance  
Song Society**

Cecil Sharp House,  
2 Regent's Park Road,  
London, NW1 7AY.  
Tel: 020 7485 2206  
email: [info@efdss.org](mailto:info@efdss.org)

**Music Managers Forum**

Unit 41 Tileyard Studios,  
Tileyard Road, London, N7 9AH  
Tel: 020 7700 5755  
Email: [info@themmf.net](mailto:info@themmf.net)

**General Registry Office**

Certificate Services Section  
General Register Office  
PO Box 2  
SOUTHPORT  
PR8 2JD  
Tel: 0300 123 1837  
[www.gro.gov.uk/gro/content/](http://www.gro.gov.uk/gro/content/)

**Companies House**

Crown Way  
Cardiff CF14 3UZ  
Tel: 0303 1234 500  
[www.companieshouse.gov.uk/index.shtml](http://www.companieshouse.gov.uk/index.shtml)

**National Archives**

Kew,  
Richmond,  
Surrey, TW9 4DU  
Tel: +44 (0) 20 8876 3444  
[www.nationalarchives.gov.uk/](http://www.nationalarchives.gov.uk/)

**Treasury Solicitor's Department**

Bona Vacantia Division (BVD)  
PO Box 70165  
London  
WC1A 9HG  
Tel: 020 7210 4700  
[www.gov.uk/government/organisations/bona-vacantia](http://www.gov.uk/government/organisations/bona-vacantia)

**Entertainment Identifier Registry**

General inquiries: [info@eidr.org](mailto:info@eidr.org)

**British Equity Collecting Society Ltd**

Guild House  
Upper St Martin's Lane,  
London  
WC2H 9EG  
T: 020 7670 0350  
E: [becs@equity.org.uk](mailto:becs@equity.org.uk)

**Motion Pictures Licensing Company  
House,**

4 Saffrons Road, Eastbourne  
East Sussex BN21 1DG  
Tel: 01323 649 647  
email: [ukinfo@mplc.com](mailto:ukinfo@mplc.com)

**Directors Guild Trust & DGGB CIC Ltd**

Studio 24, Royal Victoria Patriotic  
Building  
John Archer Way  
London  
SW18 3SX  
Tel: 020 8871 1660

**The Broadcasting, Entertainment,  
Cinematograph Theatre Union (BECTU)**

373-377 Clapham Road,  
London, SW9 9BT  
Tel: 020 7346 0900  
Fax: 020 7346 0901

Unite, Unite House,  
128 Theobald's Road,  
Holborn, London, WC1X 8TN  
Tel: 020 7611 2500.

British Academy of Film and Television Arts  
195 Piccadilly,  
London W1J 9LN  
Tel: 020 7734 0022  
E-mail: [info@bafta.org](mailto:info@bafta.org)

Music Publishers Association  
Two Pancras Square  
London, N1C 4AG  
Tel: +44 (0)203 741 3800

British Academy of Songwriters,  
Composers and Authors  
Two Pancras Square  
London, N1C 4AG

## 11. Acknowledgments

The guidance has been developed through extensive dialogue with a sector specific group of working professionals with expertise in conducting diligent searches to locate right holders in the film and sound recording sector. The IPO would like to thank the following organisations who contributed to this guidance:

- BBC
- British Film Institute
- British Library
- British Universities Film and Video Council
- Directors UK
- Federation of Commercial Audio Visual Libraries (FOCAL International)
- Imperial War Museum
- Musicians Union
- PRS for Music

# Annex A

## Diligent search checklists

The diligent search checklist for each sector is a table form of this guidance and has been published alongside it as a Word document which can be completed electronically.

[www.gov.uk/government/publications/orphan-works-diligent-search-guidance-for-applicants](http://www.gov.uk/government/publications/orphan-works-diligent-search-guidance-for-applicants)

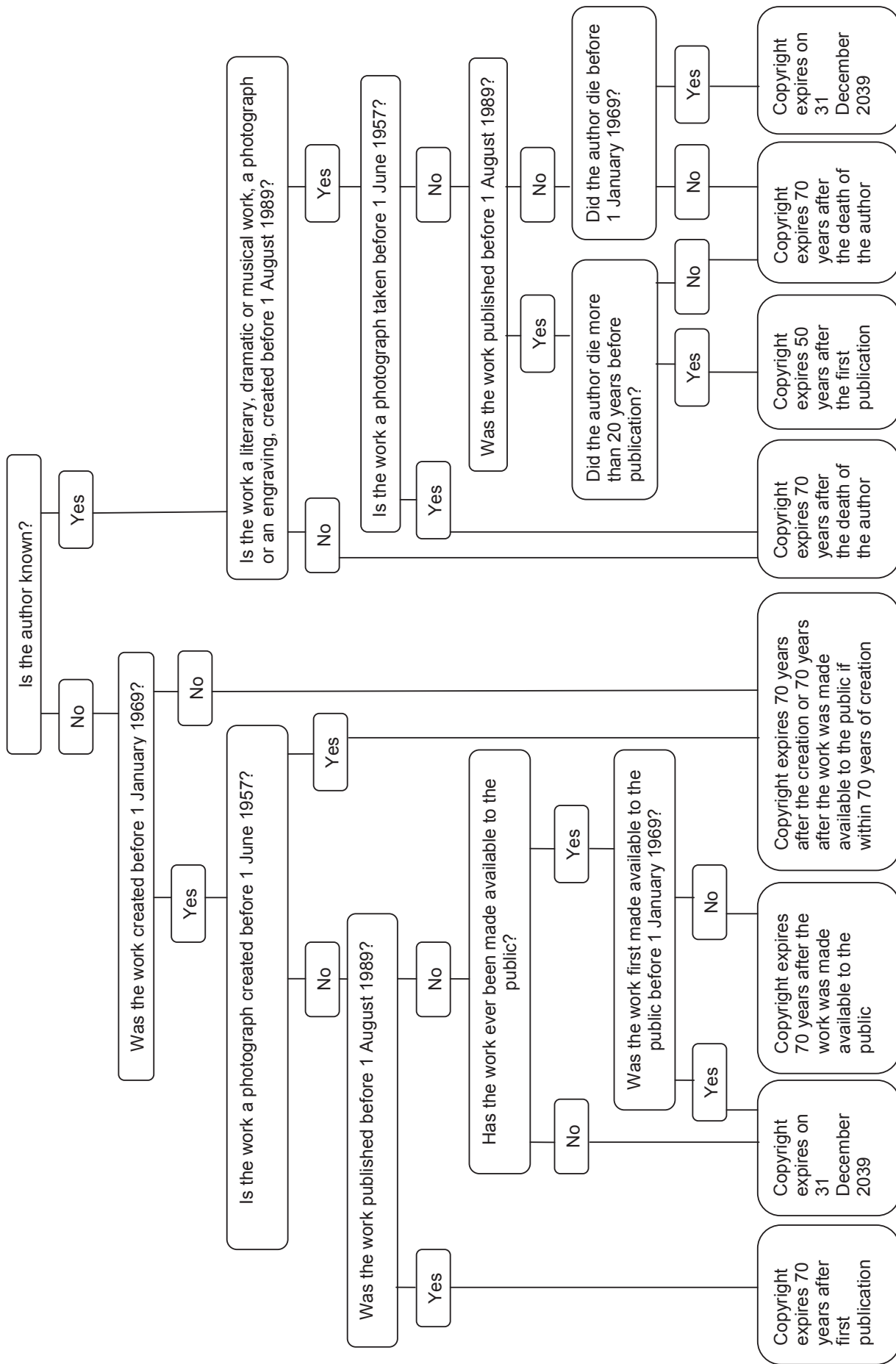
The checklist requires applicants to set out a narrative of the search and lists sources set out in this guidance. If you choose to apply for an orphan works licence **this must be completed and uploaded.**

The authorising body needs this information to make a decision on the application. If this form is not submitted your application cannot be assessed and you will be asked to complete it.

## Annex B:

## Duration of copyright (excluding Crown copyright): literary, dramatic, musical and artistic works

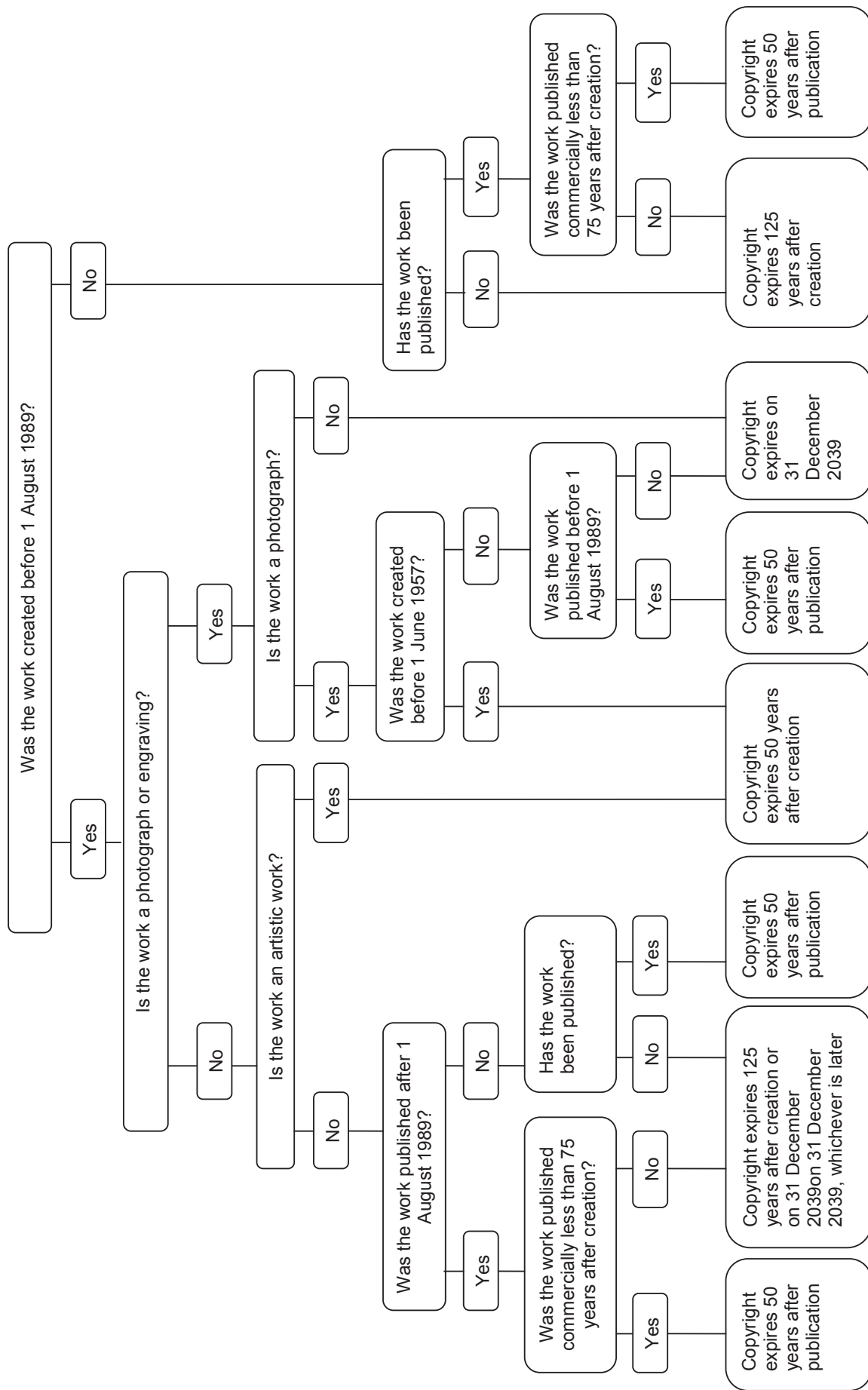
Tim Padfield (2007) *Copyright for Archivists and Records Managers*, 3<sup>rd</sup> ed. London: Facet.



# Annex C:

## Duration of Crown Copyright: literary, dramatic, musical and artistic works

Tim Padfield (2007) *Copyright for Archivists and Records Managers*, 3<sup>rd</sup> ed. London: Facet.



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