

Invitation to at **WORKSHOP** at UNSW next week:

Orphan Works – Solutions for Australia?

Tuesday 8 February 2011, afternoon

12:30–1:15 pm light lunch (level 1 student lounge)

01:15–5:30 pm workshop (Theatre G23)

5:30 - 6:30 pm refreshments (level 1)

Venue: **UNSW Faculty of Law**, Theatre G23, Ground Floor (beside lifts)
UNSW lower campus (near Roundhouse), Kensington, Sydney

UNSW's Cyberspace Law and Policy Centre, in a project generously supported by Copyright Agency Ltd, is holding a workshop for interested parties as a contribution to broader moves to find solutions for the persistent issue of Orphan Works.

'Orphan works' present unresolved problems in copyright law in Australia, and many other countries-- especially as digitisation becomes a dominant concern. Recent legislative initiatives in UK and US have not lived up to early expectations. But while there is a great diversity of views about the implications of the problem, there appears to be sustained momentum, especially in Europe (ie, *Orphan Works Directive* in Proposal 2 of draft *Single Market Act* 2010), to develop solutions which balance the conflicting interests of stakeholders.

This workshop offers an opportunity to explore the nature of the problem, and discuss possible options for Australia which might meet with a broad consensus of support amongst diverse stakeholders. It is hosted by the Cyberspace Law and Policy Centre coordinated by David Vaile, as an outcome of the earlier 'Unlocking IP' ARC project led by Graham Greenleaf.

Papers or working drafts of book chapters will be presented or made available for the workshop. An issues paper, in preparation, will take into account contributions from the workshop. The workshop page is at:

<http://www.cyberlawcentre.org/orphan/workshop110208.htm>

We have participants coming from a number of universities, and from stakeholders such as CAL, Copyright Council, Universities Australia, SBS, ABC, Australian Digital Alliance and others. The recent SBS Statement on Orphan Works and that of the National Film and Sound Archive will be covered, as will the probable requirements for law reform progress, among many other topics.

See our working draft *Orphan Works Resources List*, 40+ pages of relevant materials:

http://cyberlawcentre.org/orphan/OW_Resource_List.pdf.

Contact David Vaile to RSVP: d.vaile@unsw.edu.au, (02) 9385 3589 or 0414 731 249. Entry is free.



Cyberspace Law and Policy Centre
A Centre for the Public Interest in Networked Transactions

Draft program – Orphan works workshop

Tuesday 8 February 2011, 12:30 for 15. UNSW Law Faculty Kensington

Hosted by Cyberspace Law and Policy Centre. RSVP d.vaile@unsw.edu.au 02 9385 3589

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Part 1. THE NATURE OF THE PROBLEM OF 'ORPHAN WORKS'?

1.1 Australian experience

- What's broken? Is there really a problem?
- differing priorities of various creator stakeholders: examples
- priorities for institutional stakeholders, inc. 200AB

1.2 Context and related aspects

- Size and scope of the problem, implications for solutions?
- Digitisation driving convergence of sectors, need for solution?
- implications or lessons from other countries: examples
- NZ, US, UK, EU, Canada, other

Part 2. THE SHAPE OF A CONSENSUS SOLUTION?

2.1 Building blocks

- Criteria and constraints for a workable Orphan works solution?
- Process issues: Diligence? Registration? Clearance? Identification?
- One solution or many? (for each sector? country? format?)

2.2 Compare alternatives

- Prerequisites for Government action?
- Assess the main options for a viable OW solution
- Where to from here?