

Committee on WIPO Standards (CWS)

Sixth Session

Geneva, October 15 to 19, 2018

REPORT ON THE STUDY OF COPYRIGHT ORPHAN WORKS DATA ELEMENTS AND NAMING CONVENTIONS

Document prepared by the Intellectual Property Office of the United Kingdom (UK IPO) and the International Bureau

INTRODUCTION

1. The Committee on WIPO Standards (CWS), at its fifth session held in May 2017, created the new Task No. 54, "Study the copyright orphan works data elements and naming conventions and compare them in view of the proposal to extend WIPO Standard ST.96, report the outcome of the study and present a proposal for consideration by the CWS to develop a data dictionary and XML schemas for inclusion of copyright orphan works in WIPO Standard ST.96". The CWS designated the Intellectual Property Office of the United Kingdom (UK IPO) and the International Bureau of WIPO as the co-leader of the Task.
2. Draft schemas had already been developed to support the initial proposal for the extension of WIPO Standard ST.96 to incorporate extensible markup language (XML) schema for orphan works as described in Annex I of document CWS/5/4, which was a follow-on to the UK IPO's original proposal made to the fourth session of the CWS (see document CWS/4/3).
3. The draft schemas presented at the fifth session of the CWS had been created from analysis of the orphan works systems of both the UK IPO and of the European Union Intellectual Property Office (EUIPO).

ANALYSIS OF PRACTICES

4. National or regional Authorities in Canada, Germany, Hungary, India, Japan, Republic of Korea, Saudi Arabia, the United States of America and the European Union, known to have a copyright orphan works scheme or an interest in orphan works, were contacted and information gathered on their current practice. This new information was used to refine the draft XML schemas as appropriate.

5. The summary of the responses and outcome follows below:

(a) Canada

Canada uses a paper-based system currently but is interested in the XML schema proposal. Their system was analyzed by reference to an online application form and there are significant similarities between the information captured by the scheme. Minor modifications were made to the XML schema to cater for the Canadian scheme's needs.

(b) Hungary

Hungary has a database for their national scheme, although there is a very low volume of applications. They were interested in the XML schema proposal and provided details on the information captured. Their data also shared significant similarities with the UK IPO and EUIPO's information. Minor modifications were made to the draft XML schema to cater for the Hungarian scheme's needs.

(c) Japan

A spreadsheet was received with English column headings indicating that the data items are closely aligned with the XML schemas produced to-date.

(d) Republic of Korea

Initial information was received concerning the Korean "Statutory License" scheme to protect users of copyright orphan works. Their data is currently managed via a spreadsheet and the information recorded seems closely aligned with the schemas produced to-date.

(e) Saudi Arabia

Saudi Arabia confirmed that they do not currently have an orphan works database but that this may change in the future.

(f) United States of America

Two online meetings were held and further discussions were conducted by email; the XML schemas have been amended in response, including the improvement of element descriptions.

6. The International Bureau provided the collection of industry standards and codes which are widely accepted and used in copyright industry. The draft XML schemas already incorporate many of the International Identifiers used by WIPO Connect: those not already included will be reviewed and added as appropriate in due course.

7. In conclusion, from the investigations carried out, it is clear that whilst there are variances in practices and implementation, there is sufficient commonality of the business data to show that it is worth extending ST.96 to create a standard for copyright orphan works. This standard will define a glossary of business terms and also provide basis for any future data exchange requirements.

PROPOSALS

8. Taking into account practices of the six countries mentioned above, as well as the schemes of UK IPO and EUIPO, UK IPO updated the draft schema as shown in Annex I of this document.

9. Regarding the data elements and naming conventions, as shown in the draft schema, the UK IPO proposes to follow the naming conventions of WIPO Standard ST.96 as it is proposed to extend ST.96 to orphan works; and reuse existing ST.96 components as appropriate. The UK IPO also proposes 133 new elements for further discussion in due course, which are included in the draft XML schema.

10. In addition, it is proposed to incorporate as many industry standards or recommendations and practices mentioned above as appropriate in the XML schema. Some of the industry standards and codes have already been reflected in the proposed schema for discussion in due course.

11. The UK IPO also proposes the CWS to request the XML4IP Task Force to develop and incorporate the necessary XML schema components for copyright orphan works in WIPO Standard ST.96, taking into account the proposed documentation, including the updated draft schema provided, as Annexes to this document.

12. *The CWS is invited to:*

(a) note the content of the present document and its Annexes; and

(b) request the XML4IP Task Force to develop and incorporate the necessary XML schema components for copyright orphan works in WIPO Standard ST.96 taking into account the proposed documentation as referred to in paragraph 11 above.

[Annexes follow]

ANNEXES

Annex I: Updated draft XML schema: ([annex i xmlschema.zip](#))

Annex II: Representation of updated draft XML schema ([annex ii schema representation](#))

Annex III: Proposed new copyright orphan works data element dictionary: ([annex iii.xlsx](#))

[End of Annexes and of document]