



Intellectual
Property
Office

Proposal for the extension of WIPO Standard ST.96 to incorporate eXtensible Markup Language (XML) schema for orphan works

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Orphan Works

- Orphan works are creative works or performances - like a diary, photograph, film or piece of music - for which one or more of the right holders is either unknown or cannot be found and are still within copyright .
- As permission of right holder cannot be obtained, previously these works could not be legally used.
- In October 2014 the UKIPO introduced a domestic orphan works licensing scheme at the same time the EU Directive on Orphan Works came into force.





UK Orphan Works Licensing Scheme

- UK licensing scheme allows for non-exclusive commercial or non-commercial use of any type of work.
- Licence covers UK only; lasts up to 7 years; application and licence fees.
- Orphan works are added to a publicly available register - searchable database with details of all applications, decisions and licences granted and refused.

EU Directive on Orphan Works

- EU Directive provides an exception for publicly accessible cultural heritage institutions to digitise orphan works for their website; free to use; excludes standalone visual art.
- Beneficiaries to the Directive add works to a single publicly accessible online database on orphan works managed by the EUIPO.



UK IPO proposal for the extension of WIPO ST.96

- The UK IPO proposed to the Committee on WIPO Standards that the data exchange standard known as ST.96 should be extended to include orphan works as well as other IP rights.
- This is a matter of best practice as the UK adopted the standard in its IT system for the UK orphan works licensing scheme.
- The proposal is about facilitating mutually-compatible technical standards should other countries decide to include, for example, orphan works on a publicly accessible database, and there is a need to exchange data.

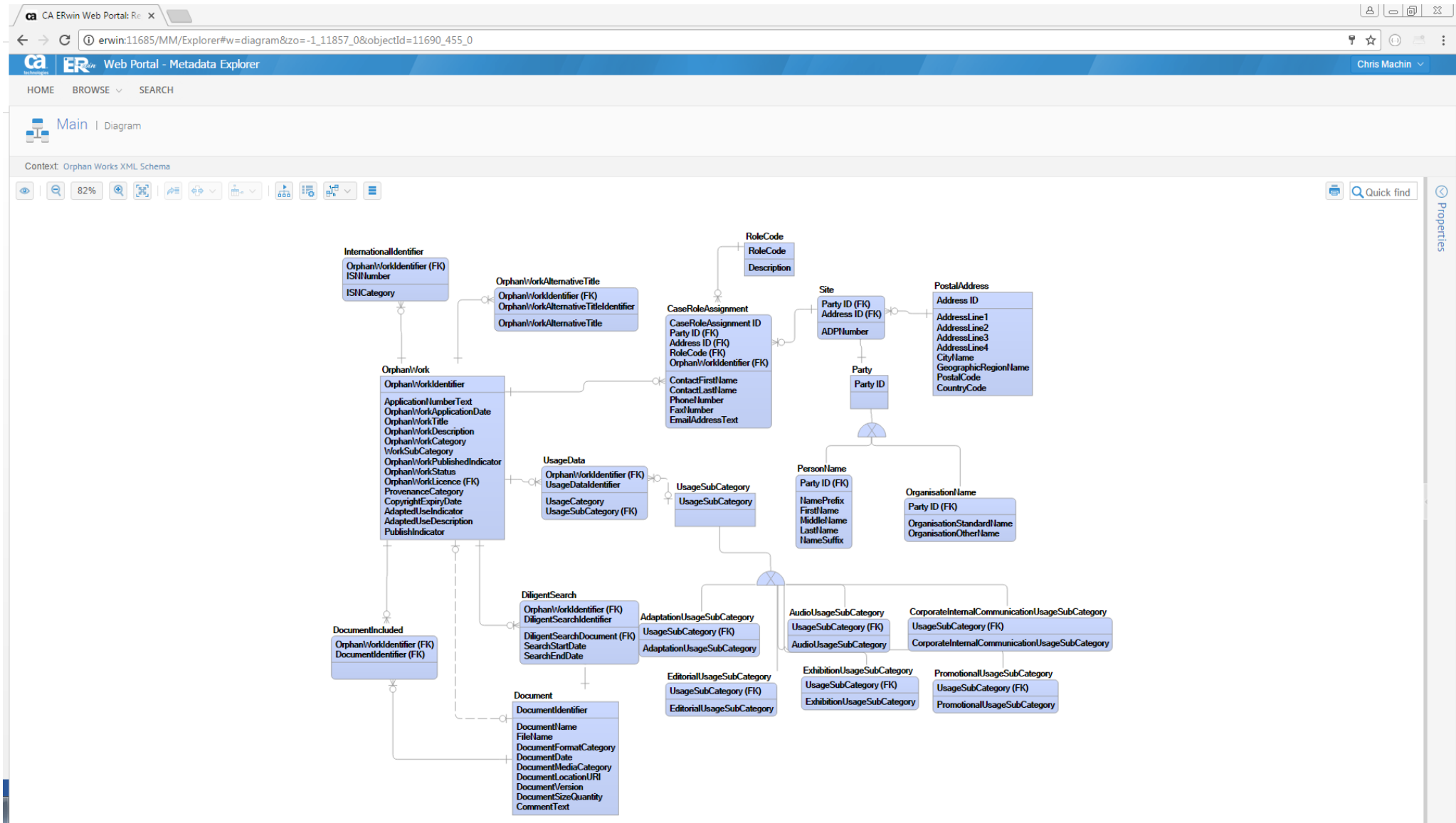


ST.96 schema - How was it created?

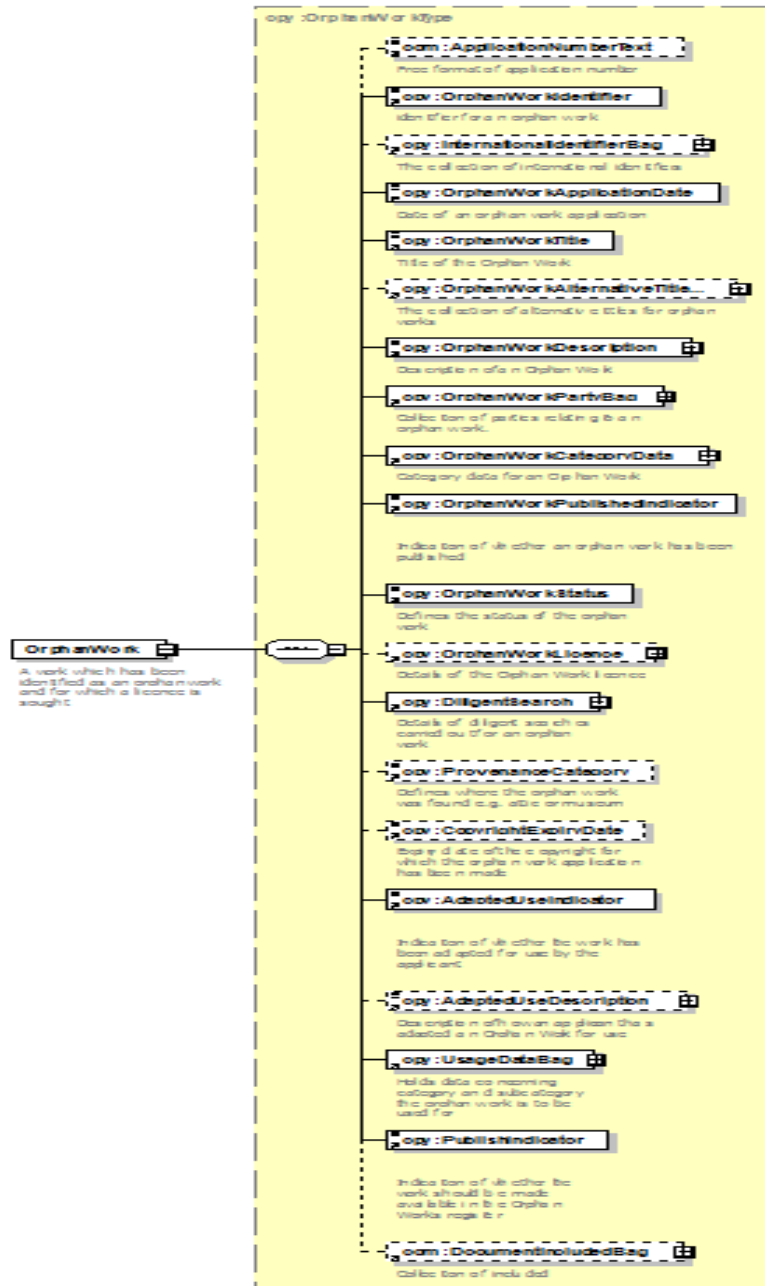
- Reverse engineering of the EUIPO and UK IPO databases
- Analysis of the 2 systems to identify areas of commonality
- Definition of an ST.96 compliant schema covering all core areas of the 2 systems

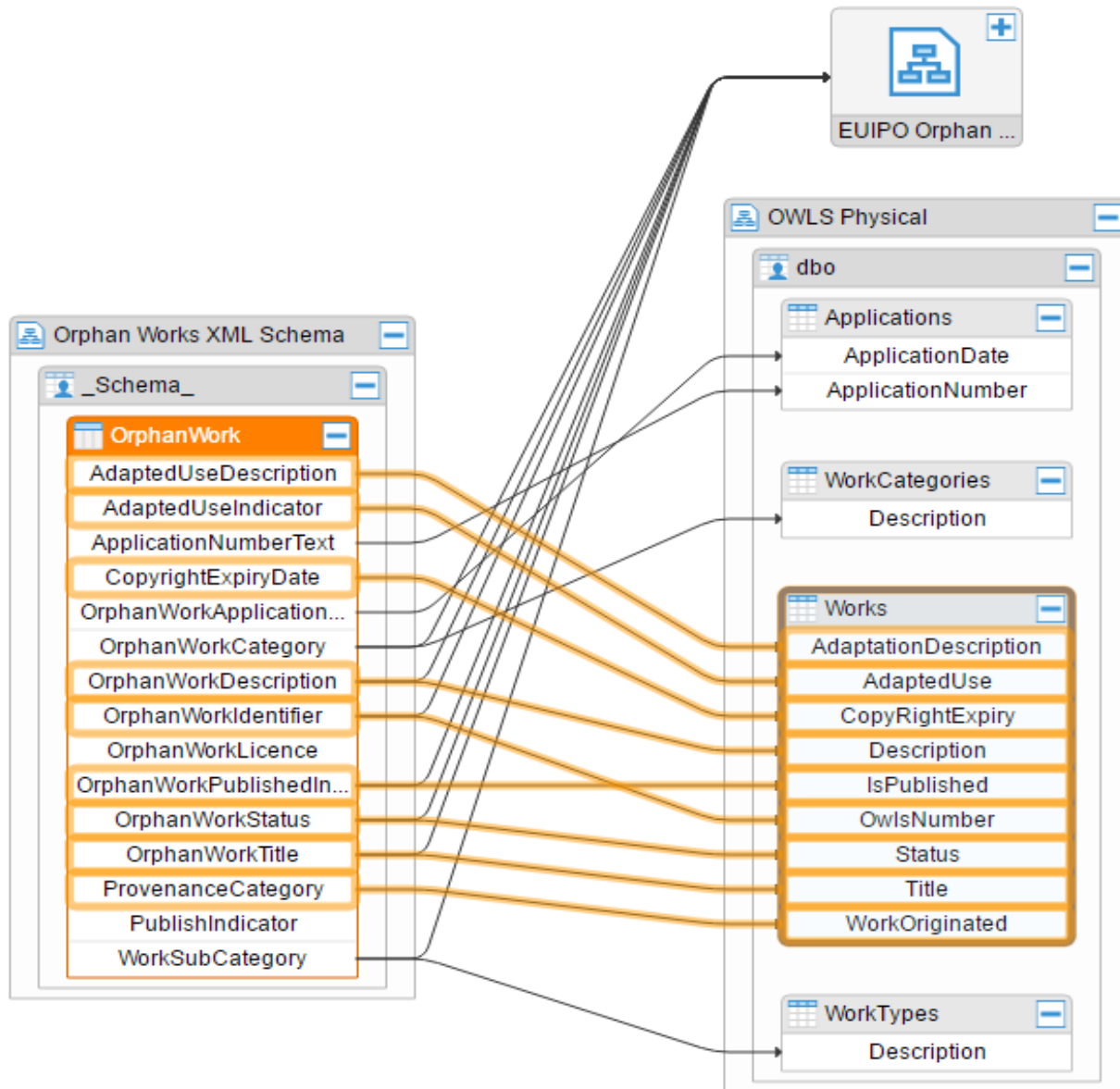


UK IPO Database Model



Draft ST.96 Schema for Orphan Works





Any Questions

