

**Memorandum of Understanding
on Diligent Search Guidelines
for Orphan Works**

In the framework of the European Digital Libraries Initiative, which aims to provide a common multi lingual access point to Europe's cultural heritage,

The Undersigned

- *Appreciating the importance of the European Digital Libraries ("EDL") initiative and of preservation of and access to European cultural heritage;*
- *Recognising that in particular older material may include works whose rightholders are not identifiable or, if they are identifiable, can no longer be located;*
- *Emphasising respect for copyright and related rights, economic and moral rights, regarding the use of orphan works;*
- *Emphasising the need for adequate certainty when cultural institutions deal with orphan works, with respect to their digitisation and online accessibility within the framework of the EDL;*
- *Considering that standards of due diligence can best be established in collaboration between stakeholders, i.e. representatives of rightholders and cultural institutions;*
- *Having actively engaged on a voluntary basis in defining generic due diligence guidelines as one practicable and flexible tool to facilitate the identification and location of rightholders for the lawful use of orphan works,*

Have agreed on the following:

1. That the due diligence guidelines (Joint Report and relevant Sector Report(s)) should be observed, to the extent applicable, when searching for rightholders and that a work can only be considered orphan if the relevant criteria, including the documentation of the process, have been followed without finding the rightholders.
2. To promote the guidelines as acceptable standards for due diligence in dealing with orphan works across the European Union, and to encourage their national member organisations or entities to relate the generic information resources provided in the Joint Report and the Sector Reports to national resources, when and where applicable.
3. To encourage and support the further development of tools to identify and mechanisms to facilitate the lawful use of orphan works, and to advocate for measures suitable to prevent future orphan works.
4. To invite the Commission to call upon the signatories to review the implementation of the guidelines after an appropriate period of time, such as one year.

Representatives of rightholders and cultural institutions:

ASSOCIATION DES CINEMATHEQUES EUROPEENNES (ACE), Audiovisual sector, Claudia Dillmann, 4 June 2008

(Signature) _____

ASSOCIATION OF EUROPEAN PERFORMERS' ORGANISATIONS (AEPO-ARTIS), Audiovisual and Music/Sound sectors, Xavier Blanc, 4 June 2008

(Signature) _____

BIBLIOTHEQUE NATIONALE DE FRANCE (BNF), Text sector, Bruno Racine, 4 June 2008

(Signature) _____

BRITISH LIBRARY (BL), Audiovisual, Music/Sound and Text sectors, Dame Lynne Brindley, 4 June 2008

(Signature) _____

BRITISH SCREEN ADVISORY COUNCIL (BSAC), Audiovisual sector, Fiona Clarke-Hackston, 4 June 2008

(Signature) _____

CONFERENCE OF EUROPEAN NATIONAL LIBRARIANS (CENL), Text sector, Elisabeth Niggemann, 4 June 2008

(Signature) _____

EUROPEAN BUREAU OF LIBRARIES, INFORMATION AND DOCUMENTATION ASSOCIATIONS (EBLIDA), Text sector, Andrew Cranfield, 4 June 2008

(Signature) _____

EUROPEAN FEDERATION OF JOURNALISTS (EFJ), Audiovisual, Text and Visual/Photography sectors, Marc Gruber, 4 June 2008

(Signature) _____

EUROPEAN FILM COMPANIES ALLIANCE (EFCA), Audiovisual sector, Laura Vilches on behalf of Kim Magnusson, 4 June 2008

(Signature) _____

EUROPEAN NEWSPAPERS PUBLISHERS' ASSOCIATION (ENPA), Text sector, Valdo Lehari jr., 4 June 2008

(Signature) _____

EUROPEAN VISUAL ARTISTS (EVA), Visual/Photography sector, Carola Streul, 4 June 2008

(Signature) _____

EUROPEAN WRITERS' CONGRESS (EWC), Text sector, Myriam Diocaretz, 4 June 2008

(Signature) _____

FEDERATION OF EUROPEAN PUBLISHERS (FEP), Text sector, Jonas Modig, 4 June 2008

(Signature) _____

FEDERATION EUROPEENNE DES ÉDITEURS DE PERIODIQUES (FAEP), Text sector, David J. Hanger, 4 June 2008

(Signature) _____

FEDERATION EUROPEENNE DES REALISATEURS DE L'AUDIOVISUEL (FERA), Audiovisual sector, Cécile Despringre, 4 June 2008

(Signature) _____

FEDERATION INTERNATIONALE DES ASSOCIATIONS DE PRODUCTEURS DE FILMS (FIAPF),
Audiovisual sector, Benoît Ginistry, 4 June 2008

(Signature) _____

GROUPEMENT EUROPEEN DES SOCIETES D'AUTEURS ET COMPOSITEURS (GESAC), Music/Sound
sector, Martine Rezzi, 4 June 2008

(Signature) _____

INTERNATIONAL ASSOCIATION OF SCIENTIFIC, TECHNICAL AND MEDICAL PUBLISHERS (STM), Text
sector, Michael A Mabe, 4 June 2008

(Signature) _____

INTERNATIONAL CONFEDERATION OF MUSIC PUBLISHERS (ICMP/CIEM), Audiovisual, Music/Sound
and Text sectors, Ger Hatton, 4 June 2008

(Signature) _____

INTERNATIONAL FEDERATION OF FILM DISTRIBUTORS (FIAD), Audiovisual sector, Marie-
Andrée Vander Elst, 4 June 2008

(Signature) _____

INTERNATIONAL FEDERATION OF PHONOGRAPHIC INDUSTRY (IFPI), Music/Sound sector,
Shira Pearlmutter, 4 June 2008

(Signature) _____

IFRRO THE INTERNATIONAL FEDERATION OF REPRODUCTION RIGHTS ORGANISATIONS, Text
sector, Olav Stokkmo, 4 June 2008

(Signature) _____

PYRAMIDE EUROPE, Visual/Photography sector, Martin Beckett, 4 June 2008

(Signature) _____

UK NATIONAL ARCHIVES, Text sector, Natalie Ceeney, 4 June 2008

(Signature) _____