# Final Project: The Plight of Orphan Works

## How and Why Did I Choose this Topic?

After completing Apex 4.2 on the history of copyright legislation, I suddenly became more aware of the issue of copyright in my other studies as well as within the library. I used to be a proponent of extension of copyright until I realized the long-term impact on access to knowledge. One part of copyright that we didn't have time to cover in-depth in class was the problem of orphan works. Initially, I was going to do my final project on eBooks and copyright, but one day I overheard our Heritage Center Coordinator lamenting the fact that many of the Heritage Center's photographs are classified as orphaned works and cannot be digitized for public view. I sat down with her for a short interview and afterwards I became even more convinced that the United States needs copyright law reform.

## What's Being Addressed?

Unfortunately, the orphan works dilemma is very complex and there is no easy solution that will make everyone happy. The research questions I'm addressing are "what are orphan works?," "how big of a problem are orphan works?," "what has already been done to correct the problem?," and "what still needs to be done?"

I am hopeful that my project will pull together information from a variety of sources including websites, journal articles, and a personal interview to present a clear picture of the orphan works problem in the United States as well as in the U.K. I will be addressing how the prevention of digitizing orphan works is preventing the sharing and expansion of book, photograph, film, and art history.

## How Does this Work Provide a Contribution?

This work provides a contribution to book history in that it argues that without digitizing orphan works, a percentage of our book history is currently unknown and will remain unknown.  If copyright laws continue to extend copyright, access to materials for future generations will be stifled even more.  I hope that my work will continue to raise awareness of the orphan works problem and the need for copyright reform in the United States. The more voices that lobby for change, the higher the chance that change will occur.

## Is There a Need for My Work?

I believe there is a need for my work.  Reform has already happened in the U.K., even if people still have concerns and complaints, but support and awareness for reform here in the United States is struggling.  Libraries are torn between the instilled need to preserve and share knowledge and the threat of potentially being sued.  The same goes for other non-profit institutions.  Orphan works are potential treasure troves of information – as a book, as an artifact, as author work…the list goes on and on.  Yet, until people have access to these works, no one can really begin to even guess the amount of impact these untouchables may have on previous findings.

## What Challenges Did I Experience?

The biggest challenge I experienced was being able to find and share audio-visual elements for my project.  Because of copyright restrictions, orphan works are not found online and are often stored away in libraries because of the need to preserve the physical items the best way possible.  Copyright laws prevent digitization.  I tried to work around this issue by posting and citing a YouTube video about orphan works and taking screenshots of the Mishawaka-Penn-Harris Public Library's photograph archive. The other challenge was to explain the process of copyright without reiterating everything in Apex 4. I decided to create a simple timeline page to provide the bigger picture of copyright development and how changes in copyright law have now created this problem of orphan works.

## What are the Strengths or Weaknesses of My Approach?

I believe that one of the strengths of my project was talking to a librarian who is currently dealing with the issue on a day-to-day basis.  I also believe that pulling in legislative documents and analyzing the contents provided a better picture of the issue.  I chose to use a WordPress page because it was easy to organize my thoughts.  I tried to keep each section fairly concise so the reader did not have to continue to scroll.

One of my weaknesses was lack of time.  The issue of orphan works is so huge that I could have spent months pulling in information.  Another challenge was that I had difficulty in finding specific examples of orphan works, even descriptions of orphan works.

## What Was My Methodology?

My methodology was to conduct a one-on-one interview with a librarian struggling with the issue.  I also looked at many primary source legislative documents to clearly outline the issue for the reader.  I also tied in what I have learned over the course of the History of the Book class and compared everything that has been uncovered about book history to the case of orphan works to show that there is going to be a lot that can't be analyzed about the history of the book in the 20th century for a very long time.

## What Process Did I Use to Complete This Project?

I used a combination of questioning, sources, analyzing, and interpretation to complete this project.  Book history is like embarking on a daunting treasure hunt.  The amount of legislation in relation to a subject such as copyright can make anyone's eyes cross.  A librarian who encounters or works closely with orphan works needs to be able to successful interpret current laws to ensure that material is being handled properly and within the confines of current legislation.  Knowledge of the law can also help an individual or a group make a stronger case for reform.

My process looked something like this:

1. Brainstorm ideas for project. Do some research on topics of interest.

2. Overheard Heritage Center Coordinator lament about orphan works. Sat down and conducted a quick interview. Decided orphan works was the right topic!

3. Review journal articles and documents recommended by the Heritage Center Coordinator.

4. Revisited my Apex 4 assignment.

5. Researched legislative primary sources.

6. Pulled quotes I thought might be important and included MLA citations as I went along.

7. Created WordPress page. Created a header in PrintShopPro, outlined sections, typed up information and citations.

8. Typed up this paper while all my thoughts were still fresh.

9. Reviewed website. Had a few associates look at the contents and make some suggestions.

10. Post to discussion board.