

## I. General Information

Contact person for this survey: \_\_\_\_\_

Name of institution/organisation: \_\_\_\_\_

Country in which your institution is located: \_\_\_\_\_

Your e-mail address: \_\_\_\_\_

Your telephone number: \_\_\_\_\_

Is your archive a  national institution?  
 regional

## II. Rights Situation

1. Are you aware of the Memorandum of Understanding (MoU) and the diligent search guidelines for the audiovisual sector established in 2008 in the framework of the European Digital Libraries Initiative<sup>1</sup>?

Yes

No

2. If yes, do you make use of them?

Yes

No

3. If no, please specify why:

No financial and personnel capacities

Not a priority

No legal certainty because the MoU is not legally binding

Other, please specify: \_\_\_\_\_

<sup>1</sup> THE EUROPEAN DIGITAL LIBRARIES INITIATIVE. Sector-specific guidelines on due diligence criteria for orphan works. Joint Report. [http://ec.europa.eu/information\\_society/activities/digital\\_libraries/doc/hleg/orphan/guidelines.pdf](http://ec.europa.eu/information_society/activities/digital_libraries/doc/hleg/orphan/guidelines.pdf)

4. What is the estimated number of film works held by your archive?

\_\_\_\_\_

5. How many of your film works have documented rights? – Please estimate the number of works in %.

\_\_\_\_\_ %

6. Please indicate the rights status of your collection (estimation in %):

a) \_\_\_\_\_ % rights not researched nor known.

b) \_\_\_\_\_ % rights researched but not found (orphan works).

c) \_\_\_\_\_ % successfully researched and known.

7. How many of the film works indicated in 6a would you presume to be orphan works? – Please estimate in %.

\_\_\_\_\_ %

8. Of the film works indicated in 6b, for how many of these were the rights researched according to the due diligent search criteria mentioned in question II.1? – Please estimate in %.

\_\_\_\_\_ %

9. What are the main obstacles to determining the rights status of a film?

*(Multiple answers are possible)*

No obstacles

Insufficient documentation of rights attached to works already held in collection for many years

Lack of information sources regarding rights attached to currently incoming works

No procedure established for rights documentation & research

Lack of legal expertise in film archive

Lack of staff time for rights research

No priority given to rights research

Other, please specify: \_\_\_\_\_

### III. Access and Use

1. What is the estimated total number of requests a year for works with unknown rights status?

a) Requests for commercial purposes: (If possible, please give also an estimate in %.)

%

- Screenings
- Broadcast
- Re-use in film production
- Online presentation
- DVD production
- Other, (please specify) \_\_\_\_\_

b) Requests for cultural purposes: (If possible, please give also an estimate in %.)

%

- Screenings
- Exhibitions
- External access for restoration/preservation
- Online presentation
- Access for education & research
- Other, (please specify) \_\_\_\_\_

2. How do you deal with these requests for works with unknown rights status?

- You deny access
- You grant access
- You demand that the requesting person locate the rights holder
- You make a reasonable search to locate the rights holder

3. If the rights are not found after a search (with or without following due diligence criteria):

- You deny access
  - You give limited access only (e. g. viewing on the premises)
  - You grant access after the user has signed a disclaimer exempting your archive from liability
  - You give access for cultural/non-profit purposes only
  - You give access for both cultural and commercial purposes
  - Other, (please specify) \_\_\_\_\_
- 

4. What use do you make of works with unknown rights or presumed orphan status in order to fulfil your archival mission?

- Access for restoration/preservation
  - Screenings
  - DVD production
  - Online presentation
  - Access for education & research
  - Other, (please specify) \_\_\_\_\_
- 

5. How many of the orphan works and presumed orphan works (results from question II. 6b and II. 7) would you be able to make available through the European Film Gateway and Europeana, if a legal or pragmatic solution for rights clearing would exist? – Please estimate in %.

%

#### IV. Classification of (Presumed) Orphan Works

In order to categorise orphan works and presumed orphan works (results from question II. 6b and II. 7), please indicate if these are from specific production periods, countries of origin or mainly of a certain genre of work.

1. Main period of production: (If possible, please give an estimate in %.)

Pre 1930 / ( \_\_\_\_\_ %)

1930 –1950 / ( \_\_\_\_\_ %)

1950 –1970 / ( \_\_\_\_\_ %)

After 1970 / ( \_\_\_\_\_ %)

Please feel free to specify the period: \_\_\_\_\_

No specification

2. Country of production: (If possible, please give an estimate in %.)

National production / ( \_\_\_\_\_ %)

European production / ( \_\_\_\_\_ %)

International production / ( \_\_\_\_\_ %)

No specification

3. Genre of work: (If possible, please give an estimate in %.)

Feature films (fiction) / ( \_\_\_\_\_ %)

Short films (fiction) / ( \_\_\_\_\_ %)

Non fiction (including documentaries, advertising and educational films, industrials, amateur productions, trailers, newsreels) / ( \_\_\_\_\_ %)

No specification

Thank you for your collaboration!

Please return the filled in questionnaire via email or fax no later than **30 November 2009** to

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