



Following a submission to the debate in the House of Lords on Orphan works Clause 42 of the Digital Economy Bill, The Society was invited to meet with senior officials at the Intellectual Property Office on 22nd February, 2010.

The Society has been assured that the following will apply :

- There is no requirement to register works
- Anyone wishing to use an unattributed image will be required to approach a licensing body who will work to search requirements laid down by Regulations established by Parliament.
- Regulations would not be implemented until appropriate technology and licensing procedures had been agreed with the stakeholders including The Royal Photographic Society.
- The IPO suggested that the level of fee and diligence of search would be such that publishing an orphan works over a newly commissioned image would not be advantageous.
- The IPO suggested that Photographers' Image rights would remain unchanged from present copyright legislation. The Society would recommend that all members ensure proper attribution is given to their work in all situations.
- The IPO recognise that the present proposals do not address any issues surrounding moral rights, and it is not intended to do so in the proposed legislation

The Society proposed that all images in a published Forum should carry either direct Photographer attribution or the orphan licence number. This would reduce the number of potential new orphan works and ensure recognition of the creator of the image.

The proposed legislation is an enabling Act. The detail will be in the Regulations which will be composed following consultation with stakeholders, and approved by Parliament. The Society recognises the reasons for the production of an enabling Bill, among which is the speed of development in rapidly changing technologies. We remain however, deeply concerned at the lack of detail in the present proposals.