3rd March 2015

Dear Baroness Neville-Rolfe

I am writing as Chair of LACA, the Libraries and Archives Copyright Alliance, an alliance of copyright experts from across the UK library, archive and museum sectors.

I am writing to ask you to look into whether photographs in which copyright has expired, or works which are Bona Vacantia, are being erroneously licensed as in-copyright works by BIS / the Intellectual Property Office.

It has been drawn to our attention that photographs in which no copyright exists, as they are over 70 years old and are of unknown authorship (s12.3 CDPA), are being licensed to museums as if they were in-copyright under the Orphan Works licensing scheme. Please see the First World War photographs of unknown authorship at www.orphanworkslicensing.service.gov.uk

I would be grateful if you could look into this as a matter of urgency as this issue has been raised within LACA. We would like to assure our members that museums, libraries and archives are not being erroneously asked to pay a licence fee, and associated admin costs, by the government for putting online public domain material from their collections which they have a legal right to use free of any licence and of any charge as they are out of copyright.

Yours sincerely

Naomi Korn
Chair
Libraries and Archives Copyright Alliance (LACA)

Cc. Rt Hon Sajid Javid MP, The Rt Hon Mr Ed Vaizey MP, Diane Lees, Chair, National Museum Directors’ Council, Carol Tullo, Director of Information Policy and Services, the National Archives