



**UNIVERSITY OF MASSACHUSETTS  
AMHERST**

**W.E.B. Du Bois Library  
University of Massachusetts  
154 Hicks Way  
Amherst, MA 01003-9275**

### **UMass Amherst Libraries Orphan Works Guidelines**

“Orphan Works” is a term used to describe the situation when the owner of a copyrighted work cannot be identified or located by someone who wishes to use the work in a manner that requires permission of the copyright owner. In June 2009, the Society of American Archivists (SAA) developed “Orphan Works: Statement of Best Practices” (<http://www.archivists.org/standards/OWBP-V4.pdf>) to provide guidelines for libraries and archives to follow to determine whether a work is actually orphan. Based on these guidelines, and with the goal of supporting the teaching and research mission of the University and benefiting society and the economy as a whole, the UMass Amherst Libraries will conduct an aggressive case-by-case analysis for each asset we believe is an orphan work focusing on:

- Identifying the creator of the work through strategies identified in Section 3.A. of the SAA guidelines above;
- Identifying the rights holder through strategies identified in Section 3.B. of those guidelines;
- Locating the rights holder as identified in Section 3.C.;
- Documenting the search process as outlined in Section 4.

If we are unable to locate the rights holder after performing due diligence in conducting the analysis stipulated above, the UMass Amherst Libraries will make the materials available digitally. The extent of this work and subsequent decision to make the materials available digitally will be guided by common sense as outlined in the SAA Best Practices. This includes consideration of the likelihood of finding the creator, the age of the work, the nature of the work/creator, and the type of distribution and use.

Questions regarding these guidelines should be addressed to the Digital Strategies Group.

Approved by SMG January 13, 2010