

Digital Economy Bill 2009-10

Clauses 166A and B

<http://services.parliament.uk/bills/2009-10/digitaleconomy.html>

116A

Licensing of orphan works

(1)

The Secretary of State may by regulations provide for authorising a licensing body or other person to do, or to grant licences to do, acts in relation to an orphan work which would otherwise require the consent of the copyright owner.

(2)

An authorisation or licence under the regulations in favour of any person must not preclude any authorisation or licence in favour of another person.

(3)

The regulations may provide for the treatment of royalties or other sums paid in respect of an authorisation or licence, including—

- (a) the deduction of administrative costs;
- (b) the period for which sums must be held for the copyright owner;
- (c) the treatment of sums after that period (as bona vacantia or otherwise).

(4)

The regulations may provide for determining the rights and obligations of any person if a work ceases to be an orphan work.

(5)

The regulations may provide for the Secretary of State to determine whether any requirement of the regulations for a person's becoming or remaining authorised has been met or ceased to be met.

(6)

In this Part references to a work as or as ceasing to be an orphan work are to be read in accordance with regulations made by the Secretary of State.

(7)

Regulations under subsection (6) may operate by reference to guidance published from time to time by any person.

116B

Extended licensing schemes

(1)

The Secretary of State may by regulations provide for authorising a licensing body to grant copyright licences (within the meaning of section 116) in respect of works in which copyright is not owned by the body or a person on whose behalf the body acts.

(2)

The regulations may not authorise the grant of a licence—

(a) in respect of an unpublished work, or

(b) in respect of rights excluded by notice given by the copyright owner in accordance with the regulations.

(3) Subsections (2) to (5) of section 116A apply to regulations under this section (but subsections (3)(b) and (c) and (4) apply only in relation to an orphan work).