



Project Number: 325135

Project Acronym: FORWARD

Project Title: Framework for a EU-wide Audiovisual Orphan

**Works Registry** 

Instrument: Pilot B

Thematic Priority: CIP-ICT-PSP-2012-6

# D5.1 Report on technical assessment of available information resources

Due Date:	30 November 2014
Submission Date:	2 December 2014
Start Date of Project:	01 July 2013
Duration of Project:	36 months
Partner in Charge of Deliverable	DFI
Version Status	FINAL
Dissemination Level	PU
File Name:	D5_1 FINAL.pdf

### **Revision History**

Revision	Date	Author	Organisation	Description
1	19.09.2014	Uffe Smed	DFI	Content
2	26.09.2014	Thomas C. Christensen	DFI	Content
3	10.10.2014	1	DFI	Content
4	24.10.2014	Thomas C. Christensen	DFI	Content
5	28.10.2014	Uffe Smed	DFI	Formatting
6	03.11.2014	Thomas C. Christensen	DFI	Content
7	07.11.2014	Walter Swagemakers	EYE	Check, comments
8	21.11.2014	Nicola Mazzanti + Thomas C. Christensen	CRB/DFI	Final version

# Statement of originality:

This deliverable contains original unpublished work except where clearly indicated otherwise. Acknowledgement of previously published material and of the work of others has been made through appropriate citation, quotation or both.

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#### 1. EXECUTIVE SUMMARY

The purpose of the FORWARD project is to facilitate the diligent search and identify film works that can be categorized as orphan works. The FORWARD system requires metadata information to be harvested into a generalized data structure. It is therefore important that all the database fields necessary to perform diligent searches in the archives have been identified. The goal of WP5 is in this context to ensure that consistent, well-structured and standardized information from the partner archives is available and can be implemented efficiently into the FORWARD system. This report describes both the outcome part of the diligent search and how these searches can be established and facilitated by metadata enrichment in order to set up the best possible workflow.

For the FORWARD system to function smoothly, the core set of metadata must be both available and in machine readable form. In Work Package 5 (WP5) the partners will enrich their metadata in order to provide the system with relevant information to perform the copyright status assessment process (CoSAP). To perform the copyright status assessment the system requires the work title, publication year, as well as the main contributors with their associated rights term information (birth date and possible death date).

The D4.1 survey showed that the main task for partner enrichment will be to research and register biographical metadata for the main cinematographic contributors. DFI will as WP5 leader perform surveys among the partners to monitor the progress of metadata enrichment on a number of key indicators, one of the main ones being the death date of the main contributors (authors), since this is essential to establish if a work is still in copyright.

Once the FORWARD system is up and functional, it will assist in performing the diligent search for current location of main contributor rights, but a certain amount of manual enrichment, data entry and diligent search will still need to be performed in order to establish film works as having orphan status. Also, the human effort in interpreting and declaring a film work as orphan should not be underestimated.

#### 2. INTRODUCTION

The work effort in WP5 predominantly lies with the individual partners in the FORWARD project and the activities carried out mainly consist of metadata enrichment at the national level. WP3 and WP4 have established the structural requirements that need to be followed and filled in order for the central FORWARD system to draw on reliable and consistent metadata. A key to this is to analyze and look deeper into the technical assessment of information resources existing in the archives and validate what can be processed/extracted and filtered through a well-defined metadata schema, to be defined in *D4.3: Design of rights information infrastructure* in collaboration with EDItEUR.

The survey performed in D4.1 showed that many partners have relational databases with authority files, though some do not. It also showed that in almost 50% of the partners' applications the cinematographic fields for creative contributors, production companies, producers and production countries are text fields instead of links to an internal authority file¹. For the partners that do have databases with authority files, it is expected that slight adjustments might be made to assist and streamline the mapping of the relevant metadata for delivery to the FORWARD system. However, it is foreseen that the FORWARD system must also maintain a centralized authority file database for companies and authors with related and current copyright references.

While some partners may find resources to perform some technical adjustments to their databases, it is not directly part of the FORWARD project, and they are not required to do so. The system is expected to rely on a title metadata package, which will presumably consist of an XML export from most partners, but should also be submittable in a more manual mode for the partners not able to adapt their databases for automated metadata delivery<sup>2</sup>.

The details in specifying exactly, which metadata will be hosted and retrieved from the partner databases, and which are more efficiently located and processed centrally by the FORWARD system still remain to be developed. While the metadata related to the copyright status assessment process (CoSAP) should be enriched and hosted locally in the partner databases, the metadata related to the assisted diligent search process (ADiSP) may need to be hosted and processed centrally by the system, not the least because of the need to access external resources, such as ARROW, ISAN and FIAPF.

#### 2.1 Objectives in WP5

The primary aim of WP5 is to enrich and perform data entry relating to the relevant film titles, companies and main contributors (directors, script writers, dialogue writers and composers), especially biographical metadata, to allow the metadata to be harvested, processed and homogenized in the FORWARD system.

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<sup>&</sup>lt;sup>1</sup> See page 8 in D4.1 for further information.

<sup>&</sup>lt;sup>2</sup> Other possible solutions: see page 85-90 of D4.1.

The possibilities for the partners in FORWARD to register rights information, and orphans works will be explored in order to provide guidelines to the partners, which can facilitate the delivery of the required metadata requested by the OHIM system. The identification, definition and relevant database fields and values have been described in WP4 to provide a metadata schema/package in order to build a system that will allow automated diligent searches.

#### 2.2 WP5 tasks

In order to analyze and monitor the metadata enrichment throughout the project, both the D4.1 report and the ongoing WP5 progress surveys assess the maturity of the partner databases and metadata completeness. Through discussions during the plenary board meeting in Bologna it was concluded that several archives do not, at the present time, hold the rights information required in order to complete a diligent search. Neither do they record complete information that enables the archives to register the rights holders of the specific film work or person record in the database records. To which extent this information should be enriched locally, or if it is to be hosted only in the FORWARD system, at least for some partners, remains a matter of both policy and capacity within the individual partner organizations.

#### 3. SURVEY ON METADATA ENRICHMENT

In order to create overview and monitor progress, a survey format has been established to enable WP5 to track both existing and newly ingested metadata to ensure its consistency and matching with the FORWARD metadata set. The metadata set bases itself on the conclusions from D3.1 Sector Analysis and User Requirements and D4.1 Analysis of available resources in the AV sector.

In the survey, 'Metadata enrichment in the FORWARD project,' information on a data oriented level was collected in order to enable the monitoring of progress in the metadata enrichment. Concerning the structural setup of the databases participating in the project, partners were asked to deliver screen dumps of the relevant views in the database where they register information on rights. This information from the partners and also the partners responses in D3.1 Sector Analysis and User Requirements and D4.1 Analysis of available resources in the AV sector has made it possible to create a 'status position'. This 'status position' shows the present metadata 'set up' in the archives concerning the possibilities of enriching the metadata fields relevant to the diligent searches required in the FORWARD project. This also allows the actual metadata fields, on a structural level, to be evaluated during and at the end of the project.

#### 3.1 Survey structure

One of the results from the initial WP5 survey shows that the current possibilities regarding registration of rights status and orphans works in some archives is rather limited.<sup>3</sup> The survey has been designed to extract a relevant set of information to monitor the metadata enrichment process while also picking measure statistic that partners should be able to extract in a consistent way.

#### Date of survey

The survey is expected to be re-performed at key points during the project in order to document the enrichment progress over time. The survey therefore includes the specific date when the extractions of data from the databases were carried out.

#### Person records

The survey creates an overview of the number of personal records that are contained in the databases in the project. This will makes it possible to create a status position from the beginning of the project, during and by the end of the project.

#### Birth year

In order to create the foundation for the FORWARD system, birth year is an important element. Birth year or birth date is a key factor in creating an authority file to ensure precise

<sup>&</sup>lt;sup>3</sup> As also shown in Appendix I.

identification of main contributors, thus enabling the FORWARD system to perform a diligent search across databases and platforms. If a person record has a birth date, but no death date, the system might be set up by default to interpret that birth year + 90 + 70 would indicate that rights have expired, or if not to consider rights to still exist.

#### Death year

As described for 'Birth year' also the 'Death year' in a person record is crucial in the FORWARD project in order to automate the diligent search functionalities. 'Death year' for main contributor is an essential part of establishing the copyright protection term.

#### Film records

In order to create an overview and monitor of the amount of film records enriched, the total number of film records has been extracted. This figure contains all titles in the partner databases, which often include a dominance of foreign film records, both because film archives have large international collections, but also because the databases often have purposes such as being the national censorship registry or keepers of theatrical distribution metadata.

#### National film records

Since the orphan works directive relies on a diligent search to be performed in the country of publication, the orphan works should be typically be located and declared among the holdings of national films. The approximately 21% of films expected to be of orphan status are therefore to be found in this figure. The real impact of the project in identifying orphan status films will be how many of the 21% of national film records are identified as orphans.<sup>4</sup>

#### Film records containing rights status

While the project sets out to identify and assist in identifying orphan status films, large numbers of investigated films will not fall into this category. Monitoring the enrichment of any rights status therefore gives an indication of the real work performed among partners, no matter if they succeed in declaring films orphan.

#### Film records containing orphan status

As a rights category, orphan works did not have a legal basis until the Orpan Works Directive was introduced. The number of film records with an Orphan status is what the directive and the FORWARD project try to maximize.

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<sup>&</sup>lt;sup>4</sup> The ACE Orphan Works Survey: http://www.ace-film.eu/?page\_id=246

#### 4. METADATA ENRICHMENT - RESULTS, OUTPUT AND FINDINGS

The first WP5 survey on the metadata status among the FORWARD partners was performed over the summer 2014. The results of this first "starting point" survey are presented and analyzed below. Some peculiarities will be described, while not necessarily relating directly to the FORWARD project, but because some figures and partners will seem to be oddly out of line in comparison with the general trends. Some of the charm of film archives is that their institutional histories are interwoven with their collections and their metadata therefore also display this individuality. This report and survey displays the differences and similarities between the different institutions and the database fields surveyed, while the subsequent surveys will give better indication as to the efforts put into metadata enrichment and will hopefully help and create incentive to provide consistency and completeness across the partnership.

Partner	Total number of person records	Person records with birth year	Person records with death year
CRB	55.328	35.174	19.595
EYE	142.149	9.693	7.258
DFI	137.331	1.388	1.242
KAVI	187.338	9.075	3.044
FE	222.924	3.955	1.831
CINEBO	26.376	6	5
DIF	184.880	29.717	10.804
NFA	39.809	4.153	1.420
CNC	165.000	11.000	10.000
FN	54.712	1.213	872
TOTAL	1.215.847	105.374	56.071

Figure 1: Output from survey on metadata enrichment in the FORWARD project – Person records

Figure 1 provides input on the number of person records and the number of person records with birth year and death year. The partner databases are not capable of providing consistent figures as to the person record nationality, but the person records with birth year gives an indication, since it is possible to deduct that biographical metadata has primarily been entered for national creators. The death year is essential to determine the duration of the author's rights. Looking at the total figures, the 1,2 million records can be estimated to have a large amount of overlaps, while the total number of ca. 100.000 person records with birth year gives a good indication of the number of unique person records the FORWARD system will need to handle; presumably the final number will be higher. How much higher the subsequent surveys should give a good indication of. A lot of attention will be given to enriching the death dates, since this is essential for the FORWARD system automation and

decision tree process. The enrichment of biographical metadata is expected to be a predominantly manual process, requiring significant man month expenditure.

Partner	Total number of film records	National film records	Film records with rights status	Film records with orphan status <sup>5</sup>	Date
CRB	191.428	12.567	0	0	11-07-2014
EYE	105.964	37.704	11.928	[2.407]	16-07-2014
DFI	53.367	21.244	331	0	15-06-2014
KAVI	233.809	102.538	0	0	15-08-2014
FE	35.463	20.773	53	0	25-08-2014
CINEBO	45.476	17.652	2.183	0	22-07-2014
DIF	82.463	73.361	0	0	17-08-2014
NFA	19.373	16.607	7.046	0	12-08-2014
CNC	110.000	49.500	0	0	14-08-2014
FN	29.435	11.774	3.341	[426]	10-09-2014
TOTAL	906.778	363.720	24.882	[2.901]	

Figure 2: Survey on Metadata enrichment in the FORWARD project - Rights status and orphan status

Figure 2 provides information on the number of film titles documented in the partner archives. As in the person records a great deal of double entries presumably figures in the total number of records, while the national records are expected to give a relatively precise indication as to the number of unique film titles. According to the ACE Orphan Works study ca. 21% of the European film archival holdings are estimated to be orphans<sup>6</sup>. Indicatively, the 10 partner archives might therefore hold up to 80.000 orphan works. While this number could turn out to be an overestimation, it does nevertheless underscore why automation in diligent search makes for a compelling proposal and potential efficiency model.

The real work performed in enriching film records with rights status and specifically orphan status will consist of a mixture of manual work as well as automated processes performed through the FORWARD system and interface. As mentioned previously, the actual work performed in locating rights will always enrich the number of film records with rights status, while film records will only count as orphans if that specific status is the end result of a diligent search.

It is worth mentioning that the two archives that have already indicated films with orphan status will need to ensure that the directive as implemented in their member state conforms with the category as they have used it before the term became a legal certainty. In other words, the films with orphan status indicated in this survey will still need to be assessed in regards to validity in relation to new legislation.

<sup>&</sup>lt;sup>5</sup> The orphan status figures in this first survey are merely indicative, since they have not been subjected to an actual dilligent search as described by the Orphan Works Directive national implementation.

<sup>&</sup>lt;sup>6</sup> ACE Orphan Works Survey: http://www.ace-film.eu/?page\_id=246

#### 5. MONITORING OF METADATA AND ENRICHMENT PROCESS

In order to illustrate some of the practical implications while enriching metadata in relation to FORWARD figure 3 shows a person record that contains metadata that are going to be processed via an automatic extraction system of data developed by CINECA and will be used to generate relevant information for the diligent search. Metadata values required together with authority files and the relevant fields and types, will be included in the data export to the FORWARD system.

#### 5.1 Minimum requirements for metadata in the FORWARD system

In order to build a FORWARD system that efficiently supports the diligent search a basic set of metadata elements must be applied. In the project, the following metadata elements have been found suitable to apply in the FORWARD system:

- Film title
- Country of origin of the AV-work
- Production date
- Premiere / publication date
- Production Company
- Executive Director
- Screenwriter
- Dialogue writer
- Composer
- Producer
- Heirs
- Contracts

These elements will in the final setup be implemented with several *attributes* or values, such as names, dates of birth and death, documents and logical or Boolean procedures (i.e. Yes – No). These attributes will therefore have a certain field type and must have authority files, specified syntax for dates. Rights assessment of a specific AV-work in the FORWARD system will in the end be labeled with one of the following status categories: *Copyright protected*, *Public Domain*, *Orphan* or *Partial Orphan*.

In order to show why this procedure is important to follow in the archives, a practical example from the Danish Film Institute illustrates below that in some cases it is not possible to verify the copyrights status concerning the executive director, screenwriter, dialogue writer, composer, producer or heirs, because the database structure does not allow the specific copyright status categories to be entered. At the moment this is the case in many of the

participating databases in the FORWARD project and therefore guidelines concerning the structural set up will be provided to the partners at a later point in time during the project.

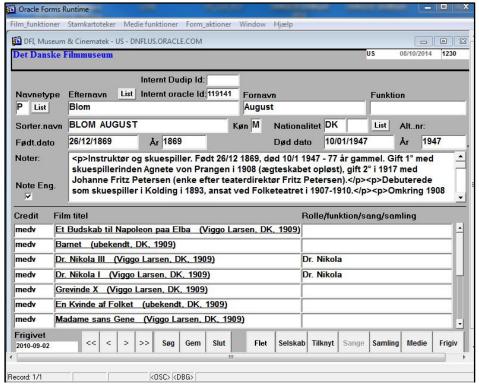


Figure 3: Example on person record in db

In relation to the actual film authority post our system was already prepared for handling information about rights status, but since the field has only recently been established we have not yet made consistent use of it.

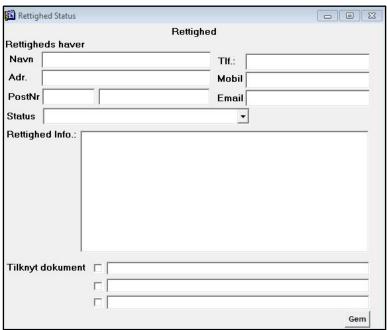


Figure 4: Example on metadata concerning rights information – DFI

Figure 4 shows the present possibilities to register information on rights status and the status on specific orphan works.

#### 5.2 Risks concerning metadata implementation

In the development of the most relevant metadata set for the FORWARD project, lack of harmonization can occur because archives use different definitions of the same database field. This must be avoided and therefore all fields in the databases must be mapped and matched with the minimum metadata set established in D4.2 and D4.3.

#### 5.3 Mapping of information on rights status and orphan status

All partners will deliver metadata to the FORWARD system. The partners will be asked to deliver via OAI-PMH harvesting or by extracting and sending XML exports containing the relevant fields and values mentioned in the FORWARD metadata scheme.

Before this can be established all archives will be asked to fill in a sample schema as earlier mentioned in this report and can be seen in figure 5: *Minimum requirements for metadata in the FORWARD system*. If the partners have any blank fields, they will be requested to implement this information into their databases. After that their data set can be delivered and filtered through the metadata schema developed in: *D4.3: Design of rights information infrastructure* 

Unique identifier	Example	Example	Example	Example
Example	FORWARD field	FORWARD value	Field	Value
58741	Director	Y or N	Instr	Blom, August
89895	Author of manuscript	Y or N	manus	Schröder, Karl Ludwig
74543	Author of dialogue	Y or N	manus	Rukov, Mogens
87984	Music composer	Y or N	music	Jensen, Lars Bo
12345	Birth year	DD/MM/YYYY	Født dato	26/12/1869
21354	Birth year	YYYY	År	1869
53654	Death year	DDMMYYYY	Død år	10/01/1947
43261	Death year	YYYY	År	1947
30256	Rights status	Y or N	Rettighed info	Alle rettigheder 50% på restaureret version
56431	Orphan status	Y or N		
87652	Public domain	YorN		
45204	In copyright	Y or N		
54412	Diligent search carried out	Y or N		
58769	Documentation for diligent search	YorN		

Figure 5: Minimum requirements for metadata in the FORWARD system

#### 5.4 Metadata schema and mapping information on rights status and orphan status

It is foreseen those implications as the one illustrated in figure 6: Challenges concerning identification of Director, Author of manuscript, Author of screenplay and Music composer can occur. The problem is that author of screenplay and author of dialogue are contained in the same field. Therefore some mapping 'extra mapping rules' must be applied. This will be defined at a later point in time.

FUNCTION DFI Value	FORWARD Value
Animat	-
Chefanim	-
Design	-
Fortæl	-
Foto	-
Instr	Director
Inter	-
Klip	-
Konsulen	-
Koreo	-
Kostume	-
Lyd	-
Lydass	-
Lyddesig	-
Lys	-
Lysass	-
Makeup	-
Manus	Author of dialogue / Screenplay
Medv	-
Mix	-
Musik	Music composer
p-design	-
Prod	-
Speaker	-
spec-eff	-
Stemme	-
Still	-
Stunt	-
Tilret	-
Visuaeff	-

Figure 6: Challenges concerning identification of Director,
Author of manuscript, Author of screenplay and Music composer

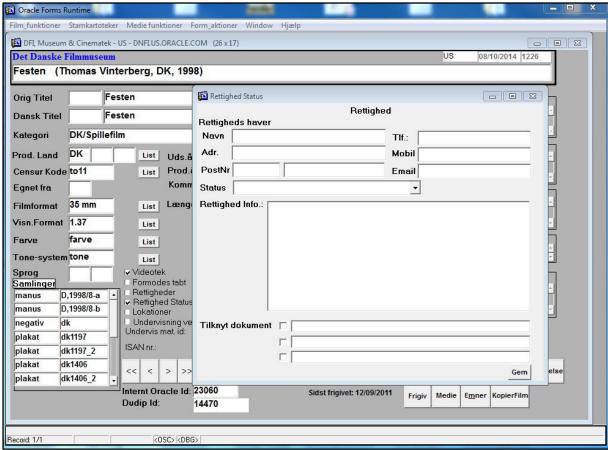


Figure 7: Example on possibilities to register rights information

#### 6. POLICY - ORPHAN WORKS DIRECTIVE

The orphan works directive is intended to break down legal barriers and uncertainty, which limit cultural institutions in their online dissemination activities. By providing a legal framework to address works, to which no rights holder can be found, the hope is that works otherwise left in an ownership limbo can be digitized and displayed to the European citizens.

#### 6.1 Challenges in the monitoring of the metadata enrichment

During the FORWARD project the partners will not only enrich metadata that can be measured in the WP5 surveys. While the surveys do give an indication as to the effort allocated by the partners in relevant metadata fields, the project will also bring added benefits in improving the data quality and establish more standardized registries among the partners. As has been described already, the surveys performed in WP5 are a mixture of feasibility and relevance. The surveys count enrichment in some essential fields, but there will both be issues in regards to the validity of the actual figures and blind spots in regards to structural database work done at partner level, which could be costly without being neither measurable, nor project applicable costs. It is expected that the enrichment monitoring will show a reasonable picture of the enrichment performed in a more general way, while the number of orphan film works registered in the OHIM database is going to be the direct and very real measure of the project's success.

#### 6.2 Metadata output to OHIM

The Office for Harmonization in the Internal Market will receive the required information via the FORWARD project as soon as all details are in place. How the export is performed, and whether it will be from the local FHI databases or as an export directly from the FORWARD system remains to be decided. Certainly the FORWARD project and system will give good guidance to OHIM as they move forward to apply formats and methodology in bulk upload of metadata. Currently the OHIM orphan database only allows beneficiaries to ingest individual works. To provide efficiency and critical mass, the FORWARD and OHIM interface must establish automated orphan work upload.

#### 7. CONCLUSION AND NEXT STEPS

Work Package 5 contains the effort to enrich the local partner databases with the relevant fields and metadata content for these fields to allow the FORWARD system to harvest and apply orphan work searches in a consistent and machine automated process. As described in this report there are challenges to be tackled concerning the implementation of a full and standardized set of metadata into the partner databases. This report describes the process of monitoring the enrichment to be applied in the FORWARD system in order to create the most efficient and reliable system. Partners are expected to concentrate the metadata enrichment on potential Orphan and Public Domain works, based on the partners' collection and historical expertise in identifying the most likely candidates first.

A first survey, based on metadata figures in a set of relevant, but limited number of fields, has been performed in order to give a "starting point" image to monitor future progress in metadata enrichment from. Though the survey is indicative, rather than exhaustive, it does point to certain potential expectations. The number of national film titles in the ten partner archives comes to a total of 360.000. A previous survey done by ACE indicates that 21% of films held in 24 European archives were expected to be Orphan. This would indicate that there are potentially 80.000 orphan works held in the partner archives. This figure should be considered a maximum; since many titles do not have material associated with them (films may be lost or not deposited with the archives). Also, the work effort associated with identifying all the orphans within the archives is staggering and not remotely covered by the FORWARD project. The FORWARD project does however provide a system and methodology to minimize the work effort needed to identify Orphan and Public Domain films in the film archival sector.

The following surveys and results of metadata enrichment in WP5 will be described in the follow up reports D5.2 and D5.3, which should give good indication as to the progress in metadata structure and volume. Also, the later reports will give guidance as to the final number of declared orphan films that can be expected within the project period; a final result, which will be directly measurable in the OHIM database.

<sup>&</sup>lt;sup>7</sup> http://www.ace-film.eu/?page\_id=246

#### 8. REFERENCES

- D3.1 Sector Analysis and User Requirements
- D4.1 Analysis of available resources in the AV sector

Metadata schema analysis D4.1

DIRECTIVE 2012/28/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on certain permitted uses of orphan works.

#### Annex I - Survey on Metadata enrichment in the FORWARD project (WP5)

Wednesday, July 9, 2014

#### Metadata enrichment in the FORWARD project (WP5)

In order to collect the quantitative data as mentioned during our meeting in Bologna on 4 July we would very much like you to fill in your relevant numbers in the simple format you find below.

Your information here is needed in order to be able to document the forthcoming enhancement of the databases participating in the project and your information will be included in deliverable: *D5.1 Report on technical assessment of available information resources*. Therefore, please make sure that the numbers you report are correct. This survey gathers information on a data oriented level in order to count the metadata enrichment carried out within the FORWARD project. On a structural level we also wish to collect information from your database if you have not already given this in the WP4 survey made by EYE. If you have further knowledge that you think would be good to include in *D5.1*, concerning the structural setup of your database, relevant in relation to illustrating your 'status position' we will be glad to receive this. We would like to use this information to show the current status concerning your possibilities to register rights and orphan works in your database system.

Please simply show your current possibilities in regards to register rights status and orphans works. If your possibilities are rather limited please just show/explain this and describe this fact in your survey answer. We will then later in the project be able to illustrate that the databases participating in the project are in a better position to handle information on rights status and orphans works in a structured and standardized way when the tasks described in DoW are being carried out.

**Deadline:** Please fill in your relevant information in the fields marked with yellow and send back this survey as soon as possible, no later than **2 September 2014** to (<u>uffes@dfi.dk</u>). If you have trouble doing an automated count for one or more fields, leave it blank, rather than not sending your reply. Thank you for taking your time to do this!

#### For questions and feedback, please contact:

Uffe Smed
Danish Film Institute
+45 33 74 34 20
uffes@dfi.dk

#### Date

Please fill in the date when your extract the data from your database. During and by the end

of the project we are going to ask you again because we would like to be able to count and document the metadata enrichment on the relevant fields and numbers concerning rights and orphan works.

Date for the extraction of data from your database: X

#### Total number of person records

Please fill in the *total* number of person records you have in your database *Total* number of person records: X

#### Number of *national* person records

Please fill in the total number of *national* person records you have in your database Total number of *national* person records: X

#### Number of person records with birth year

Please fill in the number of person records you have in your database containing *birth year*. Total number of person records with *birth year*. X

#### Number of person records with death year

Please fill in the number of person records you have in your database containing *death year*. Total number of person records with *death year*. X

#### Total number of film records

Please fill in the *total number* of film records you have in your database Total number of film records: X

#### Number of national film records

Please fill in the number of *national* film records you have in your database Total number of *national* film records: X

#### Number of film records with rights status

Please fill in the number of *film records* with *rights status* you have in your database Total number of film records with rights status: X

#### Number of film records with orphan status

Please fill in the number of film records you have in your database with *orphan status*. Total number of film records with *rights status*: X

If you have issues that you find relevant to mention in relation to illustrating your "status position" that can show how things look like at the moment concerning your possibilities to register rights and orphans works in your database please list them – also if your possibilities are rather limited please show/explain this.

Please write your reply here:

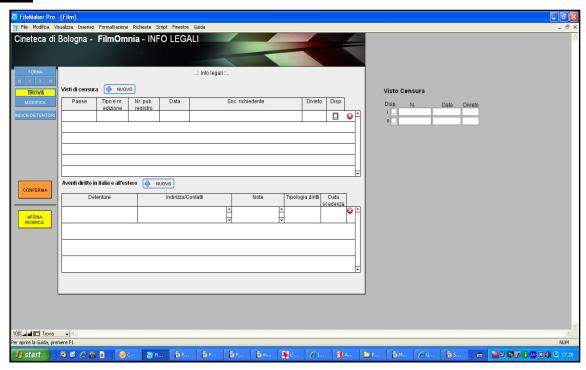
#### **Screenshots**

Insert your relevant screenshots concerning your present possibilities to register rights and orphans works here:

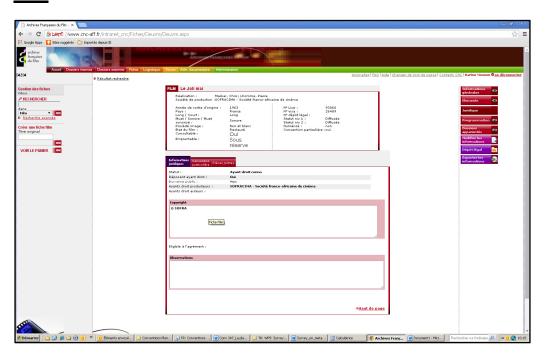
# Annex II – Present possibilities to register rights and orphans works in the archives

Examples:

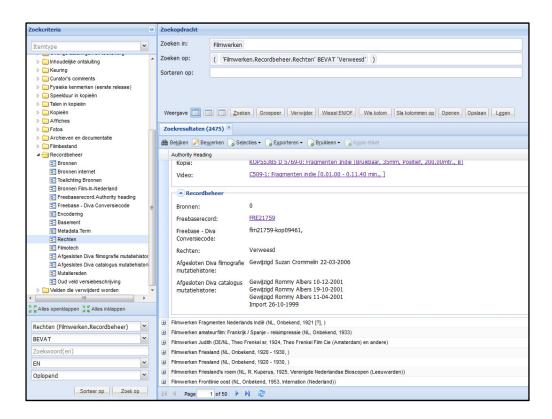
#### **CCB**

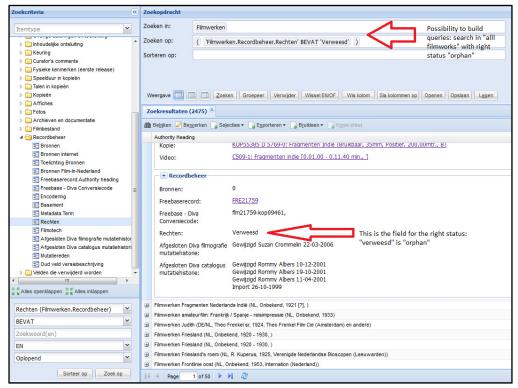


#### **CNC**

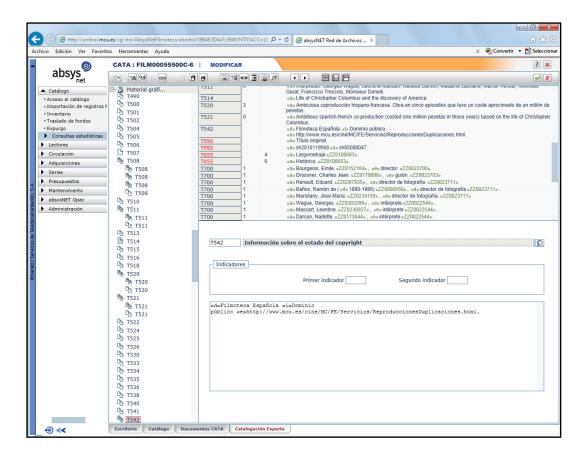


#### **EYE**

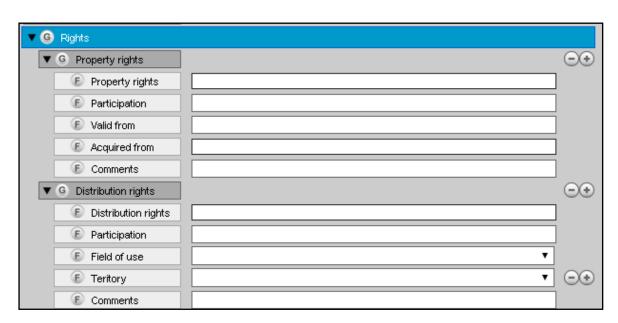




#### FΕ



#### FN



#### **NFA**

