The Out of Commerce Works Portal

German Cultural Heritage Institution workshop

01.06.2023
The Out of Commerce Works Portal
https://euipo.europa.eu/out-of-commerce/

Per the Copyright Directive (EU) 2019/790, the European Union Intellectual Property Office (EUIPO) has established a single publicly accessible online portal to help the exchange of information about out-of-commerce works so cultural heritage mass-digitisation projects can move ahead.
Out of commerce works are works that are still protected by copyright but are *no longer or have never been commercially available* (a reasonable effort to determine their unavailability)
PRIMARY PURPOSES OF THE PORTAL

• Provide access to info about ongoing and future uses of out-of-commerce works
• Make it easier for right holders to opt-out
KEY USERS OF THE PORTAL

Institutions providing and managing information about out-of-commerce works - Cultural Heritage Institutions, Collective Management Organisations, Public Authorities

Rights holders of out-of-commerce works - writers, photographers, publishers

Facilitating discovery of out-of-commerce works from all over EU.

Public users interested in accessing information about out-of-commerce works
### Portal-Supported workflows

<table>
<thead>
<tr>
<th>PROCESS</th>
<th>OUTSIDE PORTAL</th>
<th>IN PORTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Definition of out-of-commerce works</strong></td>
<td><strong>Decision on what is out-of-commerce work</strong></td>
<td>Add records to the Portal</td>
</tr>
<tr>
<td><strong>Licensing agreements</strong></td>
<td><strong>Agreements between CMOs and CHIs</strong></td>
<td>Add information about licenses to records</td>
</tr>
<tr>
<td><strong>Procedure for opt-out request</strong></td>
<td><strong>Validation of opt-out request</strong></td>
<td>Features to request opt-out and update records with opt-out outcome</td>
</tr>
</tbody>
</table>
Key functionalities

1. User Registration management
2. Record Creation UI
3. Excel Bulk upload
4. Modification and deletion of records
5. Search (basic, advanced)
6. Opt-out feature general/specific
7. Feature facilitating general opt-out
8. User notification
9. General information
Key statistics – Records

Total records

1,020,905

Records by Member State

<table>
<thead>
<tr>
<th>Member State</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slovakia</td>
<td>1006579</td>
<td>98.60%</td>
</tr>
<tr>
<td>Germany</td>
<td>8390</td>
<td>0.82%</td>
</tr>
<tr>
<td>Estonia</td>
<td>4103</td>
<td>0.40%</td>
</tr>
<tr>
<td>Hungary</td>
<td>1193</td>
<td>0.12%</td>
</tr>
<tr>
<td>Netherlands</td>
<td>154</td>
<td>0.02%</td>
</tr>
<tr>
<td>Austria</td>
<td>486</td>
<td>0.05%</td>
</tr>
</tbody>
</table>

Data as of 18.05.2023
### Key statistics – Records

<table>
<thead>
<tr>
<th>German CHOs with created records</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Berliner Künstlerprogramm des DAAD</td>
</tr>
<tr>
<td>• Bundesarchiv-Filmarchiv</td>
</tr>
<tr>
<td>• Hochschul- und Landesbibliothek Fulda, Standort Heinrich-von-Bibra-Platz</td>
</tr>
<tr>
<td>• Stadtarchiv Augsburg</td>
</tr>
<tr>
<td>• Stiftung Preußischer Kulturbesitz</td>
</tr>
<tr>
<td>• Universität Stuttgart, IZUS/Universitätsbibliothek</td>
</tr>
<tr>
<td>• Universitäts- und Landesbibliothek Darmstadt</td>
</tr>
<tr>
<td>• Universitätsbibliothek der LMU München</td>
</tr>
<tr>
<td>• Universitätsbibliothek Mainz</td>
</tr>
<tr>
<td>• VG Bild-Kunst</td>
</tr>
</tbody>
</table>

Data as of 18.05.2023
Key statistics – German record statuses

Germany: total records = 8390

Data as of 18.05.2023
Key functionalities – Portal homepage (public view)

- **OUT OF COMMERCE WORKS portal**

  A single online portal to discover books, photos, films and much more from cultural heritage institutions.

  - **Search**
    - Use this option to request a user for your organisation.
  - **Search**
    - In the search field, you can look for works using the following criteria: Title, Description, Category, Author, Rights holder.

- **Information about out-of-commerce works**
  
  Out-of-commerce works are works that are no longer available through customary channels of commerce.

- **Rights holders**
  
  If you are a rights holder of the out-of-commerce works, in this section you can find information and features focusing on your rights and options.

- **Get alerts**
  
  Get notified when a new out-of-commerce work is available.

- **Latest works**
  
  Latest works area lists the newest additions to the portal.
Key functionalities – Basic Search

The search field will display results from the Title, Description, Category, Rights holder, Author or Performer fields of the registered works.

A single online portal to discover books, photos, films and much more from cultural heritage Institutions.

Choosing one filter will limit your search to the selected criterion only.

- All criteria
- Title
- Description
- Category
- Author or Performer
- Rights holder

OUT OF COMMERCE WORKS portal
Key functionalities – Advanced Search

32 filters can be activated to narrow down your search.
### Key functionalities – Search results

- **All results can be exported to an Excel file.**

<table>
<thead>
<tr>
<th>Results</th>
<th>Relevance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literary work</td>
<td>Category of work</td>
</tr>
<tr>
<td>Authors:</td>
<td>Title</td>
</tr>
<tr>
<td>Rights holders:</td>
<td>Record status</td>
</tr>
</tbody>
</table>

- **Sort by:** Relevance

#### Status of the work:
- Out of commerce under 6 months period
- Out of commerce with possibility of uses
- Opt-out requested
- Opted-out
Key functionalities – View work details
Key functionalities – Register user accounts

Fill in the sign-up form to request your organisation.

Your form has been submitted successfully to the corresponding contact point. If you do not receive an account confirmation email in 5 days, please contact your Contact Point.
Dear user,

Thank you for submitting the request to register in the Out of Commerce Works Portal as master user.

Please note that you have to provide evidence that your organisation can be registered as a legitimate user in the portal. You can provide the relevant documents (such as a legal statute) by accessing this link which will redirect you to your registration request.

The link will be available for the next 24 hours for you to provide the documents, after which you will need to perform another request in the Out of Commerce Works Portal.

Please keep this email message for future reference. Do not reply to this email as it has been generated automatically.

The Out of Commerce Works Portal Team

First, you will be sent a confirmation email.

In case the EUIPO administrator validates the applications of your country, please attest the legitimacy of your organisation using the link inside the message to provide the relevant documents.

The contact point assigned to your country or the EUIPO administrator will validate your application.
Key functionalities – Update user details
Key functionalities – Manage user accounts
Create a record – Individual work
Create a record manually in UI
Create a record - Adding Uses of work via UI

Here you can add information about a license, an exception or a limitation of use of the work concerned.
Create a record – Bulk upload

The Out of Commerce Works Portal offers the possibility to do a bulk upload of data. The data can be exported from the systems of the organisations into the proposed file format and uploaded into the portal.

To do a bulk upload, please use the following templates:

- Standard import
- Extended import
- Uses of works for existing records
Create a record – Bulk upload

Step 1: Download the template

Bulk upload

The Out of Commerce Works Portal offers the possibility to do a bulk upload of data. The data can be exported from the systems of the organisations into the proposed file format and uploaded into the portal.

To do a bulk upload, please use the following templates:

- Standard import
- Extended import
- Uses of works for existing records

Press here to download one of the templates:
- Standard import in order to create one or many new individual works.
- Extended import in order to create one or many sets of works.
- Uses of works for existing records in order to add uses to your organisation’s existing records.

Note: The only changes that can be made to the templates is to add metadata and rename the file. The structure of the templates cannot be changed.

Step 2: Fill in and upload the template

Add file

Bulk upload history

- File Name
- Organisation name
- Username
- Upload date
- Processing status
- Report

<table>
<thead>
<tr>
<th>Items per page</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>File Name</td>
<td>Organisation name</td>
</tr>
<tr>
<td>6197919a3ebcd23ad0...</td>
<td></td>
</tr>
<tr>
<td>OOC record owner te...</td>
<td></td>
</tr>
</tbody>
</table>
The new record for your organisation is now listed under the section *My Records.*

<table>
<thead>
<tr>
<th>File N.</th>
<th>Title</th>
<th>Category</th>
<th>Author or Performer</th>
<th>Rights Holder</th>
<th>Organization</th>
<th>Creation Date</th>
<th>Status</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>9003814048925999616...</td>
<td>Lapland</td>
<td>Phonographic</td>
<td>Nam Eless</td>
<td>Sam Leeway, Nam E...</td>
<td></td>
<td>20/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604962791306112...</td>
<td>Conversations about...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604961834364928...</td>
<td>Responding to invis...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604960974237446...</td>
<td>Impression of a invis...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604999937205344...</td>
<td>Notes about invis...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>89460495922181248...</td>
<td>Dreams and invis...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604958105628672...</td>
<td>Spaces: invisible ...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604957191910272...</td>
<td>Documenting invis...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>894604956218191872...</td>
<td>A Centerpiece called...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
<tr>
<td>89460495251890560...</td>
<td>She Remembers invis...</td>
<td>Visual art work</td>
<td></td>
<td></td>
<td></td>
<td>04/10/2021</td>
<td>Under 6 months</td>
<td></td>
</tr>
</tbody>
</table>

Showing 1 - 10 of 50 Results
My records
My records – displays all records created by your organisation

Select to access the details of each record.

Opt-out status.

The available actions are: Edit and Delete.
My records – Actions

Configure columns

Are you sure you want to delete this Out of Commerce Work record?
Please note that any embedded works under the individual work will be removed.

No  Yes

Edit can be used to add new embedded works to an existing record.
Specific Opt-out requests – Setting the outcome

Selecting the request ID will display the details of the request.

To set the outcome of the Specific Opt-out request, select the Actions icon.
Manage alerts

2A
Select the fields for which you want to be notified whenever any future uploads match the selected criteria. Press 'Create Alert'.

2B
Any existing alert criterion can be updated or unsubscribed from, at any time.
General Opt-out (RH perspective) – Request

Information about out-of-commerce works

Out-of-commerce works are works that are no longer available through customary channels of commerce.

To launch a general opt-out request, click on 'More information' in the Rights holders section of the main page.

Rights holders

If you are a rights holder of the out-of-commerce works, in this section you can find information and features focusing on your rights and options.

More information
General Opt-out (RH perspective) – Request

If you are a rights holder of out-of-commerce works, here you can find information about important requirements.

The opt-out mechanisms in the Copyright Directive

The Directive (Article 33) establishes new mechanisms (licensing, exceptions and opt-out) to allow the use of works without the consent of owners.

The opt-out requests in the Portal

The portal will make it easier for you to opt-out if you don’t want your works to be digitised and shared online.

As a general rule, opt-out requests are initiated by rights holders (or their agents) and administered by the relevant organisation(s) responsible for opt-out requests in the Member State(s).

Please note that initiating an opt-out in the portal does not make the opt-out effective. The opt-out can only be general or specific.

General opt-out:

- A general opt-out applies to all your works, as long as the licences are not in place.

Specific opt-out:

- A specific opt-out applies to particular works, particular licences or works under the same conditions.

A specific opt-out request can be sent by:

- The rights holder who initiates the request, or
- Any relevant organisation(s) responsible for opt-out requests.

Consequences of the opt-out (which occur outside the portal):

- Any ongoing uses of the works are terminated within a reasonable period.
- The works are made available under a collective licence, the collective management organisation takes over the opt-out.

Additional options and features offered by the portal for the rights holders:

- The portal informs you if new works are recorded in the portal.
- The portal allows you to see a list of other rights holders who have initiated an opt-out for the same works.
- The portal also facilitates access to information about organisations that have introduced works in the portal, in case a correction of information in relation to your works is needed.
General Opt-out (RH perspective) – Display of the list

The opt-out mechanisms in the Copyright Directive

The opt-out request
- The portal will make it easy to search options.
- As a general rule, the portal is
- The opt-out request
- The portal facilitates

General opt-out
- A general opt-out is the
- The opt-out request

Specific opt-out
- A specific opt-out is
- The opt-out request

Consequences of the opt-out
- Any ongoing use

Additional options
- The portal will notify you about the out-of-commerce works that a cultural heritage institution is planning to digitize and disseminate. In order to be notified about new works recorded in the portal, please subscribe to the system alerts by filling in the alert criteria. The system alert notification will be sent to your email address provided.

List of general opt-outs

<table>
<thead>
<tr>
<th>Request ID</th>
<th>Rights Holders Name</th>
<th>Rights Holder ID</th>
<th>Country</th>
<th>Opt-out comments</th>
<th>Request date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15/07/2021</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>03/11/2021</td>
</tr>
</tbody>
</table>

Showing 1 - 2 of 2 Results
Specific Opt-out (RH perspective) – Request

Rights holders, such as authors or publishers, may choose to exclude their works from public access.

Specific Opt-out requests can be launched directly from the search results.

After submission, both the rights holder and the organisation(s) linked to the record are sent an email about the pending specific opt-out request.

The organisation owner of the record may accept or reject the opt-out request. The rights holder is sent an email with the outcome.
Key functionalities – New release - end of 2023

* Data Ingestion – API – REST supporting 2 metadata standards for creation of big sets of metadata (including updating and deletion)

* Improved search criteria

* VIAF field bugs fixed
Out of Commerce Works Portal information

outofcommerceworks@euipo.europa.eu


Out of Commerce Works Portal Information Page
(Tutorials, Guide to Excel Bulk upload and more)