

It is expected that the new legal mechanism, together with the portal, will improve access to more of our common cultural heritage, so that forgotten stories can once again become our shared history.

WITH  
**OUT-OF-COMMERCE  
WORKS**

FORGOTTEN STORIES CAN  
ONCE AGAIN BECOME  
OUR SHARED HISTORY...



WHAT ARE  
**OUT-OF-COMMERCE  
WORKS?**

As a general rule, copyright protection lasts for the lifetime of the author, plus another seventy years. However, many copyright protected works – such as books, films, recordings – will stop being commercially available to the public after a few years, long before their copyright protection expires. Some works, such as posters, leaflets or amateur videos, will never be exploited commercially ('never-in-commerce works').

Those works, which are still copyright protected but which have never been or are no longer commercially available, are called 'out-of-commerce' works.

**To facilitate the discovery of out-of-commerce works from all over the EU, an online portal has been established by the European Union Intellectual Property Office.**

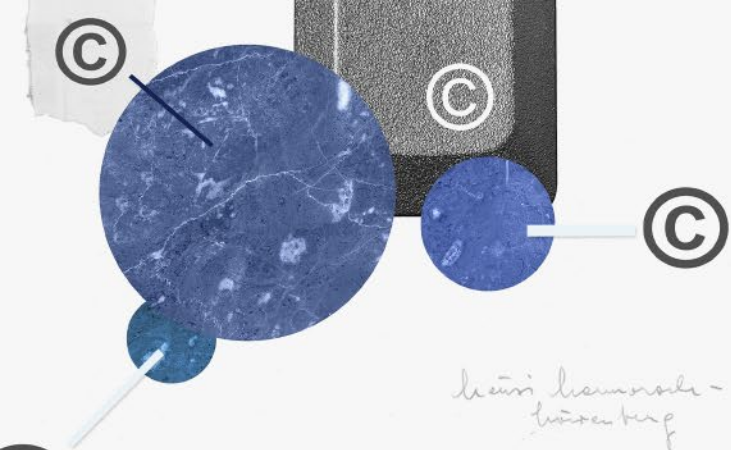


For additional information, please contact us at:  
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<https://www.euipo.europa.eu/out-of-commerce/>



## THE CULTURAL VALUE OF OUT-OF-COMMERCE WORKS AND A NEW LEGAL MECHANISM

European cultural heritage institutions – libraries, archives and museums – hold millions of out-of-commerce works in their collection. Even if they are often old and have been out of circulation, they still hold great cultural, scientific, educational and historical value.

In order to help cultural heritage institutions to fulfil their mission of supporting European culture, Directive (EU) 2019/790 introduces a new licensing mechanism for out-of-commerce works ('**license-based solution**'). This mechanism is complemented by a **new mandatory exception** to copyright that will apply in specific cases where there is no representative collective management organisation to negotiate with the institution.

This mechanism comes with **appropriate safeguards to protect the interests of the rights holders**, such as authors and publishers. The Directive enables them to easily, effectively and unconditionally exclude their works from the out-of-commerce system, at any time ('**opt-out mechanism**').

## THE PORTAL ALL THE INFORMATION YOU NEED ABOUT OUT-OF-COMMERCE WORKS, IN ONE PLACE

The Out-of-Commerce Works Portal has been established to help ensure that all the information about the use of out-of-commerce works and details about the rights holders' opt-outs is adequately publicised, and available in one single, publicly accessible online portal.

### Main functionalities of the portal:

- The portal enables cultural heritage institutions, collective management organisations or public authorities to create records of out-of-commerce works from their permanent collections, before making them available online. This information needs to be published in the portal 6 months prior to making use of such works.
- In parallel, the portal is making it possible for the rights holders of those works to find information and to initiate a specific or a general opt-out request so that their works are excluded from the legal mechanism.
- The portal is publicly accessible and gives the general public the possibility to search for works, find the cultural heritage institutions that make these works available online, and receive alerts about new works being recorded on the portal.

