

Comité de Normas Técnicas de la OMPI (CWS)

Décima sesión
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PROPUESTAS DE MEJORA DE LOS METADATOS SOBRE EL DERECHO DE AUTOR EN LA NORMA ST.96 DE LA OMPI

Documento preparado por la Oficina Internacional

INTRODUCCIÓN

1. En su sexta sesión, celebrada en 2018, el Comité de Normas Técnicas de la OMPI (CWS) convino en incluir las obras huérfanas protegidas por derecho de autor como parte de la Norma ST.96 de la OMPI (párrafo 68 del documento CWS/6/34). En su octava sesión, celebrada en 2020, el CWS tomó nota de que los componentes de esquema XML para las obras huérfanas protegidas por derecho de autor se incluyeron en la versión 4.0 de la Norma ST.96 de la OMPI y el Equipo Técnico XML4IP planificó la mejora de algunos componentes de derechos de autor para proporcionar un formato más estructurado (párrafos 8 y 30 del documento CWS/8/14).

2. En su novena sesión, el CWS examinó un borrador de proyecto presentado por la Oficina Internacional que se centraba en la gestión de los metadatos sobre el derecho de autor de las obras huérfanas, y más concretamente en ofrecer una forma estructurada de clasificar la información relativa a las funciones de los titulares de derechos y las categorías de obras que se recoge en los componentes del esquema XML: `cpy:RightsHolderCategory` (categoría que identifica el tipo de titular de derechos) y `cpy:OrphanWorkKindCode` (lista de códigos que identifican los tipos de obras huérfanas) de la Norma ST.96 de la OMPI. El objetivo principal de este documento es mejorar la interoperabilidad de la Norma ST.96 con otras normas sobre datos desarrolladas o utilizadas en todo el mundo por el sector cultural y los organismos de gestión colectiva del ámbito del derecho de autor y los derechos conexos, así como por las bibliotecas nacionales y universitarias.

3. Varias delegaciones manifestaron su apoyo a la labor realizada por la Oficina Internacional, aunque una delegación expresó su dificultad para aportar observaciones sobre las propuestas, ya que los derechos de autor no forman parte de su cartera de actividades. La Oficina Internacional confirmó que el Equipo Técnico XML4IP se pondrá en contacto con más oficinas de derecho de autor y agrupaciones del sector para solicitar asistencia en esta labor. Además, una delegación sugirió que se precise la definición de "Unknown" (desconocido) en el modelo propuesto para la categoría de obras creativas. El CWS invitó a los miembros a formular observaciones sobre las propuestas relativas a los metadatos sobre las obras huérfanas protegidas por derecho de autor, según figuran en el Anexo al documento CWS/9/4, y a contactar con sus oficinas de derecho de autor a fin de reunir información. El CWS señaló que la Oficina Internacional tiene previsto presentar las propuestas finales para su consideración en su próxima sesión. (Párrafos 21 y 24 del documento CWS/9/25).

PROPUESTA REVISADA PARA LA GESTIÓN DE LOS METADATOS SOBRE LAS OBRAS HUÉRFANAS PROTEGIDAS POR DERECHO DE AUTOR

4. La delegación que sugirió precisar la definición de "Unknown" en el modelo propuesto para la categoría de obras creativas en la novena sesión del CWS informó a la Secretaría de que no es necesario añadir detalles adicionales en este momento, al considerar que el término parece estar incluido en el párrafo 4 del Anexo del documento CWS/9/4.

5. Tras la novena sesión del CWS, la Oficina Internacional mejoró esas propuestas de valores normales a partir de los comentarios recibidos y las sometió a la consideración del Equipo Técnico XML4IP. Posteriormente, se invitó a los Estados miembros y a los observadores de la OMPI a formular observaciones sobre las propuestas mejoradas que se publicaron en un wiki público del CWS (<https://www3.wipo.int/confluence/x/C4DFRq>), por medio de la circular C.CWS 156, en particular teniendo en cuenta:

- la exhaustividad en relación con las funciones de los titulares de derechos y las categorías de obras creativas;
- la adecuación de los esquemas de agrupamiento y codificación de las funciones de los titulares de derechos y las categorías de obras; y
- la claridad de las descripciones de las entradas de las funciones de los titulares de derechos y las categorías de obras.

6. La Oficina Internacional recibió nueve respuestas a la circular, procedentes de seis Estados miembros: Chequia, Japón, Madagascar, México, la República de Corea y Türkiye; y de tres observadores: la Asociación para la Gestión Internacional Colectiva de Obras Audiovisuales (AGICOA), Digital Data Exchange, LLC (DDEX) y la Federación Europea de Sociedades Conjuntas de Administración de los Productores de Copias Audiovisuales Privadas (EUROCOPYA), en los siguientes términos:

- Dos países (el Japón y Türkiye) declararon que no tenían ninguna observación que realizar;
- Dos países (Madagascar y la República de Corea) manifestaron su apoyo a las propuestas y destacaron la exhaustividad y la adecuación de los esquemas de agrupamiento y codificación de las funciones de los titulares de derechos y las categorías de obras creativas incluidos en las propuestas;
- Cinco respuestas contenían observaciones y sugerencias detalladas; y
- Un país (Madagascar) se mostró dispuesto a cumplir con la nueva norma y solicitó asistencia técnica para hacerlo.

7. En general, todas las respuestas respaldaron la iniciativa y el proyecto de propuestas y aportaron sugerencias de carácter general o concreto para mejorarlas. La Oficina Internacional informó de los resultados de las respuestas en la reunión mensual del Equipo Técnico XML4IP. Las respuestas pueden resumirse del siguiente modo:

- Granularidad de la clasificación: algunas categorías son muy detalladas, mientras que otras son más genéricas;
- Nivel de detalle de las descripciones: algunas son muy específicas o detalladas, mientras que otras son más genéricas;
- Posible mejora de la interoperabilidad con las normas del sector fuera de la CISAC; y
- Alcance de las propuestas: ¿solo para las obras huérfanas o para el derecho de autor en general?

8. Teniendo en cuenta las respuestas recibidas, la Oficina Internacional ha introducido nuevas mejoras en el proyecto de propuestas; a continuación se exponen las principales:

- a) Propuesta relativa a la categoría *Right Holder's Role* (función del titular del derecho)
 - Añadir la función *Sound designer* (persona responsable de la producción de sonido);
 - Suprimir la función *Copyright owner* (propietario del derecho de autor), ya que es redundante con la entrada *Copyright holder* (titular del derecho de autor);
 - Adaptar algunos códigos como resultado de la incorporación y supresión de funciones; y
 - Adaptar la descripción de *Film editor* (montador cinematográfico) para añadir el concepto de montador cinematográfico artístico.
- b) Propuesta relativa a los códigos de tipos de obras
 - Añadir una nueva subcategoría *Clip* (una grabación de audio sin editar que se grabó como parte de una sesión, pero que no ha sido incorporada a la versión final) bajo la categoría *Sound Recording* (grabación sonora), teniendo en cuenta la última versión disponible de DDEX;
 - Cambiar el nombre de la categoría *Audio Visual* a *Audiovisual Work* (obra audiovisual) y añadir nuevas subcategorías y adaptar las existentes bajo dicha categoría para mejorar la interoperabilidad con las normas IDA, ISAN y AGICOA;
 - Adaptar algunos códigos como resultado de la introducción de nuevas subcategorías; y
 - Adaptar la descripción de *Work of Art* (obra de arte) para añadir la palabra *plastic* (plástico).

9. El documento de propuestas revisadas se reproduce como Anexo al presente documento, junto con sus Apéndices I y II y algunas modificaciones, para que el CWS lo examine:

- Apéndice I, que contiene la lista de categorías propuestas para las funciones de los titulares de derechos, su descripción y el código correspondiente por entrada, con modificaciones en las siguientes hojas de trabajo: “*ST.96 - RH Roles proposal*” y “*Corresp. Proposal - Standards*”, en las que se suprime la correspondencia de la

función de titular de derechos con DDEX, ya que es un valor permitido para la función de no *ProductionContributor* (colaborador en la producción); y

- Apéndice II, que contiene la lista de categorías propuestas para las obras creativas, su descripción y el código correspondiente por entrada, con modificaciones en las siguientes hojas de trabajo: “*ST.96 - CreatWork Cat. Proposal*”, “*Sound Recording*” y “*Audiovisual Work*”.

10. *Se invita al CWS a:*

a) *tomar nota del contenido del presente documento y del Anexo del presente documento;*
y

b) *formular observaciones en relación con el borrador de proyecto revisado que se reproduce en el Anexo de este documento.*

[Sigue el Anexo]

PROPOSAL FOR METADATA MANAGEMENT OF COPYRIGHT ORPHAN WORKS

Revised Working Draft

Document prepared by the International Bureau of WIPO

[Editorial Note: This is a **revised** working draft for metadata management of copyright orphan works prepared by the International Bureau in order to support the XML4IP Task Force, which has been working to improve WIPO Standard ST.96 Copyright components. **The changes to the initial working draft presented to the ninth session of the Committee on WIPO Standards (see the Annex to document CWS/9/4) are marked below in yellow for added text and in purple for deleted text.**]

1. INTRODUCTION

1. The XML4IP Task Force of the Committee on WIPO Standards (CWS) has been mandated for the improvement of WIPO Standard ST.96 to best meet its stakeholders' needs. In its version 4.0, ST.96 recommends the XML (Extensible Markup Language) resources to be used for filing, publication, processing, and exchange of information for all types of intellectual property (IP), i.e. patents, trademarks, industrial designs, geographical indications and copyright¹.

2. The working draft is focused on copyright metadata management of orphan works. The main goal is to develop information on work categories and rights holder roles in a more structured manner, to improve the interoperability of ST.96 with other data standards around the world developed and/or used by cultural industries, collective management organizations in the area of copyright and related rights, as well as national and university libraries. The ST.96 version 4.0 defines the rights holders roles (see ST.96 **cpy:RightsHolderCategory** (Category which identifies the type of rights holder) ~~cpy:RightsHolderType~~) and orphan work categories (see **ST.96 cpy:OrphanWorkKindCode** (Code list which identifies a kind of orphan works) ~~cpy:CreativeWorkIdentifierCategory~~) in a monotonous manner and it is intended to improve them in a more structured format, taking into account the information and practices on copyright metadata management available in the copyright communities.

2. GENERAL REMARKS

2.1 Copyright and related rights

3. Copyright metadata management generally covers a large spectrum of practices and encompasses numerous types of information. On the one hand, this relates to copyright strictly speaking (or author's rights) which is associated with an artistic concept, i.e., the works created by a writer, a composer, an architect, a painter, a choreographer, and its possible publication. On the other hand, this is linked to the related rights generated by the embodiment of the artistic concept through its production and its performance.

4. From a copyright metadata management perspective, it is important to use a terminology that clarifies at what level a specific item is orphan. In particular:

¹ WIPO ST.96 is available on WIPO website at: https://www.wipo.int/standards/en/part_03_standards.html.

- When the composer of a music piece, the painter of a watercolor, or the architect of a plan is unknown, the work is considered orphan and undetermined in terms of copyright management;
- When the producer of a music recording or of a motion picture, or the performer of a song, is unknown, the music or audio-visual production is considered orphan and undetermined in terms of management of related rights; and
- In the library field, as well as in the EU (see Article 2(1) of the EU Orphan Works Directive²), the term ‘orphan’ also applies to works whose authors (or other right holders) cannot be located or contacted.

5. As a general rule, rights holders are categorized according to their role in the creation and publication of a work as copyright holders, as well as according to their role in the production and the performing of the work as related rights holders.

2.2 Generic categorization of art works and productions

6. Even if art works and productions are often at the crossroads of several artistic disciplines, it is key to keep a clear and basic categorization of work and production types. These categorizations are generally grouped by the International Confederation of Societies of Authors and Composers³ (CISAC) into five generic repertoire types⁴ corresponding approximately to the different fields of activity of the Collective Management Organizations (CMOs):

- (a) Music repertoire
- (b) Audiovisual repertoire
- (c) Literary repertoire
- (d) Visual arts repertoire
- (e) Dramatic repertoire

7. This classification is used to structure the different types of creative work proposed in the present document. CISAC groups’ creative works into sixteen distinct classes:

- (a) Musical work
- (b) Sound Recording
- (c) Audio-visual work
- (d) Fiction audio-visual work
- (e) Documentary audio-visual work
- (f) Literary fiction work
- (g) Literary non-fiction work
- (h) Literary work
- (i) Work of art
- (j) Photographic work

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0028>

³ Cf. <https://www.cisac.org/>.

⁴ Cf., e.g., CISAC Global Collections Report 2020, pp. 22-29 (to be downloaded here: [Global creators' royalties expected to decline by up to €3.5 billion in 2020 | CISAC](#)).

- (k) Architectural work
- (l) Choreographic work
- (m) Dramatic work
- (n) Dramatico-musical work
- (o) Multimedia work
- (p) Information system

8. Evidently, the same work or the same production can consist of several works or productions from different categories. As an example, most audio-visual production typically includes music production: the lyrics of a song may be based on some preexisting literary work; dance and music are generally interrelated, and so on. A given item is likely to be an orphan on one of its artistic dimensions, but not on others. Therefore, it is essential to have a structure in place that allows a multi-dimensional management of copyright and related rights metadata of the orphan work, at the level of each specific entry.

2.3 Standardization

9. Depending on the artistic discipline, the management of copyright information is standardized in agreed digital formats and information exchange protocols. Over the years, several organizations like CISAC, IFPI⁵ (International Federation of the Phonographic Industry), SCAPR⁶ (Societies' Council for the Collective Management of Performers' Rights) and IFRRO⁷ (International Federation of Reproduction Rights Organisations), **ISAN (International Standard Audiovisual Number) and AGICOA (Association de gestion collective internationale des œuvres audiovisuelles)**, etc. have developed data exchange frameworks to transfer information about ~~intellectual property~~ IP rights for creative works from one another and to the different stakeholders of intellectual creations. Whenever possible, in the context of orphan works' copyright metadata management, it is preferable to adopt the existing way of working of the CMOs. This will considerably ease the interoperability of ST.96 with existing copyrights and related rights databases and processes.

3. MUSIC REPERTOIRE

3.1 CISAC's Common Works Registration

10. The Common Works Registration (CWR v3.0) XML protocol and data format is the standard format globally adopted and used by CMOs and music publishers around the world. Directly managed within CISAC, its function is to allow the registration and the revision of musical works. Its structure and metadata are thus compatible with the largest copyright database networks, CIS-Net⁸ and CISAC's [Musical] Works Information Databases (WID). Many of CWR's data are essential to the copyright management of musical works and are also found in the CISAC formats for managing the copyright of audiovisual works. The structural and metadata elements summarized below are included in the proposed improvements to ST.96 at the level of rights holders' role definition, categorization of creative works and other components.

⁵ Cf. <https://www.ifpi.org/>.

⁶ Cf. <https://www.scapr.org/>.

⁷ Cf. <https://www.ifrro.org/>.

⁸ <https://www.cisac.org/services/information-services/cis-net>

3.2 Data structure of CWR v3.0

11. The data structure of CWR v3.0 is divided into ten parts or “record types”⁹, which may be used to describe an orphan musical work and/or production¹⁰:

Record 1: Work Title and Core Information (WRK)

12. The first record of the CWR “Work Title and Core Information” contains fundamental information on the work, like its title, the language of the title, its unique identifiers and the copyright date. It also allows significant granularity in mentioning the possible incorporation of other works, at the musical and/or lyrics level. Where applicable, this important information is directly articulated in CWR’s second record with information on creators’ role in the work, and in CWR’s fourth record with information on their role in incorporated works.

13. Moreover, the genre of the work can be filled in a field labelled “Musical Work Distribution Category”. Four music categories are provided by CISAC: jazz, serious, popular and unclassified, whereas most CMOs typically rate the importance of a work in the rights distribution calculations. The advantage is that these four categories are very broad and, therefore, are not impacted by the constant evolution of musical styles. The jazz category embraces bebop as well as Latin or free jazz. The “serious music” category includes all generic and specific forms of classical or art music (chamber music, baroque, symphonic, electro-acoustic, opera, etc.). The “popular” category groups all mainstream, generally commercial music (pop, rock, hip-hop, electro, dance, etc.). The “unclassified” category is mainly intended for CMOs that do not differentiate musical genres in their distribution processes. It is often replaced by a category called “jingles & generics”, which does not belong to a genre, but rather to a particular use of music.

14. The potential disadvantage of this categorization is that it does not correspond to any accepted conventions in the recorded music industry¹¹. Instead, music producers and digital platforms tend to use more elaborate and descriptive classifications, like the “Subgenre” allowed value set agreed within DDEX¹² (Digital Data Exchange consortium).

Record 2: Interested Parties and Collection Shares

15. The CWR distinguishes between two categories of copyright holders: “writers” and “publishers”. According to the second record, “Interested Parties and Collection Shares”, some basic information can be provided about them, such as first and last names, name of the company, IPI name and base numbers. Writers and publishers may have several roles in the work. They are defined as follows in the CWR¹³:

Writer roles

16. The following roles and codes, as defined in the CWR, are used by all of the CMOs managing a music repertoire:

- Adaptor (AD): the author or one of the authors of an adapted text of a musical work.

⁹ Cf. [CISAC's CWR 3.0 User Manual](#), Section 3 “Registering Work Information”.

¹⁰ It is not useful to take account of all of the CWR’s fields, in particular those concerning the contractual management of rights (e.g., the split of the copyright shares between songwriters and publishers; the number of the agreement between the publisher and the composer; the agreement type; etc.). The most relevant fields for the management of orphan musical works are listed and described in the document “Suggestions for improvements to other copyright category components”.

¹¹ Cf., e.g., via [PPL \(ppluk.com\)](#), *PPL Bulk Repertoire Import Guide*, p.11.

¹² Cf. [http://service.ddex.net/dd/ERN-2744%20-%20ERN%204.2%20\(dd%20avs\)/dd/avs_SubGenre.html](http://service.ddex.net/dd/ERN-2744%20-%20ERN%204.2%20(dd%20avs)/dd/avs_SubGenre.html).

¹³ Cf. [CISAC's CWR 3.0 Look-up Table-05](#), fields « WriterRole” and “PublisherRole”.

- Arranger (AR): a modifier of musical elements of a musical work.
- Author, Writer, Author of Lyrics (A): the creator or one of the creators of a text of a musical work.
- Composer, Writer (C): the creator or one of the creators of the musical elements of a musical work.
- Composer/Author (CA): the creator or one of the creators of text and musical elements of a musical work.
- Sub-Arranger (SR): a creator of arrangements authorized by the Sub-Publisher
- Sub-Author (SA): the author of a text which substitutes or modifies an existing text of musical work.
- Translator (TR): a modifier of a text in a different language.
- Income Participant (PA): a person that receives royalty payments for a work but is not a copyright owner.

Publisher roles

- Acquirer (AQ): a publisher that acquires some or all of the ownership from an Original Publisher, while the Original Publisher still controls the work.
- Administrator (AM): an interested party that collects royalty payments on behalf of a publisher that it represents.
- Income Participant (PA): a person or corporation that receives royalty payments for a work but is not a copyright owner.
- Original Publisher (E): the interested party which has acquired by agreement with a composer and/or author rights in one or more works for a stipulated territory and duration.
- Substituted Publisher (ES): a publisher acting on behalf of another publisher or sub-publisher.
- Sub-Publisher (SE): the interested party which has acquired by agreement with a publisher rights in one or more works for a stipulated territory and duration.

17. They cover every possible involvement of a physical person or an entity in the creation and publication of a musical work. For interoperability reasons, it is necessary to integrate them together with their descriptions in the ST.96 (see document “Proposals for the categorization of rights holders' roles”).

18. Under the record “Interested Parties and Collection Shares”, many fields are dedicated to copyright management per se, from a collection and distribution perspective. Information such as the share split between writers and publishers, or the type of agreement between them, is confidential and accessible only to CMOs.

Record 3: Alternative Titles

19. Under the first record “Work Title and Core Information” is the official title of the mentioned work. However, a work might be also known by one or several other titles. The third record of the CWR “Alternative Titles” could be used to fill in alternative and translated titles, a formal title of a work of “serious” music, and even incorrect or extra search titles with uncommon characters, replaced by standardized ones. Two other noteworthy fields labelled as “Alternative Title with National Characters” (an alternative work title in its original language, using ‘accented’ national characters) and “First Line of the Text” might be equally useful in the context of orphan musical works management.

Record 4: References to Other Works

20. If, in the first record, “Work Title and Core Information”, one type of relation (“version”, “excerpts” or “composites”) is mentioned with one or several other works. Information about it or them (such as work title and writer) can be stated under the CWR’s fourth record “References to Other Works”. As mentioned in the general remarks, it is important to have in place an XML structure which allows for a multi-dimensional management of copyrights and related rights metadata. The whole CWR 3.0 XML protocol, from the first record to the tenth, is conceived in this way. It offers both flexibility and completeness on the different pieces of data that describe and authenticate a musical work, its ownership, its production, and its possible purpose.

Record 5: Live Performing Artist

21. In addition to metadata linked to the musical work, under the fifth record “Live Performing Artist”, the CWR provides basic data input on the live performance of the work, such as an artist or band’s name and unique identifiers (the CISAC’s Interested Party Information [IPI]¹⁴ name number, and the International Standard Name Identifier [ISNI]). This very specific information would probably not be relevant in the context of orphan musical works and productions, except perhaps in the case of orphan sound or audiovisual recordings of live performances.

Record 6: Recording Detail

22. Music performing and music production registration processes depend on IFPI’s International Standard Recording Code (ISRC) agreed rules¹⁵, and best practices of SCAPR and related rights’ CMOs. Two XML formats are globally accepted and used by music producers, aggregators, distributors, and digital platforms: the DDEX’s Electronic Release Notification (ERN v4.2)¹⁶ and the DDEX’s Recording Information Notification (RIN 1.1)¹⁷. The structure and the terminology of these XML formats are complex, fundamentally exhaustive and oriented towards the digital sale of recorded music. Some essential elements of these formats are integrated in the two proposals for the categorization of creative works and rights holders within ST.96.

23. The CWR’s sixth record “Recording detail” offers an alternative for music production’s metadata management. If need be, the information fields are sufficient for an efficient exchange with the CMOs of music producer’s related rights and with the labels. This could however not be the case for metadata management in music performances¹⁸, for only the following two fields are provided here: “Display Artist” (the name of the recording artist) and “Performing Artist IPI name number”. This would by no means be sufficient to manage the related rights metadata on the performers’ side. It is indeed extremely rare for a musical work to be performed by only one artist.

24. The outcome of the project “Metamusic¹⁹”, supported by the Québec Government and part of the “Plan culturel numérique du Québec²⁰”, is probably one of the best solutions addressing the copyright and related rights management of musical works and productions.

¹⁴ Cf. <https://www.ipisystem.org/> and <https://isni.org/>.

¹⁵ <https://isrc.ifpi.org/en/isrc-standard/handbook>.

¹⁶ Cf. [Implementing Release Deliveries - Knowledge Base - DDEX Knowledge Base](#)

¹⁷ Cf. <https://kb.ddex.net/pages/viewpage.action?pageId=11600104>

¹⁸ DDEX’s ERN is also very poor in this respect.

¹⁹ Cf. <https://metamusic.ca/>

²⁰ Québec’s Digital Cultural Plan. Cf. <http://culturenumerique.mcc.gouv.qc.ca/>

Developed by UQÀM's²¹ LATTICE laboratory²², researchers and recorded music industry veterans, Metamusic is an online "guide to best practices for indexing music content using metadata". The purpose of this guide is to provide a path for the improvement of music content discoverability in the digital era.

25. Divided into seven sections: "Work", "Work – Contributor", "Track", "Track – Contributor", "Product", "Product – Contributor", "Automatic", the Metamusic toolkit²³ can easily be implemented in an XML format. The fourth section "Track – Contributor" proposes a complete metadata set related to music performance. This comprehends information about the main artist, possible guest artists, musicians or background vocalists, including essential unique identifiers like SCAPR's International Performer Number (IPN) and ISNI.

Record 7 & 8: Work Origin & Audiovisual Productions

26. Under the CWR's seventh and eight records "Work origin" and "Audiovisual Productions", the possibility is given to link a musical work with an audiovisual production, by defining its origins (if the musical work comes from a library or has been created for an audiovisual production) or by mentioning its synchronization (if the musical work was pre-existing). In these two records, the metadata for audiovisual works and production should, however, be completed by the harmonized metadata model for music cue sheets launched by CISAC and publishers in November 2020²⁴, based on CIS-Net AV-Index and AVR (AV works Notification) **and by the high level model shared by IDA (International Documentation on Audiovisual works), AGICOA and ISAN.** ~~This model will be described in~~ (cf. part 3 of this document).

Record 9: Instrumentation

27. The CWR's ninth record "Instrumentation" is intended for "serious works". For the management of orphan orchestral work, the exhaustive list of classical instruments available and their CWR codes²⁴ could perhaps be useful. It is to be noted that DDEX's ERN also proposes a complete allowed value set of instruments (InstrumentType²⁵).

Record 10: Work ID Cross Reference

28. Any organization such as a CMO, publisher and label for internal processes purposes, may issue work and production identifiers which are not structured according to the CISAC's International Standard Work Code (ISWC) and the IFPI's ISRC. The CWR's tenth record "Work ID Cross Reference" contains identifiers issued by any organization, including but not limited to the intended recipient of the file.

4. AUDIOVISUAL REPERTOIRE

4.1 CISAC's AV-Index, AVR and Cue Sheet Standards & Rules

29. Recently, within CISAC, an Audiovisual Expert Group and a Cue Harmonization Group worked together to produce a new set of rules and standards for the creation and use of cue

²¹ [About UQAM | UQAM](#)

²² Cf. [LATICCE – Laboratoire de recherche sur la découvrabilité et les transformations des industries culturelles à l'ère du commerce électronique \(uqam.ca\)](#) and [Accueil - Centre d'études sur l'intégration et la mondialisation \(CEIM\) | UQAM](#)

²³ [Toolkit – MetaMusic](#)

²⁴ Cf. [CISAC and publishers come together to launch harmonized music cue sheets | CISAC](#)

²⁴ Cf. [CISAC's CWR 3.0 LookupTable-05](#), "InstrumentCode".

²⁵ Cf. [http://service.ddex.net/dd/ERN-2744%20-%20ERN%204.2%20\(dd%20avs\)/dd/avs_InstrumentType.html](http://service.ddex.net/dd/ERN-2744%20-%20ERN%204.2%20(dd%20avs)/dd/avs_InstrumentType.html)

sheets²⁶. Once again, the integration of specific basic fields from CISAC's Cue Sheet Standards & Rules (CSSR) into ST.96 would be recommended to help streamline the copyright and related rights metadata management of orphan audiovisual works and productions.

30. The CSSR structure is less complex than the CWR structure, from which CSSR takes several metadata fields and codes for music works and productions embodied in audiovisual productions. Additionally, such metadata fields and codes are based on CISAC's AV-Index and AVR metadata fields for information management of audiovisual works and productions.

31. Among other metadata fields, the classification of the "AV Work IP Roles" and the "Production Categories" contain the following necessary basic metadata, globally used by the CMOs:

*AV Work IP Roles*²⁷

- Producer (PS): the person who bears the ultimate administrative and financial responsibility for an audiovisual work.
- Actor (AC): the main actor/star featured in an audiovisual work.
- Film Director (RE): the person who directs the actors and the camera and bears the ultimate creative responsibility for an audiovisual work.
- Author of sub-titles (DS): Subtitled: the person who provides the printed translation of the dialogue appearing in an audiovisual work. Dubber: the person who replaces the original dialogue with a translation.
- Author of screenplay/Author of dialogue (AS): a writer who either adapts an existing work or creates a new screenplay for an audiovisual work.
- Film Editor (ET): a person who performs editing (in consultation with the director) of the audiovisual work.
- Film Distributor (FD): the person responsible for coordinating the distribution of the finished audiovisual work to broadcasters, exhibitors, etc.
- Director of Photography/Cinematography (CM): the person responsible for capturing the images and the selection and arrangement of lighting of the audiovisual work.
- Sound Engineer (ST): a member of the sound team involved with creating the soundtrack for the audiovisual work.
- Production Company (PO): the company that finances the production of an audiovisual work.

Production Categories²⁸

For the production categories, the "work type" defined by ISAN²⁸ (schema 3.0) and interoperated with IDA and AGICOA forms an excellent basis for the subcategorization of the different types (or formats, in IDA's terminology) of audiovisual works:

- Animation (ANI): cartoon audiovisual production constituted by moving images which are created with computer images or animated things or illustrations.
- Commercials (COM): film or television production in which the principal purpose is to propose or to sell a product or a service.

²⁶ Cf. CISAC's Cue Sheet Standards & Rules.

²⁷ Cf. Cue Sheet Standards & Rules, p. 5.

²⁷ Cf. Cue Sheet Standards & Rules, pp. 6-7.

²⁸ Cf. <https://support.isan.org/hc/en-us/articles/360017437320-List-of-Supported-Codes-schema-3-0->

- ~~Documentary (DOC): a moving image production providing a factual archive or report.~~
- ~~Feature Film, TV Movie, etc. (FIL): Feature Film: film for theatrical release; TV Movie: a movie produced for broadcast on television.~~
- ~~Infomercial (INF): an extended TV commercial, educational demonstration, interview etc.~~
- ~~Mini Series (MIN): television drama series, made up of a limited number of parts usually transmitted over consecutive periods.~~
- ~~Multimedia (MUL): a combination of media such as films, audio recordings, slides.~~
- ~~News (NEW): an audiovisual production which reports on topics of current interest.~~
- ~~One Offs (ONO): one offs not already included in any other code, i.e., Eurovision song contest, concert, quiz show, etc.~~
- ~~Other (OTH): other production.~~
- ~~Reality (REA): unscripted television program in which people are continuously filmed, designed to be entertaining rather than informative.~~
- ~~TV Series, Cable Series, etc. (SER): a set of productions with the same main actors, or on related subjects but each complete in itself.~~
- ~~Soap Opera, Telenovelas (SOP): an open ended television drama where the story continues from episode to episode.~~
- ~~Specials (SPC): a single television production that features a specific work, a given topic, or a particular performer.~~
- ~~Sporting Event, Sports Related Programme (SPE): non fiction productions reporting on sporting events.~~
- ~~Trailers (TRL): a promotional advertising device for a film or television production.~~
- Advertising – Commercials, advertising films: Works which promotes a product, service, idea, person or company, including promotional material for consumer products, services shown in theaters, infomercials or on digital signage.
- Documentary: A moving image production providing a factual archive or report depicting persons, animals, vegetables and plants, events or industrial processes.
- Educational: Works restricted to traditional training, coursework, classroom or distance learning. Such works are primarily intended to educate rather than entertain.
- Feature film: Work, usually originally released theatrically.
- Live event: All non fiction works recording live events except related to sport or performances which have their own types. Examples include extensive coverage of political conventions, talk shows, live recordings of political debates, elections, space coverage, marriage, funerals, etc.,
- News: An audio visual production which reports on topics of current interest. Non fiction programming, reporting and commentary on current events, usually organized into reports from various correspondents.
- Performance: Works documenting a performance including concerts, dance, music, opera, stage production, recitation, magic, circus, stand-up comedy, burlesque, vaudeville or other variety stage act. Performance is a subset of live event (LV).
- Short: Fiction work, usually originally released theatrically or direct to video, with an original length less than feature film. This includes short animated works.
- Sport: Non fiction productions reporting on sporting events. Sport is a subset of live event (LV).
- Telefilm: A work intended for television broadcast.
- Tv entertainment: Other TV entertainment programs not covered by a dedicated ISAN Work Type. Programming intended for airing on television including reality programs, magazines, variety, game shows, except where otherwise categorized.
- Serial: A set of fiction works often with the same main actors or on related subjects and open-ended television drama or comedy where the story continues from episode to episode.

- Music video clip: Short audiovisual non live production which shows images related to a specific sound recording.

32. On top of the integration of these CSSR metadata values and codes, the use of unique AV identifiers like the CISAC's International Documentation on Audiovisual works code (IDA code²⁹), the International Standard Audiovisual Number (ISAN³⁰) and the Entertainment Identifier Registry Association code (EIDR³¹) allows a greater interoperability with most of the international audiovisual works and productions databases.

4.2 Multimedia Work

33. Although the "multimedia work" category exists, its use within the CISAC community is not widespread yet. The multimedia dimension is often placed at the level of the audiovisual production category (see above). Regarding the new ways of artistic expression allowed by the digital platforms, such as gaming, copyright metadata management still follows a traditional approach in most cases. It is a question of making a distinction between the destination (intended purpose) of a work and the creation classes (see 1.2) in an AV production or version. For example, in the AV-Index and AVR's "Destination Table³²" and in the "Version Category Table" of CSSR³³ there are several metadata fields that cover, at least partially, these new forms of works and productions:

- Internet (WWW): a work or version specifically created for use as an internet production.
- Video Games (VIG): a work or version specifically created for use as a video game production.
- Portable Video/Media Player (PVP): a work or version specifically created for use as a portable video player production (e.g. iPod).
- App (APP): specifically created for use in apps.
- Digital Service Provider (DSP): specifically created for use by DSPs.
- Home Video (HOVI): specifically created for use as home video only.
- Internet (INET): specifically created for use on the Internet.
- Network (NET): specifically created for network use.

The advantage of this classification is that it allows to keep a simple generic work categorization, which stems from the application of current copyright laws, while taking into account the new ways of creating and producing contents.

5. LITERARY REPERTOIRE

34. Libraries, universities, publishers, IFRRO and EDItEUR (international group coordinating the development of the standards infrastructure for electronic commerce in the book, e-book and serials sectors³⁴) have developed several formats and protocols for information exchange, work cataloguing and author identification (VIAF³⁵, ONIX³⁶, ISNI,

²⁹ Cf. <https://www.cisac.org/fr/services/services-dinformation/ida-et-av-indexes>.

³⁰ Cf. <https://www.isan.org/>.

³¹ Cf. <https://www.eidr.org/>.

³² Cf. *CIS-Net AV-Index, AVR, UPA & Translated Titles Lookup Tables*, p. 12 (available via [CISAC](#)'s document search portal).

³³ Cf. pp. 7-8.

³⁴ Cf. <https://www.editeur.org/>.

³⁵ Virtual International Authority File, cf. <http://viaf.org/>.

³⁶ Cf. <https://www.editeur.org/8/ONIX/>.

ISBN³⁷, ISSN³⁸, ISTC³⁹, DOI⁴⁰, IPI). The integration of mandatory copyright-related XML metadata fields linked to the ISTC and the ISBN could provide a basic solution for copyright management of orphan works from the literary repertoire.

*ISTC*⁴¹

- **ISTC**: it uniquely identifies the work-metadata record, and therefore the work itself.
- **ISTC Work Type**: one or more codes must be used to signify what type of textual work this is, e.g. prose, lyrics, poetry, screen/audio/stage script, or another type of script such as intended for a speech, or unspecified.
- **Origination**: it defines whether the work is original, derived from a previous work, or otherwise not known.
- **Derivation Type**: for derived works, one or more of the following derivation types must be provided: Abridged; Annotated; Compilation; Critical; Excerpt; Expurgated; Non-text material added or revised; Revised; Translated; Adaptation; Unspecified.
- **Title Type**: numerous titles can be provided on the same record. For each title that is provided, the type of title must be classified as one of the following: Original Title known to be given to the work by its creator; Uniform Title as determined by a library in accordance with AACR2 or similar rules; Up to 10 of the Opening Words of the text; A Parallel Title given to the work in another language or script; Any Other Title by which the work is known; An Undefined Type of Title used by a registrant to refer to the work.
- **Title Text**: at least one of any of the title types listed above, except for Parallel or Other Title types, must be provided, and only one occurrence of each of these is allowed. In addition, a metadata record can have an unlimited number of Parallel and/or Other Types of title.
- **Contributor Role**: the role of each contributor identified, from one of the following types: Author, Author of supplementary text, Creator of other non-text content, Editor or reviser, Translator, Compiler, Excerpter, Unspecified.
- **Contributor**: unless marked as “anonymous”, at least one contributor must be identified, using their personal (or corporate) name in the form in which it is normally expressed within the culture from which it comes, and/or an identifier from a specified scheme. Until such time as there is widespread adoption of a common identifier scheme, registrants are encouraged to provide contributor names even if they also include contributor identifiers.

***Language of Text**: one or more ISO language codes (using ISO 639-2B) specifying the language(s) in which the text is written. It is not necessary to specify the language of minor parts of the text unless they are necessary in order to distinguish it from another work.* ISBN⁴²

- **ISBN**: in the 13-digit ISBN format, without spaces or hyphens.
- **Product form**: Code which indicates the medium and/or format of the product.
- **Title**: the title of the publication, together with subtitle or other title elements where applicable.
- **Edition**: edition number (for editions after the first), type, and statement.
- **Imprint**: the brand name under which the publication is published.
- **Publisher**: the person or organization that owns the imprint at the date of publication.

³⁷ International Standard Book Number, Cf. <https://www.isbn-international.org/>.

³⁸ International Standard Serial Number, cf. <https://www.issn.org/>.

³⁹ International Standard Text Code, cf. <http://www.istc-international.org/>.

⁴⁰ Digital Object Identifier, cf. <https://www.doi.org/>.

⁴¹ Cf. [ISTC - International Standard Text Code \(istc-international.org\)](#), *ISTC User Manual*, pp. 13-15.

⁴² Cf. [ISBN Users' Manual | International ISBN Agency \(isbn-international.org\)](#), p. 16.

- Country of publication: using ISO 3166-1 country codes.
- Publication date: The date of first publication under this ISBN in the ISO 8601 format (YYYYMMDD).

6. VISUAL ARTS REPERTOIRE

35. Within CISAC, the generic repertoire type “Visual Arts” includes all works in artistic disciplines that exclusively appeal to the sense of sight: painting, sculpture, photography, architecture, ceramics, drawing, illustration, etc. From the recent evolution of image banks directly managed by CMOs emerges a set of best practices in terms of the basic description of visual works. At a minimum, the following metadata fields are systematically found:

- Artist: Name and surname of the author of the visual work.
- Description: Short free description of the technique used and the history of the work.
- Year of creation
- Type(s) of use allowed by the artist: Exhibition, Advertising, Reproduction, Professional Services.
- Photo credit: Name and surname of the artist(s) who took the photo of the artwork.
- Type of Work: painting, sculpture, drawing, etc.
- Medium: Technique used (e.g., acrylic on canvas).
- Dimension

36. Regarding the information on the author and his role in the creation of the work of visual arts, the VIAF metadata structure linked to an ISNI unique identifier would very likely be the most efficient and complete⁴³, for it allows to differentiate the creation roles with a very high degree of granularity.

7. DRAMATIC REPERTOIRE

37. As for Visual Arts, for the Dramatic repertoire several best practices can be found in the CMOs’ registration process. This makes it generally possible to classify the works of this repertoire through a double qualification: core discipline and complementary genre. For example, SACD⁴⁴ in France proposes the following distinctions⁴⁵:

Theatre

- Play
- One-man show
- Sketch
- Puppetry
- Mime
- Sound and light show

Music

- Opera
- Operetta
- Musical comedy
- Musical theatre

Choreography

⁴³ Cf. [ISNI | : Technical Documentation](#), *ISNI Data Element Value*, pp. 12-15.

⁴⁴ Cf. <https://www.sacd.fr/en>.

⁴⁵ Cf. [Les déclarations Spectacle vivant | SACD](#), *Registration Form – Performing Arts Work*.

- Drama
- Circus
- Street-art

Circus

- Theatre
- Street-art
- Choreography

Street arts

- Drama
- Circus
- Choreography
- Music

38. This kind of articulation between a core discipline of performing arts and a complementary genre would easily include any specific local type of scenic representation. Here also, the VIAF metadata structure as provided with an ISNI identifier would probably be the most efficient and complete in order to differentiate the roles of different creators of performing arts works⁴⁶. Furthermore, it should be noted that, as audiovisual works, the works in performing arts are often multi-dimensional and require to be documented also at the level of music and/or text and images copyright-wise⁴⁷.

8. CONCLUSIONS AND PROPOSAL

39. The main objective of this working draft is to identify and describe, with a higher degree of granularity, the different roles of rights holders involved in the creation and the production of creative works, and the different creative work categories. For both dimensions, as outlined above, it is noted that there is unfortunately no unique model available or even possible.

40. CISAC's CWR standard seems central to copyright management of music work, and DDEX's ERN includes sound recording metadata dimensions adopted by the vast majority of the music industry. CSSR is a recent publicly-available format. **Along with IDA, ISAN and AGICOA standardization, that it** incorporates the main metadata sets needed for the copyright and related rights management of audiovisual works. IFRRO's and EDI/EURS' ONIX for ISTC and ISBN and CMOs' image bank structuration allow an efficient description of literary and visual art repertoires, as well as best practices coming from CMOs for dramatic repertoires. The best approach would probably be to take into consideration these different best practices and copyright industry standards, which are functional to work repertoires. This would help improve WIPO Standard ST.96 while ensuring its compatibility with existing business processes and its interoperability, to some extent, with other industry standards and databases.

41. With regard to the roles of rights holders, it was therefore chosen to shape a model in which the classification and the description of the rights holders' roles is primarily based on an existing articulation between CISAC's affiliation role (the main creative role of a physical or moral person at the moment of his/her or its affiliation to a CMO) and MARC 21 relator codes (Machine Readable Cataloging format⁴⁸ mainly used by libraries for bibliographic purposes; a relator code "designates the relationship between a name and a bibliographic

⁴⁶ Cf. [ISNI | : Technical Documentation](#), *ISNI Data Element Value*, pp. 12-15.

⁴⁷ Cf. also European Directive on *certain permitted uses of orphan works*: [EUR-Lex - 32012L0028 - EN - EUR-Lex \(europa.eu\)](#)

⁴⁸ Cf. <https://www.loc.gov/marc/>.

resource.”⁴⁹). This matching between CISAC’s and libraries’ standards is proposed in the data element values of ISNI, an identifier built within the national and university libraries and increasingly used within the CISAC and DDEX communities. For interoperability and comprehensiveness, it is proposed to map this model with CISAC’s Work Roles (a set of potential roles in the creation of each specific work), SCAPR performers’ roles and music producers’ definitions, and roles of DDEX’s ERN-4 standard.

42. The model crafted for the creative work categories is firstly based on CISAC’s creation classes (*cf.* p. 2), the main objective being to assist in copyright management of orphan works. This proposal articulates this basic differentiation among creative works with secondary dimensions, in order to better specify the version of the work, its production and the product in which a work and production may be embodied.

43. These two proposed models for rights holders’ roles and creative work categories are detailed in two separate draft documents as Appendixes to this working draft respectively in order to improve elements of ST.96 XML components for Copyright orphan works:

- The Appendix I includes the list of proposed rights holder roles, their description and corresponding code per entry explained in the second worksheet (“ST.96 – RH Roles proposal”); and
- Appendix II includes the list of proposed categories of creative works, their description and corresponding code per entry explained in the second worksheet (“ST.96 – CreatWork Cat.”).

[Appendixes follow]

⁴⁹ Cf. <https://id.loc.gov/vocabulary/relators.html>.