产权组织标准委员会（CWS）

第十届会议
2022 年 11 月 21 日至 25 日，日内瓦

关于改进产权组织标准 ST.96 中版权元数据的提案

国际局编拟的文件

导　言

1.　　在 2018 年举行的第六届会议上，产权组织标准委员会（CWS）同意纳入版权孤儿作品作为产权组织标准 ST.96 的一部分（见文件 CWS/6/34 第 68 段）。在 2020 年举行的第八届会议上，标准委员会注意到版权孤儿作品用 XML 架构组件已被纳入产权组织 ST.96 第 4.0 版，并且 XML4IP 工作队计划增强一些版权组件，以提供更为结构化的格式（见文件 CWS/8/14 第 8 段和第 30 段）。

2.　　在第九届会议上，标准委员会审议了国际局提交的工作文件草案，该草案重点关注孤儿作品的版权元数据管理，更具体而言，关注的是提供一种结构化手段，对产权组织标准 ST.96 在 XML 架构组件中捕获的权利人角色和作品类别的信息进行分类：cpy:RightsHolderCategory（识别权利人类型的类别）和 cpy:OrphanWorkKindCode（识别孤儿作品类别的代码表）。该文件的主要目的是提高 ST.96 与世界上其他数据标准的互操作性，这些标准由文化行业、版权和相关权领域的集体管理组织以及国家和大学图书馆制定或使用。

3.　　若干代表团支持国际局所做的工作，但有一个代表团表示，由于其业务组合中没有版权，因此难以对提案提出评论意见。国际局确认，XML4IP 工作队将与更多的版权局和版权行业团体联系，寻求对这项工作的帮助。此外，一个代表团建议完善创意作品类别拟议模式中"未知"的定义。标准委员会请其成员就文件 CWS/9/4 附件中转录的版权孤儿作品元数据的提案发表评论意见，并与其版权局联络征求评论意见。标准委员会注意到，国际局计划在下届会议上提交最终提案供审议。（见文件 CWS/9/25 第 21 至 24 段）。

关于版权孤儿作品元数据管理的经修订提案

4. 在标准委员会第九届会议上建议完善创意作品类别拟议模式中"未知"的定义的代表团告知秘书处，目前无需增加任何细节，因为代表团认为"未知"似乎已包含在文件 CWS/9/4 附件第 4 段中。

5. 在标准委员会第九届会议之后，国际局根据收到的反馈意见改进了这些关于标准值的提案，供 XML4IP 工作队审议。因此，改进后的提案随后公布在标准委员会的公共维基空间（https://www3.wipo.int/confluence/x/C4DFRg）中，并通过第 C.CWS156 号通函邀请产权组织成员国和观察员提供评论意见，特别是关于：

 – 权利人角色和创意作品类别的全面性；

 – 权利人角色和作品类别的分组和编码方案的适当性；以及

 – 权利人角色和作品类别条目说明的清晰度。

6. 国际局收到了对该通函的九份答复，这些答复来自六个成员国：大韩民国、捷克、马达加斯加、墨西哥、日本和土耳其；以及三个观察员：音像作品国际集体管理协会（AGICOA）、数字数据交换有限责任公司（DDEX）和私人音像复制问题制作者联合管理协会欧洲联合会（EUROCOPYA），具体如下：

 – 两位答复者（日本和土耳其）表示没有任何评论意见；

 – 两位答复者（马达加斯加和大韩民国）表示支持提案，指出提案所包含的权利人角色和创意作品类别的分组和编码方案的全面性和适当性；

 – 五位答复者详细提供了评论意见和建议；

 – 一位答复者（马达加斯加）愿意遵守该标准，并要求技术援助以遵守新标准。

7. 所有答复都普遍支持该倡议和提案草案，为改进提案提出了一般性的或具体的建议。国际局在 XML4IP 工作队月度会议上通报了答复结果。这些答复可总结如下：

 – 分类的粒度：有些类别非常详细，有些更加笼统；

 – 说明的详细程度：有些非常具体或详细，有些更加笼统；

 – 有可能改善与 CISAC 以外的行业标准的互操作性；

 – 提案范围：只针对孤儿作品还是一般的版权？

8. 考虑到收到的答复，国际局进一步改进了提案草案，主要改进内容如下：

 (a) 关于权利人角色类别的提案

 – 增加了一个新角色"声音设计师"（负责声音制作的人）；

 – 删除了角色"版权所有人"，因为与条目"版权持有人"相重复；

 – 根据新增和删除的角色，调整了一些代码；

 – 调整了"电影编辑"的说明，增加了艺术电影编辑的概念。

(b) 关于作品类别代码的提案

– 考虑到可用最新版本的 DDEX，在录音类别下新增了子类别"剪辑"，（作为会议一部分录制的未经编辑的音频记录，但没有被纳入最终版本）；

– 将"视听"类别更名为"视听作品"；并在该类别下增加了新的子类别并调整了现有子类别，以提高与 IDA、ISAN 和 AGICOA 标准的互操作性；

– 根据新的子类别，调整了一些代码；

– 调整了对"艺术作品"的说明，增加"塑料"一词。

9. 经修订提案的文件转录于本文件附件，其附录一和附录二对其作出了一些修正，供标准委员会审议，内容如下：

– 附录一，包含权利人角色的拟议类别清单、其说明和每个条目相应的代码，以及对以下工作表的修正："ST.96－权利人角色提案"和"对应提案－标准"，其中删除了权利人角色与 DDEX 的映射，因为它是非"生产贡献者"角色的一个允许值；

– 附录二，包含创意作品拟议类别清单、其说明和每个条目相应的代码，以及对以下工作表的修正："ST.96－创意作品类别提案"、"录音"和"视听作品"。

10. 请标准委员会：

(a) 注意本文件和本文件附件中的内容；并

(b) 对转录于本文件附件中的经修订的工作草案提出评论意见。

[后接附件]

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 copyright[1].

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:

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[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 Directive[2]), 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 Composers[3] (CISAC) into five generic repertoire types[4] 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

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[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, IFPI[5] (International Federation of the Phonographic Industry), SCAPR[6] (Societies' Council for the Collective Management of Performers' Rights) and IFRRO[7] (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-Net[8] 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.

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[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 production[10]:

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 industry[11]. Instead, music producers and digital platforms tend to use more elaborate and descriptive classifications, like the "Subgenre" allowed value set agreed within DDEX[12] (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 CWR[13]:

Writer roles

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

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[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.
[13] Cf. CISAC's *CWR 3.0 Look-up Table-05*, fields « WriterRole" and "PublisherRole".

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

Publisher roles

- <u>Acquirer (AQ)</u>: a publisher that acquires some or all of the ownership from an Original Publisher, while the Original Publisher still controls the work.
- <u>Administrator (AM)</u>: an interested party that collects royalty payments on behalf of a publisher that it represents.
- <u>Income Participant (PA)</u>: a person or corporation that receives royalty payments for a work but is not a copyright owner.
- <u>Original Publisher (E)</u>: 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.
- <u>Substituted Publisher (ES)</u>: a publisher acting on behalf of another publisher or sub-publisher.
- <u>Sub-Publisher (SE)</u>: 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 rules[15], 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 performances[18], 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 "Metamusic[19]", supported by the Québec Government and part of the "Plan culturel numérique du Québec[20]", is probably one of the best solutions addressing the copyright and related rights management of musical works and productions.

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[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's[21] LATTICE laboratory[22], 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 toolkit[23] 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 2020[24], 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 codes[24] could perhaps be useful. It is to be noted that DDEX's ERN also proposes a complete allowed value set of instruments (InstrumentType[25]).

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

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[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 harmonised 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

sheets[26]. 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): Subtitler: 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 Categories[29]

For the production categories, the "work type" defined by ISAN[28] (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.

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[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-

- Commercials (COM): film or television production in which the principal purpose is to propose or to sell a product or a service.
- 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 code[29]), the International Standard Audiovisual Number (ISAN[30]) and the Entertainment Identifier Registry Association code (EIDR[31]) 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 Table[32]" and in the "Version Category Table" of CSSR[33] 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 sectors[34]) have developed several formats and protocols for

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[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/.

information exchange, work cataloguing and author identification (VIAF[35], ONIX[36], ISNI, ISBN[37], ISSN[38], ISTC[39], DOI[40], 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.ISBN[42]

- 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.

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[35] Virtual International Authority File, cf. http://viaf.org/.
[36] Cf. https://www.editeur.org/8/ONIX/.
[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.

- 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.
- 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 complete[43], 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, SACD[44] in France proposes the following distinctions[45]:

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

Music
- Opera
- Operetta

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[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.*

- Musical comedy
- Musical theatre

Choreography
- 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 works[46]. 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-wise[47].

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 EDItEURS' 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

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[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)

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 format[48] mainly used by libraries for bibliographic purposes; a relator code "designates the relationship between a name and a bibliographic 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]

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[48] Cf. https://www.loc.gov/marc/.
[49] Cf. https://id.loc.gov/vocabulary/relators.html.