

Keeping Watch

tracking down copyright-holders

Who would you turn to to find out who holds the copyright for British authors – and, indeed, for Albert Camus and Britney Spears?

David Sutton describes the Watch copyright project since its inception in 1994. On a Dickensian note, it looks at Watch Past, Watch Present and Watch Future.

Watch is now the world's primary source of information about who holds the copyright in any individual's creative works. It is one of the less far-fetched acronyms in our profession. Standing originally for Writers and Their Copyright Holders, it upgraded itself painlessly to Writers, Artists & Their Copyright Holders seven years ago at the request of art librarians in the US and the UK.

In the mythology of the Watch project, its acronym was dreamed up in a rooftop wine bar under the stars of Santa Fe, New Mexico, in the spring of 1994, but I can no longer remember whether there is any truth in this.

Watch Past

Watch came into being in 1994 as a joint project between Reading University Library and the Harry Ransom Humanities Research Center of the University of Texas at Austin. It was designed as a field-based catalogue to be mounted on a new computer network which was starting to become known as the internet. In those early pre-web days, the file was accessed through an internet engine charmingly known as a gopher. In 1996 Watch became one of the earliest public information websites, and probably the very first to be a joint US-UK project. The web address has changed over the years, but has always been reachable by way of www.watch-file.com.

The first name-list of authors to be included was provided by a Reading-based parent project called the Location Register of English Literary Manuscripts and Letters. This underlined the literary and archival nature of the original Watch file. But very early we established a principle of never refusing to include copyright information which was notified to us, even if it was not very literary, not very archival, or not very British.

The starting-points for our research were informal (often handwritten sources in the major research libraries). Libraries including the British Library, the Bodleian Library, the National Library of Wales, and the Henry E. Huntington Library in California made their records available to us as research got under way.

The biggest file of all was in the University of Texas. They had records of the copyright-holders of up to 1,000 authors, mostly literary and mostly British, and by the middle of 1994 they had written permissions to include details on more than 700 of these copyright-holders in our gopher database. Watch had begun.

The British end of the project was enthusiastically supported by the Society of Authors and the British Library, among many others, and attracted funding from the Strachey Trust, the Arts Council, the Royal Literary Fund, the British Academy and a number of private charities, including the Pilgrim Trust, the Chase Charity and the Esmée Fairbairn Foundation.

Beginning as library-based research, our working practices came to resemble more and more the activities of private detectives. The Watch gumshoes trawled through wills and family trees in pursuit of heirs. We importuned publishers and literary agents, universities and collecting societies, Oxbridge colleges, and even people with the same name as one of our authors. We read through poetry journals and especially obituaries. We wrote to biographers and fellow poets and friends and acquaintances. We thumbed telephone directories and electoral registers, and we made extensive use of a website which is both hugely inclusive and hugely intrusive: www.192.com. Inevitably, we have become devoted Googlers.

The Watch file grew until most of the major names of English literature were

there, together with quite a few French authors, some artists and photographers, and some politicians and public figures. It had become clear that there was no other project anywhere in the world providing this sort of service, and we were thinking about expanding our remit. By 2003, there were more than 6,000 individuals and their copyright contacts listed in Watch.

Watch Present

In September 2003 the Watch file was 'relaunched' at an event hosted in the British Library. The occasion of the relaunch was the rebuilding of the website using Microsoft Outlook (the 1996 software had become very tired and vulnerable), but it also led us to think about where Watch should go next. The file had been created as a service to archival and literary scholars, but it was now clear that it had become the primary source for almost all copyright-holder enquiries. We felt that we should accept and welcome this, and expand fully into the areas of 'popular culture', fine art, European literature, and also 'prominent people', whose copyrights we had been including on an occasional basis.

Some of our original supporters were rather startled to see the copyright details of Britney Spears, Jimi Hendrix, Damon Hill and Frankie Dettori start to appear alongside those of Virginia Woolf and W. H. Auden, but most users welcomed our continuing expansion.

Our coverage of European literature continues to be uneven. With the help of the Institut Mémoires de l'Édition Contemporaine (Imec) and of bilingual members of my own family, Watch has been able to include a reasonable number of French authors. Researchers will find the copyright-holders for Anouilh, Bernanos, Breton, Caillois, Camus, Cocteau, De Beauvoir, Foucault, Genet, Gide, Giono, Malraux, Mauriac, Maurois, Nizan, Paulhan, Proust, Sartre and so on. Other European countries, however, are not yet so well covered; and our serendipitous contacts with literary agents have produced anomalies such as our better coverage of Swedish and Turkish authors than German or Italian ones. This is clearly an area for improvement and expansion.

Similarly, we have been very aware of the incomplete coverage of Watch until recently in respect of artists, sculptors and photographers. It was therefore especially pleasing to be invited in 2005 to participate in an initiative by the Museums Copyright Group to expand access to information about artists' copyrights. The MCG had thought about creating its own website for this purpose, but after a series of meetings decided to work through Watch.

Since that decision was taken, Watch has been able to include more than 700 artists whose copyright details are held in the excellent files of the National Portrait Gallery. We have also benefited from close co-operation with the Bridgeman Art Library in London and the Visual Arts & Galleries Association in New York, and have started work on artists who are represented by the Design & Artists Copyright Society in London and the Artists Rights Society in New York. Our coverage of copyright in the fine arts has really moved forward this year,



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and the total number of authors and artists in Watch now exceeds 11,000.

Watch Future

It is much more difficult to raise funds for a project which has been running for 11 years than for a new project. For that reason, commitments to future funding by the British Academy (which has designated Watch an Academy Research Project) and the Strachey Trust are especially important. Our working relationship with the trustees of the Strachey Trust, in particular, has developed from that of funder and funded into a set of good friendships.

The first thing that will be achieved by these future financial commitments is an assurance of continuity and updating of the Watch file. There will continue to be an office in Reading University Library offering copyright advice and able to help with particular copyright problems.

Beyond that, however, we have established a platform on which it should be possible to build an internationally recognised central database of copyright-holders for all types of writers, all types of artists, and many other prominent people whose copyrights are regularly or occasionally sought.

This platform will then be available for use by related future projects. Two examples are coming into view – 'orphaned works' and 'disappeared literary businesses'.

'Orphaned works' in the field of copyright are works which are legally still in copyright, but for which no copyright-holder can be traced. They are a major problem area for authors, especially authors with nervous publishers. At the moment orphaned works have no legal status, but there are initiatives under way both in the US and in the UK which may lead to recognition of this condition – variously described as orphanacy, orphanhood and orphanhood – and may allow free use of orphaned works without need for permission. Were this to happen, Watch would be ready to include a listing of

authors or artists or works which had been agreed to have this orphan status.

Literary businesses – publishing houses, literary agencies and little magazines – which have gone out of business and disappeared from view are notoriously difficult to track. Both in Austin and in Reading, this has long been a primary area of concern. We are now considering the practicalities of creating an addition to Watch, which might be called something like Lamp (Lost Agencies, Magazines and Publishers) or even, if we dare, Fob (Firms Out of Business). This would be a separate file accessible from the Watch home page, and could take the form of either a mini-research project run by postgraduate students in our two universities, or a collection of voluntarily submitted information by experts in the field. An announcement of the viability of this project will be made in the middle of 2006.

The Universities of Texas and Reading are fully committed to maintaining Watch well into the future, and supporting both the expansion of its international role and its participation in new and related areas of research. Provided that some continuing external funding can be found, beyond the annual support of the Strachey Trust and the British Academy, there will clearly, for years to come, be plenty of Watchwork to keep us ticking. ☺

Reference

¹ David Sutton, 'International perspectives on archival copyright.' Paper given at the International Congress on Archives, Vienna, August 2004 (on the ICA 2004 website www.wien2004.ica.org – under 'Speakers'). See also: David Sutton, 'The copyright detectives.' *The Bookseller*, 9 July 1999, pp. 24-26.

David Sutton has been Director of Research Projects (the Location Register literary manuscripts project and the Watch copyright project) at Reading University Library since 1982. He was born in 1950 and, if all goes to plan, intends to die in 2034 – which means that this article will remain copyright-protected until 31 December 2104.

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The need for a project such as Watch derives from one of the central themes of the Berne Convention of 1886 (its full title is the Berne Convention for the Protection of Literary and Artistic Works), namely the removal of any need for copyright to be registered.

I have argued elsewhere¹ that the Berne Convention marks the victory of the French notion of authors' rights (*droits d'auteur*) over the Anglo-American notion of copy-right, the protection of property from unrestricted copying. The primacy of authors' rights led to a decision at Berne that signatories would abolish compulsory registration of copyright, with copyright becoming an automatic right which would come into existence as soon as a creative work came into existence, regardless of quality, whether written, drawn, composed or photographed.

In Britain, implementation of Berne marked the end of copyright registration at the Stationers' Hall.

Both in the UK and in the US, the absence of any central register of copyright-holders had long been seen as a major obstacle to research and publication. It was entirely coincidental, however, that in the latter part of 1993 two projects were starting to come into view, one in the UK and one in the US. Once the two nascent projects learned of each other's existence, the existing good working relations between the Universities of Texas and Reading led quickly to a decision in favour of merger.

The people most involved in the establishment of Watch came from an archival background. On the British side, the particular interest of archivists derived from the transitional arrangements of the Copyright Designs and Patents Act (implemented 1989), which abolished 'perpetual copyright' for unpublished works but allowed a 50-year transitional period of protection. This means that unpublished manuscripts of authors as long-dead as Charles Dickens and William Wordsworth will remain copyright-protected until 31 December 2039.