

Information Ethics in Film Preservation: Balancing Copyright, Access, and Orphan Works in Sri Lankan Cinema

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Abstract

Film preservation in Sri Lanka has emerged as a critical cultural issue, as decades of cinematic heritage are threatened by deterioration, loss, and limited accessibility. Despite this urgency, the ethical dimensions of preservation remain insufficiently examined within the broader context of library and information science. This study addresses the tension between copyright restrictions, the moral imperative to protect national cinema, and the practical necessity of providing access to scholars, students, and the public, especially when ownership of digitized heritage films and orphan works are ambiguous. The research pursues four objectives: to analyze copyright challenges affecting the preservation and dissemination of Sri Lankan films; to assess ethical dilemmas arising from conflicts between access and preservation priorities; to examine the status of orphan works within Sri Lanka's legal and cultural policy frameworks; and to propose library and information science (LIS) informed frameworks for balancing access, ownership, and the

public good. The methodology employs a qualitative approach, integrating literature reviews of global and local copyright policies, case studies of Sri Lankan films with contested ownership or orphan status, and semi-structured interviews with archivists, LIS professionals, policymakers, and film scholars. Findings indicate that the lack of a centralized national film repository and unclear copyright enforcement have created significant obstacles to digitization, while ethical questions regarding cultural access remain unresolved. Case analyses reveal that orphan works present both challenges and opportunities, as their preservation could enhance public access but necessitates new legal and ethical strategies. The study concludes that an LIS based ethical framework, grounded in access, stewardship, and the knowledge commons, can guide Sri Lankan film preservation institutions toward more balanced policies that protect cultural memory without compromising legitimate ownership rights. Recommendations include clarifying legal provisions for orphan works, developing digital repositories with tiered access rights,

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and fostering collaboration among libraries, film archives, and international organizations. This research contributes to global discussions on audiovisual

heritage preservation and provides actionable insights tailored to Sri Lanka's distinct cultural and legal context.

Keywords: Access, Copyright, Ethics, Film Preservation, Orphan Work

1.0 Introduction

Cinema functions as both a cultural archive and a dynamic reflection of a nation's evolving identity. In Sri Lanka, film has consistently mirrored sociopolitical change, capturing national developments through visual narratives that integrate art, history, and ideology. Since the mid twentieth century, Sri Lankan cinema has not only provided entertainment but has also documented the island's political, cultural, and linguistic transformations. Early productions such as *Kadawunu Poronduwa* (1947), recognized as the first Sinhala talkie, signaled the emergence of a local cinematic consciousness reflecting postcolonial anxieties and aspirations. *Rekava* (1956), noted for its neorealist style and focus on village life, redirected attention toward indigenous storytelling and authenticity. *Nidhanaya* (1970) offers a psychological exploration of desire and decay, representing a period of artistic maturity in Sri Lankan cinema (Wickramasinghe, 2012). These films serve as historical artefacts, documenting the evolving values, struggles, and imaginations of the Sri Lankan populace. Yet, the survival of this cinematic heritage faces significant challenges. Over the decades, systemic neglect, limited preservation infrastructure, inadequate funding,

and tropical climatic conditions have contributed to the deterioration of countless film reels and negatives. The National Film Corporation (NFC) and related institutions have made sporadic efforts toward preservation, yet the absence of a comprehensive national film policy and the lack of advanced archival technology have hindered meaningful progress (Fernando, 2018). Moreover, institutional bureaucracy and minimal interagency coordination have resulted in fragmented efforts, leaving a large portion of Sri Lanka's cinematic past vulnerable to permanent loss. The problem extends beyond technical decay; it represents a cultural and epistemic crisis where the nation's collective memory risks erasure.

Internationally, film preservation has developed into a multidisciplinary field that integrates technological innovation, cultural policy, and ethical stewardship. Scholars including Edmondson (2016) and Cherchi Usai (2000) argue that preservation is not solely a technical endeavor but also a moral responsibility to protect cultural memory for future generations. In Sri Lanka, however, such ethical and legal considerations are frequently overshadowed by pressing logistical and economic challenges. As a result, the complex intersections of copyright, cultural ownership, and access have received limited scholarly attention.

Information ethics, as developed within Library and Information Science (LIS), provides a valuable framework for addressing these challenges. This field examines principles such as stewardship, equitable access, and the maintenance of the knowledge commons to guide responsible information management (Capurro, 2008). Applying these principles to film preservation facilitates a nuanced understanding of how cultural materials can be ethically maintained while honoring intellectual property rights. The concept of the knowledge commons, articulated by Hess and Ostrom (2007), is particularly pertinent: films, once created, extend beyond private ownership to become part of a collective cultural legacy. Thus, balancing copyright with cultural access emerges as a central ethical issue.

This study positions itself at the intersection of cinema, cultural policy, and information ethics, with the aim of critically examining the ethical dilemmas inherent in film preservation in Sri Lanka. It addresses key questions, including: Who bears the moral responsibility for preserving national cinema? How can institutions reconcile copyright restrictions with the public's right to cultural access? What ethical frameworks can inform sustainable preservation practices that respect both creators and collective cultural memory?

Through this exploration, the research contributes to broader discussions on decolonizing archival practices, advancing equitable access to cultural heritage, and fostering an ethics of

care within Sri Lanka's audiovisual preservation sector. Ultimately, it contends that safeguarding cinema transcends technical conservation and constitutes an ethical commitment to ensuring the nation's visual memory remains accessible, inclusive, and enduring for future generations.

2.0 Research Problem

The core research problem addressed in this study is the ethical tension between preserving Sri Lanka's cinematic heritage and adhering to copyright frameworks that govern ownership and access. Preservation is not merely a technical task but an ethical responsibility to safeguard cultural memory for future generations. Yet, in Sri Lanka, the absence of a centralized national film archive, weak copyright enforcement, and a lack of clear policies on orphan works create significant barriers to digitization and dissemination. Archivists, librarians, and researchers face dilemmas when films of significant historical value cannot be made publicly accessible because the copyright holder is unknown, untraceable, or absent. This results in a paradox: while the cultural imperative demands open access for education and collective memory, the legal framework restricts it, leading to continued loss and inaccessibility of film heritage.

3.0 Objectives

The research sets out four primary objectives. First, it seeks to analyze copyright challenges that hinder the preservation and dissemination of Sri

Lankan films. Second, it aims to assess ethical dilemmas arising when the public good conflicts with private ownership rights. Third, it examines the status of orphans work in Sri Lanka's legal and policy environment, highlighting their implications for film preservation. Finally, it proposes LIS informed ethical frameworks that balance copyright, access, and preservation, safeguarding both cultural memory and intellectual property rights.

4.0 Theoretical Considerations And Empirical Evidence

The theoretical foundation of this study draws upon three interrelated perspectives: information ethics, intellectual property theory, and knowledge commons frameworks. Together, these perspectives provide a multidimensional understanding of the ethical, legal, and cultural complexities involved in film preservation in Sri Lanka.

Information ethics, as developed by Floridi (2013), offers a moral philosophical basis for analyzing how information is created, stored, and shared within society. It emphasizes principles such as stewardship, equitable access, and the preservation of collective memory. In the context of film preservation, information ethics situates archivists, policymakers, and institutions as moral agents who bear responsibility not only for the technical protection of materials but also for ensuring that access to cultural heritage remains open and just. The framework underscores that the ethical obligation

of preserving films extends beyond institutional mandates it is a moral act that sustains a society's shared knowledge and identity.

Intellectual Property theory, articulated by scholars such as Lessig (2004), provides the legal philosophical counterpart to this ethical perspective. It acknowledges the rights of creators and producers to control and benefit from their intellectual labor while also recognizing that cultural production thrives through access, transformation, and reuse. In film preservation, this theory highlights the need to balance protection with openness: overregulation can stifle cultural circulation, whereas complete deregulation can undermine creators' rights. This tension is particularly relevant in Sri Lanka, where outdated copyright laws and limited awareness among creators often restrict both preservation and educational access to film materials (Perera, 2019).

The knowledge commons framework, developed by Hess and Ostrom (2007), complements these perspectives by framing cultural heritage as a shared resource that requires cooperative governance. Rather than viewing films solely as private intellectual property, this framework sees them as collective assets that embody the social, historical, and artistic contributions of a community. The concept of the knowledge commons proposes governance models that enable both protection and participation, allowing institutions and communities to share custodial responsibility over cultural materials. In the Sri Lankan context,

where many films have fallen into neglect or are caught up in ownership disputes, such a model offers a practical and ethical pathway toward collective preservation.

Empirical evidence from global film archives reinforces the value of integrating these theoretical approaches. UNESCO's Memory of the World Programme (2015) recognizes audiovisual heritage as a vital component of humanity's collective memory and asserts that access to such materials constitutes a human right. Institutions like the British Film Institute (BFI) and the Library of Congress have pioneered tiered access models that provide varying levels of availability for research, education, and public use while maintaining copyright protection (Smither & Surowiec, 2002). These examples demonstrate how ethical and legal considerations can coexist through structured, inclusive access systems.

In India, meanwhile, the ambiguity of copyright enforcement and the absence of robust preservation policies have complicated formal archival efforts. Yet grassroots and community-led initiatives, such as local film societies and independent archiving movements, have effectively safeguarded orphaned and neglected films, underscoring the cultural value of shared stewardship (Roy, 2018). These experiences emphasize that sustainable preservation does not rely solely on institutional frameworks but also on participatory, ethically informed collaboration between state and community actors.

Taken together, these global examples reveal that LIS based ethical frameworks, grounded in stewardship and the knowledge commons, can offer valuable guidance for shaping Sri Lanka's national film preservation strategy. They illustrate that the intersection of ethics, law, and access is not a site of conflict but a space for creative negotiation, enabling nations to safeguard intellectual property while ensuring that cinema, as a form of collective memory, remains accessible to all.

5.0 Methodology

This study employs a qualitative, multimethod research design to examine the ethical dimensions of film preservation in Sri Lanka. The approach integrates documentary analysis, case studies, and stakeholder interviews to develop a comprehensive understanding of the legal, institutional, and moral complexities of preserving the nation's cinematic heritage.

The first component involves an extensive review of relevant literature and policy documents, including global frameworks such as UNESCO conventions, World Intellectual Property Organization (WIPO) guidelines, and Sri Lanka's own Intellectual Property Act No. 36 of 2003. This review establishes the broader conceptual and regulatory context within which film preservation operates, highlighting both international standards and national constraints.

The second component focuses on case studies of selected Sri Lankan films

produced between the 1950s and 1970s. These films are chosen based on their preservation status, whether they are partially preserved, deteriorating, or held in private collections. The analysis of these cases provides insights into ownership ambiguities, copyright disputes, and the broader ethical implications of private versus public custodianship of cultural materials.

The third component consists of semistructured interviews with key stakeholders, including archivists, library and information science professionals, policymakers, film scholars, and private collectors. These interviews aim to capture a range of perspectives on the ethical challenges of preservation, access, and intellectual property. Emphasis is placed on understanding how professionals interpret their responsibilities and navigate conflicts between institutional policy, legal constraints, and moral duty.

Finally, an institutional document analysis is conducted to assess the policies and practices of major national bodies involved in film preservation, including the National Film Corporation, the Department of National Archives, and university film libraries. This analysis focuses on identifying gaps, inconsistencies, and potential areas for reform in current preservation strategies.

Data collected from all sources are analyzed thematically, guided by principles drawn from information ethics and the knowledge commons framework. Through iterative

coding and interpretation, the study seeks to identify recurring themes, contradictions, and ethical tensions. The resulting analysis aims to generate contextspecific findings and propose actionable recommendations for establishing sustainable, ethically grounded film preservation practices in Sri Lanka.

6.0 Results And Discussion

The findings of this study reveal that Sri Lanka faces three closely interrelated challenges in the field of film preservation: legal ambiguity, institutional fragmentation, and ethical dilemmas. Together, these issues have created an environment in which much of the nation's cinematic heritage remains at risk, both materially and culturally.

The first major challenge is legal ambiguity. Current copyright legislation does not adequately address the issue of orphan works films whose copyright holders are unknown or untraceable. This legal gap places archivists, librarians, and cultural institutions in a state of uncertainty regarding their rights to digitize or disseminate such materials. As a result, preservation professionals often adopt a passive approach, opting to do nothing rather than risk legal repercussions. This inaction has led to the continued deterioration of culturally significant films that form part of Sri Lanka's collective memory. The absence of clear guidelines or exceptions within national copyright law, therefore, functions as a barrier to both preservation and access.

The second challenge is institutional fragmentation. Sri Lanka lacks a centralized national film archive or a unified body to coordinate preservation activities. Instead, efforts are dispersed among universities, private collectors, the National Film Corporation, and a few independent organizations. This fragmentation results in duplication of work, inconsistent standards, and inefficient resource allocation. Interviews with professionals revealed that the absence of a shared platform for information exchange and collaboration has further deepened the crisis, with institutions often unaware of what others hold or preserve. The lack of coordination also prevents the creation of comprehensive catalogues or digital inventories that could guide national preservation priorities.

The third, and perhaps most profound, challenge concerns the ethical dilemmas faced by archivists and LIS professionals. These arise when they must navigate the tension between respecting copyright and fulfilling their moral duty to protect cultural memory. Many participants emphasized that when a film is at risk of permanent loss, access should take precedence over ownership. This view aligns with international ethical discourses, suggesting that cultural survival must take precedence over individual property rights when heritage is endangered. Such dilemmas are intensified by the absence of institutional ethics policies that clearly define how professionals should act in these situations.

The discussion of these findings benefits from international comparison. The European Union's Orphan Works Directive provides a model for addressing legal uncertainty by establishing a mechanism that allows designated institutions to digitize and make available orphaned works after a diligent search for rights holders. This approach demonstrates that ethical and legal concerns can be reconciled through clearly defined processes. Similarly, the British Film Institute (BFI) and the Library of Congress employed access strategies that balance preservation with ownership. These systems restrict commercial distribution but permit controlled scholarly and educational access, ensuring that cultural materials remain available for learning and research while respecting intellectual property rights.

For Sri Lanka, adopting a "public interest exception" within national copyright law could provide a legal and ethical pathway for digitizing endangered or orphaned films. Such an approach would affirm the moral priority of cultural preservation while still recognizing the legitimate rights of creators. Furthermore, building partnerships with international bodies such as the International Federation of Film Archives (FIAF) and UNESCO would enable access to technical expertise, funding opportunities, and global best practices.

Establishing a centralized digital repository with controlled levels of access represents a practical step toward resolving the current fragmentation.

This repository could be managed through a collaborative governance model involving the National Film Corporation, universities, and LIS institutions. It would not only consolidate preservation efforts but also embody the principles of stewardship, transparency, and equitable access that lie at the heart of information ethics and the knowledge commons.

Overall, the results and discussion affirm that the ethical and legal challenges confronting Sri Lanka's film preservation landscape are not insurmountable. By adopting LISinformed frameworks, strengthening institutional collaboration, and introducing contextsensitive policy reforms, Sri Lanka can move toward a sustainable model of preservation that safeguards both intellectual property rights and the cultural memory of its people.

Conclusion

This study concludes that film preservation in Sri Lanka must go beyond technical restoration and adopt ethical frameworks inspired by Library and Information Science (LIS). Preservation is not only a technical or cultural task but also an information ethics issue that requires balancing the rights of copyright holders with the collective right to cultural access.

The findings show that gaps in copyright law, poor institutional coordination, and limited preservation infrastructure continue to endanger Sri Lanka's cinematic heritage. Without clear policies on orphan works or a unified

national archive, many films remain at risk of loss.

By applying LISbased principles such as stewardship, equitable access, and the knowledge commons, Sri Lanka can move toward a more ethical and sustainable model of film preservation. The study recommends revising national copyright law to include a public interest clause for orphan works, creating a centralized digital film archive, and involving LIS professionals in preservation institutions to ensure systematic cataloging, transparency, and ethical decisionmaking.

In essence, Sri Lanka must recognize that films are not merely artistic products but valuable information resources that represent the nation's cultural memory. Their preservation is both a moral and professional responsibility essential for ensuring that future generations can access and learn from the country's cinematic legacy.

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