

May 20, 2014

Re: Notice of Inquiry on Orphan Works and Mass Digitization, February 10, 2014 [Docket No. 2012-12]

I am writing to comment on the issue of orphan works and mass digitization, in particular with regard to how it affects musical works and sound recordings.

As a working musician, I stand with the Content Creator's Coalition in opposing any legislation that would permit the use of my work without my knowledge or permission because a person or organization claims that they were unable to identify or locate me. To permit such use would allow others to benefit from my works at my expense. Any such legislation would violate my rights as a copyright holder.

Suggestions for orphan works legislation need to take into account the realities of working musicians' lives and the enormous difficulties we face in enforcing our rights so we can earn a living from our music. I am opposed to the efforts of technology corporations to exploit works online that they identify as "orphan works" with no compensation to the creators. This is unfair and should not be supported by Congress

Amendments to the copyright law will either reinforce the rights of copyright holders or they will "legalize" the taking of creative works to enable profits by technology corporations and will make it difficult for creative people to reclaim rights in their works.

Along with the Content Creator's Coalition, I urge Congress to ensure creative people continue to benefit from the dissemination and use of our works. We also urge you to enhance your efforts to learn from musicians and other creators about how amendments to copyright law would affect us. No solution to the issue of orphan works and mass digitization should be considered unless it respects the rights of creators. We create the works that enhance others' lives. Please allow us to earn a living from our own creations.

Sincerely,

East Bay Ray

Guitarist, Co-Founder of Dead Kennedys