

## Orphan Works

by Dana Blankenhorn, author  
Letter to the copyright office  
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Orphan works are works that, by definition, have no current economic value.

In considering your decision, look closely at sales of all works, based on the year of their production.

What I know you will find is that there is a “slough of despond” in these sales volumes. Sales drop substantially year-of-year, for all media, from the date the product comes to market. Within a very few years, most works (and nearly all books) have exhausted their economic potential.

Then look to the left side, to those works that have expired copyrights. What you see are rising sales. Freed of having to pay copyright holders, publishers do find economic value where none existed before.

The purpose of copyright is to “promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” There is a purpose to copyright, namely to promote the progress of useful arts. And there is a means to do this, by securing, for limited times, to authors exclusive right to their writings and discoveries.

That's the plain language of the Constitution. Corporate owners of movies subject to copyright have, over the course of the last 50 years, extended this limited term beyond all belief. Life plus 75 years? What purpose in promoting the progress of the useful arts comes from giving my great-great-grandchildren some miniscule check for what I've written? What benefit comes to me from that? None.

The only purpose for today's copyright regime is a corporate one. Corporations don't die. They can pass on their assets to other corporations, and those assets then never die. But copyright isn't like land. You can't make it like land simply because its owner is a zombie.

Orphan works should be your test case. When corporations aren't getting any revenue from a work, it should be in the public domain. At that point, maybe, they will find some revenue. Let works with no economic value be automatically orphaned at their authors' death, and let authors make their works orphan by a simple note to the copyright office.

This will be better for corporations, better for authors, and better for “promoting the progress of useful art” than the present regime, and you know it.

Please toss any letters you get from the copyright industries in the trash on this one. Please don't be their slave. They want what they want, but what they should get is what they need.