

Maria Pallante, Register of Copyright  
U.S. Copyright Office  
Library of Congress

Re: Orphan Works and Mass Digitization  
(FR Doc. 2014-02830; Copyright Office Docket Number 2012-12)

Dear Ms. Pallante:

As a working writer and journalist, I endorse comments to the Copyright Office submitted by the National Writers Union. I oppose any "orphan works" legislation or any interpretation of "fair use" that permits use of my work without my permission or that restricts my remedies for copyright infringement because: A) someone claims they were unable to identify or locate me, or because; (B) someone claims they were unable to identify or locate any person or entity they thought held certain rights to my work.

Proposals for "orphan works" legislation and expanded interpretations of "fair use" would do egregious harm to writers in this country, robbing them of the rightful ownership and resale of their work. Over the past 30 years, I have been a newspaper reporter, magazine writer, and writer for websites and other publications, many of which, sadly, have folded. The laws and revisions in question would allow libraries and other entities to assume they have the right to publish my articles on a website simply because the original publication was no longer in business. As a result, my works could essentially be stolen.

Anyone who claimed they couldn't find me or another assumed rights-holder would be able to use, copy, or publish my work for free, without my permission.

An orphan works law could also allow stories posted on my blog to be plagiarized and posted on another website without my knowledge, permission, or payment.

An equitable marketplace for all business ventures--writing included--depends on ownership rights and legal protections. Writers' products are particularly vulnerable to exploitation, given the increasing plagiarism and copyright infringement spawned by the Internet.

If work to which I hold some or all rights is deemed "orphaned" because it is not in publishers' or libraries' records, despite the fact that I currently earn money from it, any so-called "orphan work" would unfairly compete with and destroy the value of my rights.

No "orphan works" legislation or reinterpretations of "fair use" should be considered without lengthy scrutiny, investigation, and broad input from writers themselves. No "orphan works" law is acceptable unless it honors the rights of creators.

Sincerely,

Amy Linn