

May 11, 2014

Submitted via Comment Submission
at <http://www.copyright.gov/orphan/comment-submission/>

Karyn Temple Claggett
Associate Register of Copyrights
Director of Policy and International Affairs
Library of Congress
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000

Re: Copyright Office Notice of Inquiry: Orphan Works and Mass Digitization, Federal Register (April 4, 2014), Vol. 79, No. 65. [Docket No. 2012-12]

Dear Ms. Claggett:

I am submitting this comment in response to the Copyright Office Notice of Inquiry on Orphan Works and Mass Digitization. I am currently a graduate student, pursuing a Master's Degree in Library and Information Sciences. I would like to thank the Copyright Office for the opportunity to comment on this subject. As a library science student I have studied the history and applications of copyright, and I am concerned with the implications of this important issue.

While the changes to copyright law over the years have been conceivably done in the interest of society, the works that have been caught in the middle of these changes have essentially been lost to us. My concern is the considerable loss of culture, history, scholarship, and possible creation that sits untouched with the orphan works in the interim. This completely negates the original purpose of copyright; to encourage creation and other such endeavors. We are now faced with the possibility that the terms of copyright coverage could well outlast the works in question. As time passes and physical works deteriorates, so does the opportunity at discovery that each item represents. The restraints placed on these works not only impede the creation of new works, but has an immense impact on educational institutions and libraries.

We may never know the full extent of the chilling effect that is caused by the lack of access to such a large amount of work, but it is my hope that open forums such as this one, and the potential legislature that ensues can help replace some of what has been missed. The thought of entire archives of historical and scholarly documents or media that sit unused simply because there is no practical, legal path to use them is something we should all be concerned about, regardless of discipline. When an artist, author, scholar, or scientist is afraid to use something as inspiration or basis of work, or when they haven't even had the opportunity to have viewed important information pertinent to their work, we should all ascertain the significance.

As a student of library sciences perhaps I am most concerned with the steps that the library must take, or cannot even begin to take, in reference to orphan works. University libraries must

employ expensive measures to ensure fair use and avoid situations of copyright infringement. Many higher education institutes rely on repositories of material pertinent to scholarly advancement and are greatly hindered by the issue of orphan works and the implications of copyright. Without the ability to make this information available to students and faculty, most reasonably by digital archive, we could actually be impeding scientific advancement and other scholarly endeavors.

Above all, in answer to this issue we must reduce the risk of copyright infringement through the use of orphan works. Any and all language used in doing so should be friendly to all disciplines, creating the greatest good for all parties. I don't think it would be unreasonable that copyright periods require renewal after a practical amount of time. Also, in the interest of all parties, the process should be as convenient as possible to navigate. I also support the idea that users should take every reasonable step to identify the copyright holder, and if the copyright holder is identified after a work has been used, the user pays a reasonable fee to do so. The term 'reasonable' has been used quite prolifically in response to the orphan works problem, and it would be required to be determined in a court of law that takes many factors into consideration.

Thank you again for the opportunity to comment on this important subject.

Sincerely,

Jamie McCraw