

April 27, 2014

Maria Pallante, Register of Copyrights
United States Copyright Office
Library of Congress
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

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

Dear Ms. Pallante:

I am writing to comment on the issue of orphan works and mass digitization.

As a working author, I stand with the Content Creators Coalition in opposing legislation that permits use of my work without my knowledge or permission because a person or organization claims that they were unable to identify or locate me -- and that allows others to benefit from my works at my expense. Any such legislation would violate my rights as a copyright holder.

Proposals for orphan works legislation fail to take into account the realities of working authors' lives and the enormous difficulties we face in enforcing our rights so that we can earn a living from our works. I am opposed to the efforts from technology corporations, along with libraries, to exploit works that they identify as "orphan works" online with no compensation to the creators. This is unfair and should not be supported by Congress. Additionally, I oppose the fair use exception being applied to the mass digitization of orphan works. Fair use is too broad an exception for this activity.

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 benefits for libraries and archives but will make it difficult for creative people to reclaim rights in their works.

Along with the Content Creators Coalition, I urge Congress to establish a fair licensing system that enables creative people to benefit from our works. We also urge you to enhance your efforts to learn from authors 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,

Peter Orner
Novelist and Professor, San Francisco State University