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Comment:

I am a fan of old radio programs of the 1940s and earlier. These programs offer a priceless glimpse into American culture at perhaps the greatest time in our history. But for the majority of this material the rights holders, if any, simply cannot be tracked down. Either no records were kept or the people involved are all dead. When the shows were made they were never intended to be heard again. Yet every now and then the heirs of some writer or producer who held the original copyright will pop out of the woodwork and assert a claim. Anyone who reproduces and distributes these programs for the sake of preserving them runs a huge personal risk, yet if they didn't do it most of the material would no longer exist.

In many cases the only reason any copies of a show still exist is that the originals were "taken home" by people like station engineers. Typically these originals end up forgotten in an attic for years until they find their way back into circulation through estate sales and the like. They are then copied and distributed by people who have absolutely no resources to research the copyrights. If not for this underground preservation system, most of the radio shows that entertained America through the Great Depression and the Second World War would no longer exist.

I would really like to see copyright terms shortened, not lengthened as Congress did in 1998. Otherwise we will lose access to our own history because the rights research is too costly and in many cases impossible. I would also like to see automatic copyrights abolished. Perhaps the old copyright registration system became too expensive. Now that we have the Internet it should be cheap enough to be practical again. An online copyright registration system would allow people to protect material they think is worth protecting and would provide a realistic means for historical researchers to find rights holders.

Material that lies forgotten for decades and suddenly becomes valuable 70 years later doesn't need to generate unexpected profits for heirs or holding companies. That doesn't encourage innovation in any way, which is the real purpose of copyright.