Comment:
In working on my freely distributable (licensed under the GNU General Public License) educational application, Tux Typing (see http://www.tux4kids.com/) I encountered situations where certain content (e.g., pictures and sounds) was available, but I could not contact the original copyright owner.

In the end, rather than risk liability and the liability of those schools and educators using my application, I wound up replacing the content I was unsure on with content I created. For a small non-profit project, this put much additional stress and strain on our development team.

Because of this problem, my parent non-profit organization created a sister project known as GOVIA (see http://govia.osef.org/) where multimedia and other materials could be housed under licenses and copyrights more friendly with a project such as our own.

Had the orphan works materials we encountered been public domain, it would have solved the problems of our struggling educational non-profit group long ago and we would have been able to get our educational software into the hands of students and educators much sooner.