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To: Julie L. Sigall  
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From: Jonathan Reed

Comment:

I had a problem with an "orphan work" once that I will describe here:

While researching turn-of-the-century movie theaters in Providence, RI, I came across a library book from the early 1970s containing a wealth of information on the subject, and I wanted to include some passages and pictures from the book. My university had access to a large copyright clearinghouse database, but the book in question was not listed there. The book had no ISBN number, and searching various other library catalogs yielded no results. I contacted the publisher, a small printing house in RI that was still in business, and after being transferred to several different people, was told that they stopped publishing books 18 years ago and now only printed brochures and pamphlets and the like. I attempted to locate the author, with no avail. My last hope was the typist who was listed in the inside front cover, and she was deceased. So I had a book with valuable information for which I could not obtain any reprint licenses.

I urge the Copyright Office to declare that orphan works can be reprinted free of charge. If the copyright holder is eventually located, the work can then be no longer orphaned. However, provisions must be in place to prevent the "adoption" of orphan works by uninterested third parties. If a work is declared orphaned, a large corporation should not be able to "adopt" or purchase the copyright with the sole intent of making a profit from something that was never theirs. Nor should individuals be able to purchase orphaned works (similar to Michael Jackson purchasing the Beatles songs) unless they have some legitimate claim (ie: next-of-kin of the original copyright holder), and even then, the case should be examined in detail to weigh the public interest against potential con-artists.