To: Jule L. Sigall  
Associate Register for Policy & International Affairs

Date: 03/14/2005

From: Charles Talk

Comment:

Dear Sirs,

As a licensed owner of several software packages produced by companies who are now defunct, non-existent and non-communicable, I feel that there is a great loss in terms of the inability to work with, improve or even repair necessary systems or software.

I first experienced this with a package used for POS (Point-of-sale) software that we had paid for maintenance on for four years. The company folded during that term and even though source code was to be included within the original agreement, we could not get same from anyone when it came time to repair the system. The owner and copyright holder simply went out of business without notice.

The same is true for many games, accounting systems, monitoring software, hardware devices, and other items that relegate these items to the trash bins of society. The items are made questionable - though not useless - because of this abandonment. Without clear transfer of that knowledge product, the work is lost to the public, though it might be perfectly useful.

The danger we face is that we are throwing the bay out with the bathwater, losing content, information and knowledge that work elegantly and cleanly simply because people are no longer willing or able to claim clear ownership of abandoned works.

I urge you to consider the orphan works issue carefully and allow these ideas to continue to be expressed. Locking away history and culture is not in the best interests of anyone.