

Solomon-Cindy-20050317130003

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

Date: 03/17/2005

From: Cindy Solomon

Comment:

In designing a website for the restaurant Phoenix Pastificio in Berkeley, CA, I wanted to use the picture of a Phoenix that they had on their mimeographed menus. No one remembered where the picture came from, until the owner recalled his sister bringing in a book, that was lost and perceived to be out of print.

I took to the web to research the book, found it as well as the illustrator. An award winning artist, he resides in Canada. I attempted to call a phone number I found listed on a website for him, to no avail. I sent email to the artist and publisher requesting use. I sent a printed letter. No acknowledgement nor answer was received.

The domain name was registered by another restaurant presumed to be in Phoenix, Arizona so the website was never completed. The process took 2 years and still the restaurant remains without a viable website - a loss to the owners, their potential customers, and to my portfolio.

Perhaps the rule of thumb should be that all possible attempts to contact the perceived owner are made and documented, that a reasonable length of time has evolved, and then a "Copyright Bank" should exist, where users would pay royalties/usage fees into, as if they were paying the owner.

The monies collected should fund non-profits, artists, education and new works of art so the money gets distributed appropriately back into the creative well from which it originated, if not to the exact source.

Should the originator of the work recognize their work being used in the public domain or anywhere else, they could contact the "Copyright Bank Database" where the document trail showing attempts to contact them are stored. When they prove their ownership, they are granted access to the funds designated for them from the bank.

They would have to pay a tax to the bank to cover the administration fees for handling their works while they were unreachable, but they would also be compensated. The same would work for heirs of the originators.

This way everyone benefits - the work can get used, the originators could get compensated when and if they become known, and monies could be available to fund and inspire new artists and creativity.