

Dear Mr. Sigall,

I happened to read this morning that you are handling public feedback on the question of abandoned or orphaned works of art, those without an accessible copyright holder. I want to strongly endorse the releasing of all of these works into the public domain and furthermore, I suggest that it is the responsibility of the government to preserve (whenever possible) in an easily accessible forum (such as <http://www.archive.org/>) these works.

As I write this letter I am listening to a Cole Porter musical from the early 1950s entitled "Silk Stockings". This is one of many out-of-print, obscure musicals I have acquired through endless garage-sale perusing, bargain-bin hunting, and many long hours of preservation and transcription from their original formats. In many cases, the recordings are still of a mediocre quality, however, due to the extreme wear on the records from their many years (decades?) in mothballs.

At college, I am writing papers and doing scholarly research on independent film from the past hundred years. I am sad to say that many of the films in question are available only via bootleg copies recorded from projections many years ago because no available screening prints exist. While the DVD market is expanding rapidly, there remain directors (such as Russ Meyer and Samuel Fuller) who retained personally the video rights to all of their work and then died, leaving the material orphaned until such time as a major studio decides it is profitable to do a mass reprinting (likely never).

As I surf the internet, I find websites cataloguing and releasing for download games and applications for outdated electronic systems which have long since lost any conceivable commercial value as sale items (since the systems that ran them and the companies that made them are long-since dead), but which retain aesthetic, entertainment and educational merit that can be acquired through a simple, usually free process of emulation.

While the capacity of the government to preserve these works is necessarily limited, the desire and ability of its corporate forbears to preserve them is even more limited. In the specific case of orphaned works, it is entirely impossible. If a corporation does not see any profit in the reproduction of certain artistic works, so be it. But for it to simply "sit on" the rights to such items, even though it has no conceivable use for them itself, is not in the proper public spirit of enterprise. Neither is it in the spirit of government to demand that a corporation sacrifice its financial well-being for the sake of 'principles'. Business should exist to expand diversity and choice for the consumer; if it is arbitrarily limiting that diversity and choice by retaining rights to antiquated, useless or abandoned properties with no intent to make them available, then those properties should be bought for a nominal sum by the government or non-profit organizations and made available for public consumption.

I hope in writing this letter I have made clear to you how many lives would be enriched by the release of orphaned, antiquated, and long out-of-print works into the public domain. I look forward to hearing the decision of the court on this issue, and hope for a positive outcome. If it is not too much trouble, I would also like to be alerted of the court's eventual decision in this matter.

Yours most sincerely,  
Benjamin Feuer