

Dear Mr. Sigall,

I received notice that you were conducting an inquiry into Orphaned Copyrighted Works and thought this would be an ideal opportunity to provide but one example of some of the frustrations I've encountered in my tenure at the University of Idaho Library.

As Reserve Desk Coordinator it is my responsibility to follow up on all copyright requests which pertain to library reserve - electronic reserve, physical reserve, what have you. In one particular instance last semester, I was trying to acquire permission to use a single chapter out of the following book on electronic reserve:

Christian Ethics: Sources of the Living Tradition. Waldo Beach & H. Richard Niebuhr (eds). 2nd edition. John Wiley & Sons. New York. 1973. p. 100-109. ISBN: 0471070076.

The copyright/acknowledgment page indicated that Wiley owned the rights to this book, so I contacted them first. In their response they stated that they had recently sold the rights to Random House/Knopf. So I drafted another letter, this time to Random House. When I finally heard back from them, they told me that I had the wrong party once again and should contact...John Wiley & Sons! I got caught in a vicious copyright loop because neither publisher knew for certain who owned the rights to that particular book. And since the semester was practically over by the time I heard back from Random House, there was little point in pursuing the matter further. As a result, we were never able to place this material on reserve, much to the professor's dismay.

I'm not sure whether this is indicative of a larger trend in the publishing industry, what with all the buying and selling of rights among the different publishing houses, but it caused me no small amount of grief at the time. I probably wasted about ten hours on this one request alone. Luckily, it was a fairly isolated incident. My normal copyright fare deals primarily with academic books and journals, which seem to be pretty closely regulated; I suspect I would encounter more orphaned works if I dealt with music, video, and unpublished works on a more regular basis.

I hope my account helps you in some small way in terms of drafting a new policy for orphaned copyrighted works. I eagerly await the results of your findings. Please let me know if I can be of any further service.

Best regards,

Jesse Thomas  
University of Idaho Library  
Reserve Desk Coordinator