

October 22, 2012

To whom it may concern...

About Orphan Works, I am vehemently against the idea. I personally do not think there is a reasonable search on this planet to look for a specific Author of a photograph. Example...what if I am retired or I am blind. How will I know that someone is looking for me regarding a particular photograph? My associates much less my family will not know that I shot THAT photo unless I myself actually recognized it myself with my own eyes but I am blind. Or I have Alzheimer's or my grown up kids don't know yet, I may have transferred all my intellectual property to my kids should I die but was Terminal for years. Who is going to direct them to look for these things? It is like buying thousands of negatives for a sum amount then my associates will have to sort through it all and REMEMBER every photo I ever took in my lifetime to make a claim that someone's photo is still in copyright force or that my works belong to my family estate and just barely able to manage it when they are at it's infancy in acquiring it. It could take years.

The current system does not have a central location of image banks or image file names where it keeps track of indie photographers much less professionals or legends to easily track down the author of a particular photo or an obscure one. Let's pretend that I went off the grid for several years to photograph a Tribe in the middle of nowhere with no access to internet. How would I know that someone is infringing my work much less searching for me to locate me for a particular image? Yet all my images were copyrighted before I left. I didn't abandon my work...I simply took a break for several years. Whatever they do (the persons or corporations)...need to honor my fee's should I come back regardless of whether I didn't flag my image during their search or not. Maybe they didn't search enough. Then there is that...not digging deep enough to search for the rightful owner of an image. The idea of Orphan Works needs to be abandoned. It is detrimental to the small guys that rely on their work to make a living and one slip will cause resentment all because they were off the grid or in rehab or in prison or...many and unknown reasons. These are legitimate reasons for not responding to claiming an image that is rightfully yours but someone else wants to profit from it. This isn't fair or reasonable. It is just wrong.

-Michael Giordano