

U.S. COPYRIGHT OFFICE

**NOTICE OF INQUIRY
77 F.R. 204, Docket No. 2012-12
(October 22, 2012)**

ORPHAN WORKS AND MASS DIGITIZATION

March 6, 2013

**REPLY COMMENTS OF THE
AMERICAN SOCIETY OF MEDIA PHOTOGRAPHERS (ASMP)**

**SUBMITTED BY:
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REPLY COMMENTS OF ASMP

ASMP supports the Reply Comments submitted by ASMP's sister organization, the National Press Photographers Association (NPPA). In particular, ASMP believes that the two keys to minimizing or eliminating entirely the existence of orphan works are persistent attribution and registries. First, systems for providing, maintaining and even mandating credit lines for photographers, attached to their images, are crucial to identifying and/or locating copyright owners. To be of value in a digital environment, such attribution must be persistent in the sense of remaining attached to the images as they makes their way through the channels of usage and distribution.

The other prong --- registries, such as the one being developed by PLUS --- can provide systems for identifying and locating copyright owners, even where attribution has been deleted or corrupted. By incorporating a database of images that can be searched using image-recognition technology, registries have the potential for eliminating the existence of orphan works entirely.

These two mechanisms --- persistent attribution and registries --- working hand in hand are, in ASMP's opinion, the solution for orphan works. Any return to formalities (a thinly veiled attack on copyright owners' rights) would not only be likely to violate the USA's obligations under the Berne Convention, they would ultimately harm the users of copyrighted materials by deterring copyright registrations and thereby preventing a useful public record housed at the Copyright Office.

Thank you for your time and consideration.

Respectfully submitted,
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