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#### REPLY COMMENT RE: ORPHAN WORKS.

For several years running now, my library has been interested in digitizing our US War Dept., Special Services Division Newsmap holdings. These Newsmaps are posters that were issued by the United States Armed Forces Army Orientation Course and distributed by the Government Printing Office (GPO) between the years 1942 and 1946. These newsmaps have great visual appeal and contain information of import to historians, sociologists, artists, and hobbyists. Each double-sided newsmap poster measures 47 X 34 inches. One side depicts what may be loosely defined as personal safety / instructional / "propagandistic" information (e.g., "Fox holes, Dig or Die!"); the other features Allied troop progress maps, photographs from military campaigns, and so on.

However, even though these Newsmaps are government publications and thus under normal circumstance would not be protected under copyright law, a large percentage of the Newsmaps do contain clearly attributed copyrighted content, all of it (as best we can determine) graphical information (photographs, illustrations, maps, etc.). The situation is complex enough with respect to the content attributed to existing entities such as the Associated Press and Time Magazine. But most distressing is that content attributed to entities that, for all practical purposes, no longer exist: the Chicago Daily News, International [photo service], Soviet Radiophoto, Wide World, and others. In some cases, we are aware that firms have merged and that property and all rights associated with it, we have to assume – has changed hands. In other cases, the firm in question was simply dissolved, and its properties disposed of.

These property issues make it extremely difficult and time-consuming even for medium-sized institutions such as our own to perform the research necessary to demonstrate due diligence. Until we can resolve the individual copyright issues that pertain to each of these roughly 200 items, we feel we cannot proceed with making them available to the general public in a digital form. I hope that the Office will consider regulatory / procedural changes that will:

- make it less prohibitive to perform due diligence with respect to content that may or may not now be owned by a person or persons different from the person or persons to which that content was originally attributed;
- hold those who claim copyright over works in cases such as this more accountable for proving chain of custody and current ownership of contested content;

- clarify and perhaps refine the legal procedures by which copyright is transferred in corporate takeovers, mergers, etc..

Thank you.

Joe Milazzo