

Comment on Orphan Works

What I would like to see are the following:

All copyright owners must reregister their copyrights every ten years, starting 25 years after the initial issuance of the copyright. This won't change the length of a copyright, but would just make sure that the copyright owner is still interested in maintaining the copyright. If the owner doesn't reregister in the proper time period then the LOC would publish the names of the works, and owners that haven't been reregistered. There would be a two year waiting period in which the owner or heirs could reregister. If that period passed without a reregistration, then the work would be declared "An Orphan Work" and anyone would be able to use the work provided they paid The LOC a fee which would be held in reserve if the owner finally came forth during the life of the copyright.

There should also be a "public performance" requirement for all non print works, e.g. movies, sound recordings, and television programs. This would mean that a work of this type must be available for the public to see or purchase for their home use. The reason for this is because many movies and television programs are currently unavailable due to underlying rights issues. This change would override those issues and make these works available, again with The LOC or another agency holding the owners fees in reserve.

For example: The Disney Company has a policy of keeping some of its movies in the vault for a period of up to ten years. This would be allowed, but that would be the maximum time a work could be held back from the public. If a work was not seen for ten years then anyone would be allowed to issue it to the public, in whatever format was then current, again with the fees paid to the responsible agency.

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