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Comment on the issues raised by “orphan works”

There is a compelling interest for compilers of works and for publishers of previously copyrighted works to have access to the works of interest. When the owner of a copyright cannot be contacted by any effective means, the public interest in having access to these compilations and/or republications of no-longer-copyrighted works is served by allowing the lapse of the effective copyright rights.

For example, publishing of books by a print-on-demand organization that provides books at cost to an underserved public is inhibited by the inability to obtain copyright clearance for certain works. Allowing the copyright to lapse after suitable notice to a last-known address would allow this valuable service to produce more works for that public.

I also encourage the development of a more effective renewal system, which may dovetail well with rule-making you may do to deal with inaccessible copyright owners. For example, requiring copyright renewal to be done by explicit payment of a nominal fee (perhaps \$1.00) to the Copyright Office, automatic renewal will not perpetuate the copyrights of works with inaccessible owners.

As the onslaught of copyrighted works grows in volume, the facilitation of publication of compilations is very much in the public interest and will also help to stimulate the creation of new work.

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