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Comment:

Over the past forty years, Congress has extended the term of existing copyrights 11 times, thereby stopping the flow of creative material into the public domain. The biggest supporters of these laws are individuals and corporations with extremely valuable copyrights that are about to expire (for example, Mickey Mouse). The biggest effect of these laws is to make unavailable an extraordinary range of creative material for next generation's creators. Just as Walt Disney used the works of the Brothers Grimm to produce some of the best of the Disney stories, so too should the next Walt Disney be able to build upon the stories told by Disney.

But more important than the few valuable copyrights that these extensions protect, this case is about freeing the vast majority of creative work still under copyright that no one seeks to protect -- indeed, work which the current copyright owner doesn't even know he or she owns. Many films from the 1920s and 1930s are decaying in vaults because current copyright holders cannot be identified. Many books and songs published in the early part of the century are unavailable because the cost of finding the copyright owner is just too high. Congress sacrificed all these works, just to protect a few valuable copyrights. But as the Supreme Court has said, "you can't burn the house to roast the pig" -- not even to save The Mouse.