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To: Julie L. Sigall
Associate Register for Policy & International Affairs

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From: Christopher E. Meadows

Comment:

I am a fan of H.P. Lovecraft. Up until recently, there used to be a really good collection of H.P. Lovecraft's works posted online at <http://www.gizmology.net/lovecraft/>, under the argument that, according to their copyright FAQ page, "[R]epeated searches of the Library of Congress have failed to yield any evidence that the copyrights were renewed after 28 years - thereby allowing the stories to fall into the public domain by operation of law."

However, the site subsequently vanished altogether... apparently people who *claimed* to be the copyright owners exerted litigatory pressure against the site and, lacking the money to defend himself in the courts, the site owner simply removed the content.

There needs to be a better way of making these works that *may* be orphaned available to the public. The onus should be on the rights-holder to *prove* that he has the rights before he can threaten a site to have it taken down. It's just not fair that someone should be able to litigate these resources away when the site owner had diligently done Library of Congress searches to prove that the copyright had expired.