

L-Ayers-Andrew-20050314130008

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Date: 03/14/2005

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Comment:

Orphaned works should default back to the public domain. If the original creator or owner of such works cannot be found, releasing them to the public domain is much more preferable than the works simply disappearing.

I recently was involved in such a case, in which I owned a piece of software which the original floppy had become corrupted. The original company that provided the software was long out of business. It took a long while, but I and others managed to find the original IP holder (we are talking almost 20 years here!), and he gave the blessing for us to distribute his old company's software library as public domain in our community. Had we not been able to locate him, a chunk of history for our community would have been lost.

This is but one example, I am certain there are many more throughout history that would show a true downside when works are allowed to "disappear" because of this issue.

In such cases, it doesn't do the public any good - and isn't that what copyrights, trademarks and patents are supposed to be about, that of enriching the public sphere?