

I hold the copyright to a work that someday may be considered “orphaned.” *Distinguished Classics of Reference Publishing* (Phoenix: Oryx Press, 1992) is out of print. The brief biographical sketch tucked away on p. 337 of this 356-page book is out of date. An inquiry to my former employer noted in that sketch would today, I believe, result in a successful referral to me. I would then be able to act on a request to use some or all of this work. That, however, will probably not be the case in ten or fifteen years. This will then be truly orphaned and a party seeking to use this copyrighted work may not be able to find me (or my estate if I am deceased).

In S.R. Ranganathan’s Five Laws of Library Science the first is “Books are for use.” Surely that applies to orphaned books as much as to any others. Unless provision is made for these orphans to be treated as public domain intellectual property after a party seeking to use them has exercised due diligence to locate the copyright holder, we will thwart the purpose of copyright “To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” If my book is orphaned and a party has found a way to use it “to promote the progress of science and useful arts” but cannot find me, I hope that copyright law will not prevent that party from using it without fear of legal liability.

James Rettig