



March 30, 2005

Mr. Jule L. Sigall
Associate Register for Policy & International Affairs
U.S. Copyright Office
The Library of Congress
Washington, D.C. 20004

RE: Notice of Inquiry regarding Orphan Works

Dear Mr. Jule,

As a photographer who makes much of his living through the sale of limited use rights to my photographs, what I have read regarding "Orphan Works" concerns me.

While I'm sensitive to the desires and needs of Universities and read with great interest the Eastman House's comments describing silent films without traceable copyright holders I find no established criteria for determining a work as "orphaned." What would be the requirements of a diligent and legal search? How will it be documented? Once used is the creation available to anyone for any use? In the text, the Canadian method would seem to hold the most promise but the opportunity for abuse is still worrisome. Setting fees for such uses is not science. My work is represented by Getty One which I'm confident gets more for uses than some of its competition but I'm also aware that they get less than others. Establishing a "fair" price will be extremely difficult.

Today it is far too easy for a copyrighted work to find its way onto the internet without the creators permission. It's extremely easy for identifying information to be wiped from an image making it extremely difficult to identify the true copyright owner but that difficulty should not make the image an orphan without rights.

In an age where speed is often the driving force, I'm concerned that far too much material may fall into the category, "Orphaned Works" and that research will not be properly done making it far too easy to erode the current rights granted under the current copyright act.

Thank you for this opportunity to express my trepidation.

Sincerely,

Jonathan Selig