

Date: February 5, 2004

Comment on "Orphan Works"

From: Mr. John Lovering, Volunteer Host of WSCA-LP FM 106.1 Portsmouth Community Radio Audio Theatre Program.

As a volunteer host for a new non-profit low power FM station in Portsmouth, NH, WSCA-LP 106.1 FM, I made a proposal to begin an "Audio Theatre" weekly program that would feature radio theatre from the Golden Age of Radio (1930-1956) along with anecdotal information about the actors, directors, writers, producers, etc. of the individual program or series.

As an offshoot of this program, we planned to initiate our own "WSCA-LP Audio Players" and produce a mixture of our own original audio theatre plays and plays from the past.

In my attempt to discover what copyrights and laws pertained to or existed on the radio shows I wanted to play on the air and/or produce the scripts for our actors, I ran into a total quagmire of twisted and confusing information or nothing at all.

I am a retired high school teacher with 37 years of teaching experience behind me and I felt an obligation "to do the right thing" in regards to applicable copyright laws. My first step was to write to people who currently either produce nationally syndicated "Old Time Radio" shows and companies who sold "CD's and Tapes" of OTR shows.

In the letters that I wrote I explained what I wanted to do and that our station was only a 100 Watt station with a 12 mile radius. I asked the recipients of the letters to advise me on procedures I should take to satisfy any copyright law. I wrote four such letters and did not receive one reply.

I then did an Internet Search of copyright information and searched through page after page of legalize, much of it contradictory to what other sources printed and much of it incomprehensible to me as a layperson. I attempted to look up copyrights and found the files extremely confusing and difficult to navigate.

During this attempt to locate information, I saw literally hundreds of sites on the Internet selling OTR programs, some simply giving them away for postage and handling, and others allowing you to download mp3 files of very poor, non-broadcast quality files for free.

I read many disclaimers on sites that said, "If you believe you have copyright ownership to anything on this site, please advise me with the details and I will remove it from the site immediately"

It seemed to me that anybody and everybody was doing a different thing and no body was paying much attention to copyrights because nobody could figure out what the laws were...especially in regards to

radio programs produced 70 and more years ago... when as I understand it, the networks never intended for the show to be rebroadcast in the first place.

Anyway, when I saw that the Library of Congress was looking into "Orphan Works" and the impact of such works on creativity, etc. etc., I thought I should put my "two cents" in....

As a veteran educator, I would very much like to go out to schools and use audio theatre as a means of teaching children how to really listen, use their imaginations, write clearly and with vivid description, and speak with confidence and purpose. I have not proceeded with plans to develop curriculum that would include those goals because of the difficulty I have had in trying to locate copyright information about scripts and radio theatre recordings, especially on what I guess is officially called "Orphan Works"

I would very much like to see a clear policy that would minimally allow non-profit stations or educators use these resources as teaching tools to help achieve the skills mentioned above in children and adults, and to preserve and promote audio theatre as a part of our history and culture. I venture that radio listeners might be apt to actually go out and purchase OTR shows as a result of hearing a program on the air...thereby utilizing these resources more than they would ever be utilized gathering dust in some old file room!

I am not at all sure what I have written above is the type of comment you were looking for, but at least I gave it a try!

Thanks,
John Lovering