

As an historical society, we have this "orphan" problem all of the time. But we have not yet have legal problems.

Two seemingly contradictory things are true at once:

- * Older "orphan" works need to be made available. I suggest that the current owner of the negative or print be made the de-facto owner of the copyright.

- * New publications that use historical photos must still be owners of the copyright for all of the book and the material therein.

There is no doubt that this is much more complicated than we can discuss by e-mail, but the final word should be that old photos (etc.) should become public domain.

My rule of thumb is that it is nearly impossible to locate the photographer of anything before 1960. But there are many exceptions. If I could pick a date, I would pick 1970 to give some leeway. Undated photos would be judged by context. (I am well aware of how confusing this is, but the present situation is near impossible for groups that use historical photos. Not one person in a million puts his/her copyright rights in the last will & testament, and the heirs (if any) never know what is happening.)

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