

comment\_from\_G\_Miki\_Hayden

ATTN.: Julie L. Sigall, Associate Register for Policy & International Affairs  
SUBJECT: Orphan works  
TYPE: comment  
FROM: G. Miki Hayden  
Organization:  
Title:

Date: Sun, 27 Feb 2005 22:35:25 -0500  
Comment:

What struck me, because I have worked for many publishers, is that to place a so-called orphaned work in the public domain would be to say 'Go get it,' to the publishers, if the work is of any broad interest. I'm thinking about a situation in which the author is elderly and completely out of circulation, but is still entitled to the protection of his/her intellectual property in the aspect of the whole work. A two page quoting of the work with credit for an educational purpose, I don't see as any kind of violation, but even if the author is incapacitated, I feel that appropriating the whole work would be wrong.

Suppose this copyrighted work is 'orphaned,' declared to be in the public domain, and the author is actually still alive. His/her work is appropriated and is sold as a minor work by a publishing company. The work is seen in print by the family. Are the family members then to be told that they and the elderly father or mother have no rights in regard to the work? I would find this quite disturbing.

G. Miki Hayden

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