

After reading the comments of Donna Beales (OW0009), I am inspired to submit the following reply comment.

I found most of Ms. Beales' comments meaningful and insightful. As she points out, the shift in copyright law, from protecting authors and creators to, now, protecting the corporations who strong-arm the authors (and strong-arm the public too) is all too evident and unfortunate.

However, I do have a hard time, for whatever it's worth, drawing a logical path from Ms. Beales' opening comments to her desire to maintain the status quo as regards orphan works. She states that, in her current position as a copyright holder, she would be difficult or impossible to find. What is the benefit to her of maintaining that situation? It certainly seems to me that it would be to the benefit of those in her situation to implement an effective means by which those who might want to use her work could determine whether or not the work is orphaned and, in the case where the work is not orphaned, happily facilitate a connection between the seeker and the holder. Is that not the whole point of the initiative?

I would also like to submit the following comment in reply to the comments of the Illustrators' Partnership (OW0660).

While the comments of the Partnership are lengthy, it seems to me that the issues raised are few and shallow. In short, the Partnership opposes any consideration of access to orphaned works because the Partnership is certain that the primary intent would be to unfairly deprive them of their legitimate rights.

Unless you are willing to believe, and I am not, that this is the intent of the Copyright Office, these comments are, it seems to me, of little value as regards the issue at hand. In effect, the Partnership rejects the idea that there is such a thing as an orphaned work. While the Partnership apparently finds this concept persuasive, it seems to me quite mistaken. To any objective observer, there is clearly a large and growing body of works that are truly orphaned, for which access is currently restricted, to the benefit of no one.

Thanks to the Copyright Office for pursuing this issue.

Ken Reeder