

Nash-Bill -20050314123008

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Comment:

You've got two plausible scenarios here, in my opinion. The first is that if you can't find the author/artist, you can't use the work. The second is that as long as you can show that you made reasonable attempts to locate the originator, without success, you're free to use the material.

The latter scenario sucks for a lot of reasons, and I fully expect to it abused, especially by large media corporations who already hold large copyright portfolios, and lobby for continual copyright extensions to keep their own work, or work based on expired copyrights, out of the public domain.

Doesn't sound plausible? Ask Rudyard Kipling's estate how much it made from Disney's adaptation of the Jungle Book. Then ask Mickey Mouse when he's due for parole.

Any change to copyright practices must be in the interests of the public domain. Less and less material created in the past half century is entering into the public domain, as media conglomerates create, license, make toys and dvd releases, while lobbying to keep the rights under lock and key in perpetuity.

The effects of abuse, of any solution, must be considered carefully. There is no question *IF* it will be abused. The question is by whom, how long it will take them, and how much it will profit them.