

Eric Ristau  
Partner, Walkabout Workshop, LLC

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Jule L. Sigall  
Associate Register for Policy & International Affairs  
U.S. Copyright Office  
Copyright GC / I&R  
P.O. Box 70400, Southwest Station  
Washington, DC 20024

Dear Ms. Sigall:

I am a founding partner of a film production company based in Salt Lake City, Utah. Recently, in producing several video and film projects, we encountered situations where owners of copyrights were unknown or unavailable. Last month, while producing a short documentary film as part of a museum installation, we were asked to incorporate a number of historical photographs and films. Many of the photographs were owned by the museum, but a number were of unknown origin. Some of the photographs dated to the mid-1800s, but others were as recent as the 1960s. We were unable to use several of the photographs in the documentary because we could not ascertain the copyright holder. Many of the necessary film clips were commercial in origin, and likely copyrighted material. For several clips, we could not determine if they were still under copyright or not.

As a matter of policy, our company will not use any materials in a production without strict clearance or licensing, unless our client is willing to indemnify us from liability. It is frequently difficult to explain to a client why we cannot simply use photographs or music clips which are available on the internet or elsewhere. Many clients are extremely confused by the process of licensing images and music that are many decades old and of questionable ownership. They are also frustrated when we are forced to substitute media when we cannot gain clearance. In one instance, we needed a photograph of Howard Carter in the tomb of King Tut. We located a perfect image on the internet, but could not locate the owner and were forced to use a less-ideal photograph instead.

Concerning music, we have been researching 1950s-era rock and roll with lyrics relating to Atomic War. Many of these obscure songs are not listed with BMI, ASCAP, or SESAC, the three primary registration entities. There does not seem to be a unified search tool to identify the owners of copyrighted materials.

As a filmmaker, the current process of searching for and obtaining rights to copyrighted works definitely impedes our creativity with frustrating frequency.

Sincerely,

Eric Ristau  
Partner, Walkabout Workshop, LLC