

Susan Oleksiw: Orphan Works Proposed Legislation  
May 21, 2014

I am very concerned about legislation that would allow others to determine if a literary work has been “orphaned,” and is therefore eligible for reprinting by anyone who might want to do so, without charge or payment to the copyright owner. I am opposed to this legislation or anything like it.

I have published nine (9) books through commercial publishers, and two (2) on my own. I have recovered the copyrights for three (3) books and expect to do so for the remaining titles as soon as they go out of print. But one book, the first (published in 1988), has posed a difficulty.

The publisher (GK Hall) of the first book was sold (to Macmillan), which was then sold again, in the typical manner of conglomeration. Now no one at the remaining publishing house will say if they have the copyright or not. They don't answer questions, return calls, or even refer me to the correct office. My first book is not an orphan, but may certainly appear so because of the incompetence of the publisher.

I am also the author of stories, essays, reviews, and articles in numerous journals, magazines, and newspapers, many of which have disappeared over the years. No one would be able to track down the owners of the publications if they wanted to reprint a story or review, but that doesn't make my work an “orphan.” I still hold the copyright.

I rely on writing for income, and for many years this was my only income. To allow others to decide if a work is an “orphan” and eligible for publication is to deprive me of another source of earned income.

I am strongly opposed to any legislation that allows publishers or any other entity to declare a book an “orphan” and eligible for reprinting. If the author's copyright is still in effect, then only the author should have the right to decide to reprint a book, article, or other item. There should be no law passed to undermine the authority of the author's copyright.