

Maria Pallante, Register of Copyright
U.S. Copyright Office
Library of Congress

Dear Ms. Pallante:

I am a writer based in Washington, DC and a member of the National Writers Union (NWU), UAW Local 1981. I recently joined the group as a freelancer in search of community. One issue of interest to the NWU is the issue of orphan works. I understand that possible changes to copyright law might one day allow these so-called “orphan works” — works whose creators have presumably died or abandoned their own creations — to be more easily copied and distributed by entities other than their authors. I believe the Copyright Office and Congress should carefully consider the position of writers and creators as key stakeholders while formulating any new recommendations or policy around copyright and orphan works.

I began writing news stories and short non-fiction in high school and college. Over the years and alongside other jobs, I have published hundreds of news articles, blog posts, columns and features as a stringer and a freelance contributor. My publications include articles for small travel or specialty magazines, urban news blogs, local newspapers and a wire news service.

In my career, I have seen magazines, blogs, and newspapers fail, shut down, and change ownership. If a new publisher claims work from one of these publications and claims they can't find me, what would be my remedies? How hard does a publisher have to look for a copyright holder? How is “adequate search” defined? If someone does use my copyrighted work, where would a freelance writer appeal for remedies to copyright infringement?

Before developing any new orphan works recommendations, I urge the Copyright Office and Congress to consider how writers and other creators are publishing their work and using online tools to earn money and make a living in the digital age. Creators are using new platforms, peer-to-peer publishing and vending, and other tools and every click matters to us too: not just to aggregators. Understanding how we are making a living is necessary to determine how any new uses of our works might impinge on our own markets.

There are many very important reasons to consult writers themselves when drawing policy around orphan works, the first and foremost being that creators are key to a vibrant and flourishing society that balances the free-flow of information and knowledge with incentives for creators to create new works. Such a society is at the

heart of sustainable copyright law. I also strongly object to the use of the term “orphan works”.

Thank you,
Amanda Wilson
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