

Gupta-Sri -20050314083013

To: Julie L. Sigall
Associate Register for Policy & International Affairs

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From: Sri Gupta

Comment:

It serves no purpose to lock down works for which the copyright holder cannot be found; at the same time, if he exists and later wishes to exert his copyright, it is unfair to him if his work has been released into the public domain.

Perhaps, if a copyright holder is unknown, a token license amount can be paid for it and deposited into escrow, an amount not unreasonable considering the work and similar works that are licensed; if the copyright holder later appears, he can be paid the license amount from this account. After a latency period (Say, five years), any money remaining is donated to further creative projects, such as the national endowment for the arts.

This is one such solution under which orphan works don't languish, yet a holder of copyright can assert his rights at a later date. I should think that there are many other solutions available, all of which are better than losing a work to the mists of bureaucracy.