

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

Re: Orphan Works and Mass Digitization
(FR Doc. 2012-25932; Copyright Office Docket Number 2012-12)

Dear Ms. Pallante:

Being a writer, I endorse and support the comments that National Writers Union has already submitted to the Copyright Office.

As all writers and creators of the written word should do, I oppose any "orphan works" legislation that allows anybody to use my work without my knowledge or permission simply because that person or company claims that they were unable to identify or locate me (or anyone else that they thought held certain rights to my work).

Such legislation would violate the moral and economic rights of all writers. Moreover, for writers outside the U.S., a law of this nature would violate the rights that the 1886 Berne Convention and other more recent treaties guarantee.

In particular, I am worried because proposals for "orphan works" legislation in no way consider the realities of working writers' lives and the difficulties we face in enforcing our rights simply so that we can earn a living from our writing. "Orphan works" legislation would allow the unscrupulous and greedy to decide that work to which I hold some or all rights is "orphaned," even though I am still trying to earn money from it—especially in ways that are not reflected in publishers' or libraries' records. Copies of my work made available under an "orphan works" law—particularly those made available for free by a noncommercial entity—would unfairly compete with and destroy the value of my rights.

Before the Copyright Office or Congress considers any "orphan works" legislation, I urge you to hold hearings to learn from writers and other creators about the ways in which such a law would affect us. Your office should not consider any "orphan works" legislation unless it respects the rights of those who would be harmed by it, i.e., creators like me.

Sincerely,

Natalie Reid