

Groppenbecker-Scott-20050304203004

To: Julie L. Sigall
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From: Scott Groppenbecker

Comment:

It depends on what your position and policy will be regarding the orphan works as to what my comment is.

If the government is willing to research how much effort must be put in while finding original copyright holders, then perhaps I would agree that law needs to be changed.

However, I think we are crossing a dangerous line here. Let's say, for instance, I want to use X's song on my new CD I'm recording. Now I just say I can't find X's address or phone. So I just use X's work because I say it's an orphan work?

Perhaps I haven't found the right document to fully explain, but from what I've read, we are treading on thin ice if we change the orphan works section. I suppose it all depends on whether we force people to use "reasonable care" when looking for a copyright holder. Then the argument becomes what is reasonable care?

I suppose my comment would be just make sure we use adequate research and information when forming a law on what the steps must be to contact the original holder.