

B-McGregor-Charles-20050314073007

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

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From: Charles B McGregor

Comment:

When a business closes, or is purchased by another business which ceases using the name of the original business, all of its publications enter a copyright limbo. There is no reasonable means for a person to discover where the rights to the published materials of the lost business have gone. Use of the material is discouraged by the threat that a rights holder may appear later, if a profit is possible. This affects not just artistic and journalistic materials, but catalogs, technical papers, manuals, and other documents related to products which may long survive their creating company.

The solution is simple: when a business changes its name, or ceases doing business, the rights to materials published under the abandoned name should move into the public domain. Successor firms, wishing to maintain the rights of a purchased firm, should be required to openly continue the use of the business name in which copyright was vested and to maintain reasonable availability of the copyrighted materials.

Examples of this problem are the publications of: "Panoramic Radio Corp." of New York City (1940's-1950's); Gernsback Publications; Halli Crafters Co.; Altec Lansing Corp; and many other American manufacturers which have closed or been sold as marketing names alone to successors who have not continued to support the copyrighted materials.