

Comments on proposed „Orphan Works“ Legislation.

As an artist, a writer and a publisher I urge rejection of the proposed legislation.

Such legislation would be blatantly illegal and possibly unconstitutional, in that it would retroactively violate the right to not copyright that has been implicit in the decision to publish without copyright, or with an “untraceable” copyright, as practiced in numerous societies and groups. Just as certain religious groups claim the privilege to anoint the deceased against their intentions; just as certain industries claim the privilege to privatize water or, air; so, too, the new cyber-exploiters claim the right to retrospectively define all creative acts as capital. The attempt is as pointless as it is arrogant.

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