The solution to the problem of orphan works, and to many parts of the problem of piracy, is to expand the operation of the Copyright Office. As it stands, the contact information for most rights-holders is sadly out of date. This known as the Orphan Works problem.

There is a model for the tracking ownership and processing of micro-payments for licensing that exists, and that works well. This is the Copyright Clearance Center. Rights-ownership records are updated there because there is a chance that payments will be forthcoming.

If the Copyright Office sent out annual reminders that [insert a list of works] were listed as belonging to entity A at this address, and that this is the database that prospective licensors consult, that would help.

If the Copyright Office were the entity that held the income for the sale of digitized versions of those works whose rights-owners cannot be located, that would also help motivate people to keep their records updated.

The current situation is bad, not because publishers and writers are inherently greedy and selfish and short-sighted, but because there is very little or no chance to make a profit from the effort involved in keeping things updated. So the solution is not to wipe out the chance that publishers and writers have to profit from their efforts. It is to increase that chance, making it possible for users to buy the right to use a work at a reasonable price, at the same time.

More commerce, not less, is the right path in my opinion.

Marion Gropen
Gropen Associates, Inc.