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September 29, 2008

The Honorable David Price
United States House of Representatives
Room 2162 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Price:

We would like to encourage you to support passage in the House of Representatives of the bill that was approved on Friday in the Senate as the Shawn Bentley Orphan Works Act of 2008 (S 2913).

The goal of Orphan Works legislation is to enable greater public access to works in our libraries' collections that are still protected by copyright, but for which no owner can be located. This category actually includes a very large amount of material in every university collection. Indeed, the special collections in our library are rich in our nation's cultural and scientific heritage. These collections include significant amounts of orphan works, works whose owners are difficult or impossible to locate.

These repositories with orphan works are not being made publicly available for fear of copyright owners coming forward and demanding unknown amounts of compensation. Despite extensive and costly searches to locate orphan work owners, without a legislative solution, the risk remains too high for our library to make these works publicly available.

Resolving the orphan works problem presents significant new educational opportunities because these works will be publicly accessible and available to students, faculty and the public. Access to these resources supports and inspires new scholarship by making the works of previous generations more accessible and useful to current users.

The Shawn Bentley Orphan Works Act provides a workable compromise that will help facilitate public access to these rich resources. In spite of some extremist opposition, no copyrighted work would be appropriated from its owner under this bill. Libraries would be required to pursue diligent searches for copyright holders in order to prevent that eventualities. In fact, we remain concerned about the cost of these mandated searches, but accept that they are necessary to protect the rights of copyright holders.

And it is important to note that, should a copyright holder come forward who was not originally located in spite of such a diligent search, that rights holder would still be entitled to the same reasonable licensing fee that would have paid prior to the use.

This bill is not a threat to copyright ownership; it is, as copyright law as a whole is, a reasonable balance between the legitimate interests of copyright holders and the needs of scholars, as well as the public in general, to have access to works from the past in order to build, create and innovate for the future. We hope you will support the bringing of S 2913 to the House floor and its passage without amendment so that the universities and libraries of North Carolina and the nation as a whole can advance their mission of teaching, research and public service.

Thank you for considering this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Lange". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter Lange
Provost