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From the Editors

This is a special issue of the Newsletter, unscheduled, unexpected but the content is timely and important and we wanted to get it out to you now without waiting for next month to roll along, by which time the news will be stale.

The Editors

Famous Hitch Hikers Safety Assured by Fine Art Registry™ Tags—Part 1

by David Charles

What? Messrs. Hewlett and Packard and other notable electronics pioneers spotted hitchhiking through Silicon Valley? Are we on LSD? These guys have been dead for years.



No, we are not on drugs. With some of them already on the road, the “Hitchhikers in the Valley of Heart’s Delight” project is already rolling as 5 life-size cut-outs of key pioneers of Silicon Valley in hitchhiking poses, carrying GPS tracking systems and each tagged and registered with the Fine Art Registry make their way, we hope, to their destinations, courtesy of those brave drivers who stop for hitchhikers, even if they are famous scientists and engineers painted on plywood cutouts.

The Show and the Players

Between August 7th and August 13th 2006, ISEA is holding the ZeroOne San Jose Global Festival of Art on the Edge at the Sam Jose Museum of Art. You can get all the available informa-

(To read the full text of this article [click here.](#))

Orphan Works: How Fine Art Registry Averts Copyright Tragedy

by Cindy Ellen Hill, Esq.



Oh, how sad. I am looking at a postcard, probably circa 1930's, a lovely pastoral scene of immigrant girls tending sheep in a vale. There's a postmark on the back, and the name of a photo studio in a nearby town – but the studio has long been closed, the family dispersed, no record of them having ever been incorporated, and local memory seems to indicate that over the years they were open, they had quite a few itinerant photographers working for them. I would love to use this photo, to create notecards, or on price tags or prints for my handknitting design business. But clearly, it's copyrighted, because it's a creative work fixed in a tangible medium. If the photo was taken in the 1930's, the odds are pretty good that we are still within the life of the artist plus 70 years, so it is unlikely that the copyright has terminated. And the things I'd like to do with this lovely picture, as homey as they may sound, are commercial in nature, and would not fall into a fair-use copyright exception.

Tragic though it may be, my postcard, therefore, is probably an Orphan Work, destined to a reclusive and lonely life in my box of collected antique postcards. Unless Congress steps in. What, you might wonder, would Congress be doing in my antique postcard shoebox? They'd be responding to the recommendations of the U.S. Copyright Office regarding the use of Orphan Works.

In January 2006, the Office submitted its report to the Senate Judiciary Committee. The Office reported that about half of the comments received in the course of their study documented bona fide instances of orphan copyright issues, enough to lead them to conclude that the problem is real, substantial, and in need of resolution. The report states that "Concerns had been raised that the uncertainty surrounding ownership of such works might needlessly discourage subsequent creators and users from incorporating such works into new efforts, or from making such works available to the public."

If you recall that copyrighted works are protected the minute that they are fixed in a tangible medium, and do not require registration for copyright to attach, you can begin to imagine the sheer volume of Orphan Works that exist in the world. I suspect you are likely to be able to see

(To read the full text of this article [click here.](#))