

Bense-Ronald-20050314070029

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

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From: Ronald Bense

Comment:

Hi,

I am an author of several pieces of software out on the internet. I have abandoned 2 of those, which still exist thanks to other people copying those works. (Yes, I did retain copyright to those works, and no, I have no interest in pursuing said copyright now or in the future)

My views on copyright is that yes, we should have copyright laws. However, thanks to the efforts of various folks, including Sonny Bono, the granting of a copyright has gone from a limited time exclusive control intended to promote creativity for the common good to a system intended purely to retain all control and effectively stagnate creativity for ever, against the common good. That is especially evident in the current lack of requiring copyrighted works to be registered, and the loss of works, especially software, via abandonment.

For an example of how current copyright law stifles creativity, take the example of Disney. Their primary works that started the company were all based off of others original thought. Disney added significant value, and a new medium. The same cannot be done today with the new creations Disney made in the 1940s, because copyright law indefinitely prevents everyone from using anything Disney created.

Please fix the current copyright system by 1) requiring registration of copyrighted works within a 1 year period of creation and a requirement of active use, such as making the copyrighted work available at least 50% of each year after the first. Availability would be defined as anyone could obtain a legal copy that wants one by ordering it from the copyright holder(s) during that time. Failure to make a work available once it's been published moves said work to the public domain. 2) Shorten the exclusivity time period back down to a maximum of 14 years. Most works lose relevance within that time period and could be lost forever under the current system.

Lastly, copyright really should reside with individuals. Corporations should have distribution rights only. Such a change would have long term benefits to the common good by dividing the rights among those that create a work, and the company that distributes it. This would give the creators of a work more rights than they currently enjoy under a system that is geared solely towards the corporation and excludes the artists at every available opportunity.