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Jule L. Sigall
Associate Register for Policy & International Affairs
U.S. Copyright Office
Copyright GC/I&R
P.O. Box 70400
Southwest Station
Washington, D.C. 20024

Re: *Idée's Response to Notice of Inquiry Regarding Orphan Works*

Dear Mr. Sigall;

Idée appreciates the opportunity to respond to the Copyright Office's Notice of Inquiry regarding orphan works. In this letter, we describe our firm and the services we provide and outline a proposed solution for orphan works.

About Idée and our Visual Search Technology

Idée is a software development company specializing in developing visual search software. Our visual search technology allows for the searching of very large multi-million image collections. For example, our visual search technology is able to identify even severly-altered copies of an image automatically. One of the primary use of our technology is in copyright monitoring and we work with some of the world largest firms for this purpose. Whether firms are looking for instance of where their copyrighted materials have appeared and where used or if they have been used according to the license terms, we help detect and summarize the usage of copyrighted materials.

One of the core issues presented by the Copyright Office's Notice of Inquiry is how should the US law permit a user of a work that is protected by copyright law to engage in a new proposed use of the work. It is our industry's understanding that rights-holders for works published a long time ago are extremely difficult to identify, and even

when the copyright holder is identified, they are difficult to find. Most copyright holders are happy to grant usage rights to their materials for a nominal fee and sometimes grant access at no cost (for educational and historical purposes). Where the industry is spending a lot of time and money is in identifying who owns the orphan works and how to contact them. In our view to make use of the current orphan works we need a way to determine who owns the works and how to contact them, and we need access to a repository of works that one can easily search to determine the above.

<u>Idée's Proposal</u>

To facilitate searching, the Copyright Office should establish an easily-searchable database – this would basically be a repository of all orphan works with their image representation. This database would be designed to facilitate searching for works, tracking of orphan works as well as tracking information relating to the orphan works. Such database should include a facility to search visually for orphan works in addition to metadata for keyword searching. This database would provide users with a centralized source of information and visual representation of orphan works. This database would also be the first database used to locate an orphan work and show that steps where taken by a user to locate the correct copyright holder for the works prior to a proposed usage.

Search technologies evolved in the last decade and today, the ability to search vast amount of data and images is available and can easily be integrated in most databases to meet the search requirements of users and firms interested in ascertaining the ownership or a copyright prior to usage. Our suggestion would also include making the contemplated database searchable automatically given the million of records that would be included in the database as well as allowing searches to be performed via browser technologies. Such an effort would allow future users of copyrighted works to comply with all copyright requirements.

We thank you for the opportunity to provide our thoughts. After reading the many comments made in the last months, it is interesting to note that orphaned works are an important issue for a number of industries and educational institutions so we appreciate the attention devoted to it by the Copyright Office. We are looking forward to a meaningful engagement in the near future.