



March 31, 2014

Rep. Howard Coble, Chairman
Rep. Jerry Nadler, Ranking Member
Subcommittee on Courts, Intellectual Property and the Internet
2141 Rayburn House Office Building, B-352
Washington, D.C. 20515

Dear Chairman Coble and Representative Nadler:

The Directors Guild of America (DGA) and Writers Guild of America, West (WGAW) respectfully submit this statement in connection with the April 2, 2014 Subcommittee hearing regarding the preservation and reuse of copyrighted works. DGA represents over 15,000 directors and members of the directing team who create the feature films, television programs, commercials, documentaries, news, and other motion pictures that are this country's greatest cultural export. WGAW represents more than 8,000 professional writers of motion pictures, television, radio, and Internet programming, including news and documentaries. Both DGA's and WGAW's mission is to protect the creative and economic rights of their members.

As with many copyright issues, directors and writers occupy a unique position in the debate over orphan works. As artists who often draw on other copyrighted works to shape their own creations, they fully appreciate the attraction of orphan works reform. However, they also know that, done improperly, such reform could threaten their own economic, creative, and human rights. These longstanding rights protect our members' ability to create, share, and benefit from the artistic creations they offer to audiences around the world.

Unfortunately, the debate regarding orphan works has largely ignored the authors who lie at the conceptual center of copyright law. Instead, it has focused almost exclusively on the competing interests of users of copyrighted works and copyright holders. The purpose of this statement is to remind the Subcommittee that there is a third category of "rightholders" in this debate. Even if they are not copyright holders, directors and writers of motion pictures have important economic, creative, and human rights that deserve consideration and protection.

DGA and WGAW do not oppose an exploration of the need for orphan works legislation, particularly with respect to educational and library use. However, the goal of orphan works reform should be to facilitate the identification of copyright holders and enable the lawful licensing of copyrighted works. If a legislative or regulatory initiative addressing orphan works

*DGA and WGAW
Statement for the House Subcommittee on Courts, Intellectual Property, and the Internet
Re: The Preservation and Reuse of Copyrighted Works*

is forthcoming, we ask that it preserve and protect the economic, creative, and human rights of directors and writers. We do believe there are ways to protect those rights without jeopardizing the promise of orphan works reform. We therefore welcome any additional questions the Subcommittee may have on this important topic.

The DGA and WGAW once again thank the Subcommittee for commencing this and other hearings in its ongoing review of U.S. Copyright Law, and we appreciate the opportunity to add the voice of directors and writers to the ongoing debate. We look forward to working with you.

Respectfully submitted,

/s/
Kathy Garmezzy
Associate Executive Director
Government & International Affairs
Directors Guild of America, Inc.

/s/
Ellen Stutzman
Director of Research & Public Policy
Writers Guild of America, West Inc.

cc: Members, House Judiciary Subcommittee on
Courts, Intellectual Property, and the Internet