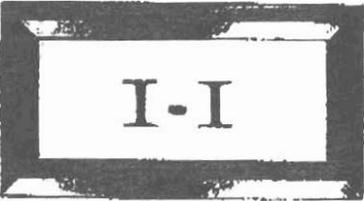


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From: Samuel M. Sherman, president

STATEMENT RELATING TO MATTERS INVOLVING FILM PRESERVATION and
THE ISSUE OF ABANDONED "ORPHAN" FILMS.

With the downward economic trends in the entire world today, the motion picture industry has been seriously affected in many ways. Video has taken over many areas formerly devoted to film and many motion picture laboratories have gone out of business. This coupled with the disappearance of many small and medium sized companies has led to a bumper crop of "orphan feature films" with no apparent owners in sight.

Add to this the lack of standardization of US and international copyrights, deaths of owners, and unclear rights assignments and the situation becomes obvious. There are law firms who have lists of titles, clients claim to own - without any indication of where the negatives are. And, conversely people holding negatives without any indication of property rights or copyrights.

Regarding archiving and preservation - The major Hollywood film studios all have restoration and preservation programs for their film libraries, WHICH THEY CONSTANTLY EXPLOIT COMMERCIALY -- so they can get back the monies they spend to preserve their own films. PUBLIC MONIES SHOULD NOT BE SPENT BY THE LIBRARY OF CONGRESS TO PRESERVE MAJOR HOLLYWOOD STUDIO FILMS FOR THE SOLE COMMERCIAL ENRICHMENT OF THESE STUDIOS - especially when access to these films is restricted to the studio owners and the public gains no access to these films.

What is needed is an archiving and restoration program for motion pictures no-one is preserving. All motion pictures, no matter how seemingly unimportant on the surface, have value. They represent the sociology of bygone ages. The customs, the dress, the attitudes of the 1930's are clearly shown in the most minor films of the 1930's -- and so on.

The Major Studios can and do preserve their own films - government agencies with public funding should preserve films nobody else is preserving and end this needless duplication of commercial efforts and waste of public funds that does not benefit the public.

Regarding motion picture laboratories - for years they regularly stored their clients' films without charge. As older clients disappear they do not know what to do with these films. Other laboratories and storage facilities are now charging unreasonably high storage charges to active customers - eventually this matter will come to a head and where are these films to go?

Laboratories such as MOVIELAB INC. (East & West), MGM-METROCOLOR, TRIANGLE, TVC, PRECISION and other important facilities have folded in the last few years with many original negatives becoming lost or permanently destroyed in the process, and that is in the US alone. Similar stories are taking place around the rest of the world too.

My advice to all archives- restore and preserve films that no-one else is preserving. That holds true for private archives as well as archives funded with public monies. You are not only preserving an entertainment form, but a permanent visual and audio record of the 20th century culture of the United States and other parts of the world too. No matter how elegant it may be to give a black tie reception for the 100th safety negative restoration of CITIZEN KANE -- it is one hundred times more worth-while to have restored THE SILENT ENEMY - a rare 1930 record of the last primitive days of Native American (Indian) life.

Motion Pictures are the unique cultural and art form of the 20th century and they should be saved. The more serious students document this industry, the more that small unknown films are found that have newly discovered value.

I propose that through the Library of Congress and National Archives that a national registry of film owners be created. This would cover all works both copyrighted and out of copyright. In this way films donated to any archive with donor restrictions could be traced back to their owners and users of this footage have a source to license these films from.

In the cast of abandoned films, in or out of copyright, with no apparent owner in sight - a fund could be created which users would pay into and if a claimant were found, a pre-decided amount could be paid to the claimant based on usage.

Further, regarding the present situation with films now in the public domain residing in the Library of Congress, restored with public funds exist -- these films should be made available to the public - which is the purpose of laws concerning creative projects in the Public Domain.

For the record, this company is a film producer and owner of copyrighted motion pictures. However, I and my company recognize the part the public has played in the creation and EXISTENCE of many of these films. As this company has earned its money through the DISTRIBUTION of its films to the U.S. Public, the admission fees charged to the public for our films, have resulted in film rental payments to this company, which have been re-invested to produce more films.

As we recognize the part the public has played in the creation of OUR films, we also recognize the part the public has played in the creation of the MAJOR STUDIO FILMS. Which films have both mirrored our culture and helped to shape it. It is important for all copyright owners both independent and major studios to recognize the public's role in their businesses. Further, most of the Major Studios are Public Companies owned in part by the public, who have a right of access as well as financial involvement with these firms.

Just as books should not be suppressed, so should films not be suppressed and/or hidden from the public's view. As we approach the 21st Century and with much new technology always on the horizon, we must realize that motion pictures will eventually be available on software or new designs which will be very small in physical size and easy to access.

The time clock is ticking with the closing of laboratories, storage facilities and companies. In the next five years more motion pictures stand to be lost forever than in the past 40 years, unless something is done now. To recap:

- 1- Public and Private Archives should preserve films not as yet preserved anywhere in the best possible form.
- 2- Public Archives using public funding to preserve motion pictures should make all motion pictures preserved with public funding available to the public at all times with a mechanism in place to service the public's requests. Copyrighted films could have the right of duplication and distribution reserved to the copyright owners, but have the right of public and private exhibition for non-profit purposes and limited screenings available.
- 3- A National Registry of Film Owners should be created - and linked into information between archives world-wide showing which archives hold which materials - and who are the actual owners of these materials - or if the materials are abandoned films.
- 4- A new program should be started with all possible archives involved to look into the abandoned film problem with labs, distributors and storage facilities.
- 5- Issues listed here as items 1-4 should be addressed rather quickly with a timetable set up to implement these programs before more films are lost permanently to this and future generations. The carelessness of previous generations, which has resulted in the permanent loss of the greatest number of films made between 1896 and 1936 should speak volumes.

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