July 19, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

To Whom it May Concern,

My name is David Holt. I am hobby digital illustrator and working graphic designer. I produce illustrations for the fun and enjoyment of creation. I make my *livelihood* through layout design, file processing, and other non-creative duties. I am friends with full-time artists who do rely on their creations and currently existing copyrights for their livelihood. The resurrection of the **Orphan Works Act** must be stopped.

When I create digital illustrations, I am not creating them with the intent of profit. I cannot see me placing the monetary and time requirements to register my work that I only created for recreation. At the same time, I do not want to see my works used for business because somebody decided to remove my digital signature and register it. Just because I am not using those drawings for profit, *it does not invalidate their worth* and make them free gain for a private business who specializes in finding, altering and registering stolen art. I also hold the right as a creator of art to decide to use my creations at a later date should I decide that is a route of income to pursue. The current copyright law protects my rights as a citizen and artist.

Many of those I know who survive as working artists are not what you would affluent or stable in terms of finance. Several creators I know work themselves day and night, to very limits of what their bodies and minds can handle just to make ends meet. Their copyrights and works give them purpose and food and a future. Adding time and additional bills to register every individual image would be impossible for the majority of artists I know, and that is only considering past works. Adding the time to register every image moving forward would break them. No matter how little privately owned registries would start charging, they would ultimately designed so they made the most profit, not the artist. Every business works that way, and to assume these potential new enterprises would act any differently is foolish. Should an artist not chose to register every image they produce, it leaves their works up-for-grabs by dedicated businesses whose sole purpose is to find abandoned artwork. Even properly registered work could be easily stolen through simple alteration. A simple program could be generated in minuted to find an image, slightly adjust color, and flip the image and suddenly it is recognized as unique under the terms of the Orphan Works Act.

One more fear I have over these potential changes to copyright law is for those works created by non-professionals. There are young artists and seasoned hobbyists, that like me, will likely not register every piece of shared creative work. They do it so share and express with friends and family over the web. My fear is that something created by an aspiring child artist is found and used for profit, robbing and denying them of their creative efforts. The Orphan Works Act would serve to provide easy markets for large corporations, while discouraging the creation of artwork by people. Nobody should be nervous or scared to create artwork in fear of it becoming marketed without permission.

I recognize that the proposed changes are a result of the digital boom and increasing dominance of the internet and search engines, but these potential changes to copyright law can only serve to harm the original creators. The argument that the public interest in artists' work is more important than the artists'

ability to make a living is contrary to American ideals of self-preservation and the potential for every person to use their talents and time support themselves financially through their own efforts. If artists cannot gain profit from their own works, they will have no choice but to abandon that career. As much as people love to romanticize the arts, it is a job just like any other for many. If the job does not pay, you have no choice but to change paths.

If we are looking for better ways to protect to rights of the original artist, we need to *recognize the importance and sanctity of the original creation*. If these images are so important that they must be shared and used, then those who wish to use those images must be the ones to put in the effort to find and approach the original artist for permission. If they cannot find the artist, or the creator does not wish for their artwork to be used, then it shouldn't be. Some images will have to be lost to time and possible income streams to protect the rights of artists. That is not a bad thing. Working artists have more power and options than ever before to share and profit from their artwork. The registering of images by private industries will not serve any individual, only corporations.

Artists, in large, are not looking to pounce on any given opportunity to try and sue someone for copyright infringement. They are spending most of their time creating new works and trying to make ends-meet. The current copyright law allows artists to provide for themselves with time, effort, and talent. Thing can be done better so artists can be recognized, compensated and protected.

I realize I have only given criticisms to the proposed changes, and no solutions to struggles currently faced by artists in the digital age. It is easier than ever to find, alter and fraudulently publish the works of original content creators. As for the best way to address these issues, you are on the right path with *asking artists* on how to best manage intellectual property and copyright. My only comment is that we must be dedicated to due diligence in the digital age. The artistic community, thought disorganized, is close and open for communication. The support networks generated through social media and small business groups has yielded amazing results (further reason that registration should stay out of the hands of larger corporations). I hope your examination of responses, as well as open debate and deliberation with artist and small business groups, leads to a positive conclusion.

Thank you for your time.

David Holt