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As a professional artist, I was dismayed to get an email last night informing me of the imminent changes to be included in a Congressional bill that would dramatically affect the ownership rights of visual artists. I was unaware of the sweeping changes stipulated in the 2015 Orphan Works and Mass Digitization Act.

To summarize my background: I have been an artist all my life, starting in childhood. I was awarded the senior art prize from my high school (Madison, N.J.), from which I graduated in 1959, and majored in art at Elmira College. When the college eliminated its art major program, I transferred to the School of Visual Arts in New York, graduating in 1963.

While raising children, I did freelance and part time work as a graphics designer, and was employed for a time as a magazine art director. But mostly I earned my living in journalism as a writer and editor. Through it all, however, I painted, and when I accumulated enough inventory to participate in shows, I began selling my work. I continue to participate in group shows, have earned numerous awards, had 9 one -woman shows in the past 20 years, and maintain memberships in such professional art organizations as The Salmagundi Club in N.Y. My work may be viewed at my website: www.franwood.com

I have always understood – as have all professional artists I know – that creative visual artists have automatic copyright and sole ownership of their work. We have not been required to register each work we produce to secure those rights, nor would it be practical or efficient to do so. But retaining these rights is critical; they are the underpinnings of our business.

Indeed, the ONLY reason I can perceive for changing ownership/copyright laws is to DISADVANTAGE those who create such work for the gain of those who wish to profit from the easy – and, if this passes, legal – availability of property they had no role in creating.

I am excessively puzzled by the reasoning that once a work has been published its commercial value sharply declines or vanishes altogether and thus should enter the public domain. In my experience, the opposite is true. A work that appears in a publication can draw a level of interest that signals its CONTINUED INCOME POTENTIAL.

In my view, taking that advantage away from the creator and making it available to a corporation or entrepreneur who had no connection whatever to the creation of that work is, in a word, theft. Theft of the artist's intellectual property, and theft of future income from the artist who will have been deprived of the right to resell that property in another form.

The continued ability to resell images of sold originals – as prints, publication rights, t-shirts, notecards and numerous other products – represents considerably more than merely additional income. For many, it is the FOUNDATION of their business. To be deprived of the unfettered freedom to sell a work in multiple ways would not only be unjust, but would diminish for all visual artists the possibility of any beneficial income stream from commercial re-application of their work.

It seems to be that if visual art can fall so easily into the public domain, as the particulars of this jaw-dropping proposed law indicate, it would violate not just the substance, but the ENTIRE SPIRIT of copyrighting.

I fervently hope you will reconsider recommending this ill-conceived legislation which, if passed, can have only the most negative impact on all professional visual artists.

Thank you for taking time to read this.

Fran Wood

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