To: Catherine R. Rowland
Senior Advisor to The Register of Copyrights
U.S. Copyright Office
101 Independence Ave S.E.
Washington, D,C. 20559-6000

Dear Ms Rowland,

Thank you for the opportunity to weigh in on the proposed changes to Copyright Laws: The so-called Orphan Works.
These changes are alarming and would adversely affect my entire body of works created over my 50+ years of professional fine art, illustration, and writing career. Also, to copyright every piece of art I ever created would be an impossible task.

The secondary uses of my art which were created for book publishers magazines and advertising agencies as Works for Hire, are often more valuable monetarily than the original. This is important to me as an independent contractor without pensions or safeguards, as I am solely responsible for my health and livelihood.

Allow me to give you an example of a related problem artists sometimes face.
My art career was interrupted by a troubling incident when the California State Board of Equalization unjustly demanded taxes on illustrations I created for a rubber stamp co, and a children's book yet did not charge the two authors of that same book. I had to stop working for two sleepless years, run to a law library, search and finally find reasons to instigate a law suit, which eight years later I won at the CA Supreme Court *, with the aid of a lawyer friend, who wondered why no artist had done this before. (All incidental costs were paid from my own savings.) Why does this matter in the present situation that artists are facing? It is because artists simply do not have the time or expertise to stop work and obligations, to take on unjust, thoughtless, disregard for the true value of art.
It is uniquely the artists' minds, hearts, hands and time that create their art!
(*Official California Reports, 4th series, #25, 2001: Preston vs SBOE)

Another time, I created a work for a U.S government organization that included 14 separate pieces of minutely executed botanical paintings. The ad agency that hired me somehow "lost" the original artworks, which should have been returned to me. These valuable pieces should have been part of my legacy to an artist's uncertain retirement. Why would these be considered Orphan Works?
Well, I'm still working. Do artists ever retire?

Respectfully submitted,
Heather Preston

For more data please see my website: www.heatherprestonart,com