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July 21, 2015

U.S. Copyright
Orphan Works

Dear U.S. Copyright Office,

I am a professional Artist, and have been for over 30 years. I went to San Jose State and Chico State University. I received my BA in Dance and Theater Arts. As a model, actress and now a visual artist, images are my life, and how I make my living.

As a model my image was used to sell hundred of millions of product for every major retailer and company you could imagine, from Coca Cola, Heinz 57, Budweiser, Nike, Reebok, Adidas, Macy's, McDonalds, Proctor and Gamble, DuPont, the list is long. My image was my bread and butter for many years. Just because someone did not know my name or recognize my face did not make my marketability any less valuable. If someone used my image without written consent, via a release, they could and would be sued for damages. No one should be allowed to profit on the use of my image whether it is my personal image or that of my artwork, unless it has been paid for, agreed to and approved of, even if they do not know who I am.

It is quite simple, if it does not belong to you and you use it, you are stealing.
If you steal you should pay the price. Do not create a legal loophole allowing this wrong to become a right.

As an artist there are enough challenges we face. Protect the artists who bring beauty and shine light into the world and help them maintain their livelihood and what is right.

My visual artwork is used on home décor products, fabrics, kitchen items, pillows, stickers, stationary & more. If someone uses my image without my permission, they are stealing. If they are using my image to profit, they are stealing. The Orphan act is an easy out for people to steal. I urge you not to even consider something so potentially damaging to artists livelihoods.

The vast amount of digital images we as artist have put up on numerous websites (Fine Art America, Zazzle, CafePress, SeeMe, Saatchi) in an effort to make a living & profit from our artworks would be in great jeopardy. If the names of artists were separated from their original artworks they could then fall under this loophole & become fair game to pick off.

If a bicycle was lying on the roadside and you saw no name, no identifying property, and no person around to claim it, would you know it was NOT yours? Would you know that taking it was wrong? You would still be stealing if you took it? YES!!!

Using an image that is not yours is no different. I urge you not to let these large holders of inventory become potentially damaging distributors of artist's images. Protect the current
Copyright Act. It is essential to my business and always has been. I urge you to keep the integrity of the current copyright act and do not entertain this orphan works legislation.

Sincerely yours,

Deprise Brescia