I do not agree with the new legislation that is being considered that will change the Copyright Act. We were asked to consider the act in five ways and I will approach my arguments that way.

The first item is the challenge to monetizing or licensing artwork. I read the new bill and it was suggested that to avoid having your work called “orphan” and thus subject to anyone’s grabbing hand, you would need to list it with registry agencies. Of course, these agencies don’t exist yet, and if they did, no one knows how much they would cost, or where they would be located, or how secure they would be, or how long it would be until they did exist, and who would be running them (perhaps the same people who want your work called “orphan”). All this makes them totally impractical and leaves everyone’s art vulnerable to large money heavy groups who only have to remove your name and title to change your work into an “orphan” work. They are supposed to make a “good faith” effort to find the owner, but what this effort is supposed to be isn’t very well spelled out and as far as “good faith” is concerned, if we could trust in that, we wouldn’t need a copyright law at all. We are being thrown to the lions.

Secondly, the enforcement of copyright laws will be significantly diminished with this new law because it lowers the possible awards an artist can sue for and even if an artist finds the thief or thieves who took artwork to use for their own purposes, the artist will not be able to afford to pay lawyers to take these people to court because of the lowered awards. So justice will be denied the artist, the little person with a small income, with this new copyright bill in favor of the big corporations with deep pockets.

The third subject was the registration of artwork. I very much object to the whole idea of calling a piece of art an “orphan” work. What if you have a painting, with your name and title on it, in a show and someone takes a picture with their I Phone and puts the art on the Internet. The signature and title probably won’t show, so by the rules in this new bill the painting would be considered an “orphan”. If it was a local show in a small town there is probably no way to connect the artist and painting. Yet the artist signed and titled the work correctly. Why should he/she be ripped off because someone put a picture of the painting on the internet? The only type of user to be affected by this would be someone grabbing art off the internet for use and that is stealing if there is no name listed with the art. Changing the law to make the stealing legal doesn’t make it right. You will negatively affect many, many artists this way.

The fourth statement dealt with how hard it is to make legal use of art. That was the reason given for a change being needed in the copyright law. I find it a specious reason. Supposedly business was being hampered because companies, etc, couldn’t find the artists who belonged to the art they wanted. I don’t buy that reason at all. Unless you go on the internet and grab art indiscriminately, it is not that hard to find the artist that did the art if you are really concerned about doing it honestly. Art is sold is predictable places, galleries, art studios, art agencies, advertised illustrators, etc. All of whom will gladly give you the name and terms of the artist or photographer. Most of the sites on the Internet, the legit sites, will also give the name and terms of the artist. Easily. Very easily! It is not hard to get the names of artists, this is just a trick to make it easier to steal an artist’s work and make it harder for the artist to do anything about it.

The last thing I want to say is that the copyright office should be about the protection of everyone. This new law is about favoring corporations and large companies over the small, poorer artists. It doesn’t surprise me, this is the trend today, but that doesn’t make it right or moral. If the copyright office remembers what it is for, and that’s everyone, then it will keep the current copyright bill in place and save artists everywhere from exploitation.