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:
Hello, my name is Daniel Schmelling, I am a Communication Designer and Concept Artist based in Germany, and I have highly concerns regarding the "Next Great Copyright Act" that would cause severe damage for my work, my career and my business. I will explain to you why I disagree with the new copyright act.
I have worked in the field of design/art for 2 years now. I visited an artschool in Berlin, Germany, and learned the necessary techniques, tools and software. During all 3 years of artschool in order to perform the profession as a designer, I have spent a very high amount of money to reach the professional level today. Since the internet became more popular, more and more companies and individuals trying to get my design services and artworks for low prices or even for free. 2 out of 10 design requests are willing to pay me a proper fee for the hard work. The number of big companies and studios ignoring the rights of the artists are increasing drastically. What companies and others do is simply stealing the property of the copyright owners and that is dangerous for the whole industry. The new copyright act would legalize stealing the intellectual property of everyone in the world, not just designers but also normal people posting their private photos. It is not right that laws of the United States are evading the laws of other countries
Since this new copyright act will involve every artist or creative outside in the world, I would like to stress that I strongly disagree with the Orphan Works Act or anything related to it that will:
- void my Constitutional right to the exclusive control of my work.
- "privilege" the public's right to use my work.
- "pressure" me to register my work with commercial registries.
- "orphan" unregistered work.
- make orphaned work available for commercial infringement by "good faith" infringers.
- allow others to alter my work and copyright these "derivative works" in their own names.
- affect all visual art: drawings, paintings, sketches, photos, etc.; past, present and future; published and unpublished; domestic and foreign.

Every copyright owner need to be in full control of their work, they need to be able to license their work to be appropriately paid by anyone that wants to use the work (drawings, paintings, sketches, photos, models, 3D objects, lyrics, etc.) to make a living themselves.
The property that I have the right to own and decide as to how it will be used by anyone else. What I do is my profession and I need it to have a proper life. Design isn't just drawing little happy pictures, it is a real business like every profession in the world. Everything I create becomes a part of my business. Any illustrations, sketches, designs, photographs I have done is not just for every single one to take and use it to make money. It is made to have a chance getting noticed by potential clients who see the value creating new products. Every work I am doing took my years and years of my lifetime to learn the process of how to create it. Sketches, drawings, paintings, concepts, photography, designs in general aren't for fun. Those are created for all the products you know today. Everything is based on design. If the new copyright act would take place it would force me to take down all my works, pretty much terminating all my portfolio gallerys and therefore destroying my career path. It would affect companies as well, because everything done for the clients would be just taken by other companies.
The portfolio is one of the most important parts of an artist/designer/photograph. If that is gone, how do you get noticed by clients? The profession as a designer/artist/photograph/creative/webdesigner/programmer/lyricist and any creative field would be pretty much dead.
In the digital era it is more important than ever that I, as a designer, have the full control

of my own work to make a living through licensing my work to clients with rights of use or to directly distribute and sell my products to consumers, but also to retain my personal rights as an individual that puts it's lifetime, heart and soul into art and design.

Thank you for reading my letter and I ask you to not destroy the work and life of countless creatives that will lose everything they have worked so hard on, please help us artists to protect our intellectual property and rights, please support us to have our work protected, instead of taking it away.

Sincere regards,

Daniel Schmelling
Danart
Communication Designer and Concept Artist

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