July 20, 2015

Catherine Rowland
Senior Advisor to the Register of Copyrights
U.S. Copyright Office
crowland@loc.gov

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (80fr23054)

Dear Ms. Rowland,

I am writing to ask that the U.S. Copyright Office work to create legislation and policy that will protect visual artists and artists' rights, and uphold a healthy and stable environment for professional authorship and ownership.

I am a hobbyist visual artist on the cusp of transitioning towards professional work. If the Orphan Works Act "Next Great Copyright Act" becomes a bill, and subsequently a law, it will be nearly impossible for me to make that transition. As I have not yet begun to monetize my art, there is no way I could possibly pay the proposed $35-55 per artistic piece fee, meaning my art would all be considered "orphaned;" despite the fact that I created it myself with no outside interference, anyone could claim rights to it. This is patently absurd. It's akin to proposing a law that says "any labor a worker does must be paid for by the worker and registered with the government, or another worker can claim it was their labor at any time and reap any benefits of said labor." Under the new proposed copyright guidelines, essentially, no artist would have any rights to their own works unless they *paid for their own labor*.

Artists are in no way benefited by the Orphaned Works/Next Great Copyright Law. Rather, large corporations and opportunist art thieves are benefited instead. If any "good faith" infringement is considered acceptable, and the rights of the public are prioritized over the rights of the artist, artists will have no way to protect themselves from parties with greater bargaining power. The Next Great Copyright Law will force many small commercial artists out of business, as it will make them essentially unable to advertise. Since so many artists find their audiences online, a strong online presence (including art that is uploaded at smaller resolutions and "free" art for gaining fans) is necessary advertisement. While uploading any work to a public site always contains the risk of having said work "stolen," under the 1976 Copyright Act, artists have the right to contest this theft and fight it in court. Without these protections, artists will either have to eschew this form of advertisement altogether, losing them customers, or register each and every piece of art they upload, losing them substantial income. Many artists will be unable to make a living under these new strictures. This is a heartbreaking devaluing of art; I reiterate that The Next Great Copyright Act is basically asking artists to pay for the privilege of their already severely undervalued labor.

This law has been proposed twice already and been struck down both times thanks to the outcry from the artistic community. Artists and other visual authors have made it abundantly clear that this sort of change to copyright law is in no way in their best interests, and yet the copyright office has tried once again to undermine their rights of ownership. This sort of behavior is appalling, and made further bilious by the fact that almost no information about these proposed laws is available when you use Google, the most common search engine, to research the topics. Whether intentional or not, it feels sneaky and underhanded, like the copyright office has chosen to align with powerful multi-billion

dollar businesses rather than the constituents it is actually intended to protect. Please think about the state and value of visual art, and more importantly visual artists. Without their work, there's nothing to protect-- and under The Next Great Copyright Act, many artists will be forced to stop producing work, leaving the state of art shaky and uncertain. The Next Great Copyright Act is not “great” in any way, other than the “great” upheaval it will cause, the “great” profits it will create for already-wealthy companies like Google, and the “great” loss of creativity and artistic output that will accompany it. Please fight to protect artists and uphold the 1976 Copyright Act; do not allow the rights of creators to own their own works to be undermined any further.

It is my hope and wish that the U.S. Copyright Office will, in the future, work directly with artists to create laws that foster growth, creativity, and most of all *safety* for visual authors. Without exclusive rights protections for artists, art is simply unsustainable.

Thank you for your consideration,

Hannah J. Merchant, Comic Artist and Digital Illustator