To Whom It May Concern:

I am a self-employed artist who markets and sells my work on the internet through print on demand sites. I am writing to you regarding the proposed legislation regarding changes to the definition and place of so called “orphan works.” As a permanent resident in the United States and stay at home mother, I can both express my creativity through my art and earn a living which is crucial to supplementing our family income. Especially in these troubled economic times, the money I make with my art has often made a vital difference in our household budget. I also have a learning disability which seriously impacts many abilities, including navigating out on my own, making a job outside the home extremely burdensome. Being self employed through my art is vital to my ability to contribute to my family’s wellbeing.

In case you are not aware, the way print on demand sites work is that I can scan a painting, drawing, or digital artwork I have created, and design a wide variety of products using the original work. My art is available on coffee mugs, posters, t-shirts, and hundred of other products. I receive a royalty payment for every product that sells, and retain the original rights to my images. This is a new business model that rewards artists without requiring excessive debt or start up costs.

My art does not lose its value over time, a work that I produced five years ago is one of my most regular, constant sellers. If anything, every design I produce increases my inventory of work, and my sales continue to grow month after month. Like all artists, I have to remain vigilant to ensure that my work is not appropriated by others; a constant struggle as a one person business.

I personally know hundreds of other women who are able to leverage their art this way, in order to support themselves while remaining stay at home moms, as well as several stay at home dads. This is yet another example of the empowering nature of the Internet age. I am a self taught artist in a variety of mediums, and I opened my first art store in 2008, shortly after I immigrated to the United States.

I am concerned about the new legislation regarding orphan works. It is vital to my business that I can promote my work on the internet. To that end I have a website where I will post in progress pictures of work as well as completed art works. If these new changes go through, I fear what impact it will have on my business. Copyright law is not just an abstract legal concept to me, it is a vital protection that ensures I retain the rights to my work. In the internet age, with image pinning/sharing sites like Pinterest and others in common use, it is quite possible that an image can escape “into the wild” outside my website, and may appear in Google Image search results. If the rights to my art work hinge on whether some third party company can then appropriate my work, copyright it as an orphan, and monetize it without my knowledge, my business will suffer greatly.

Copyright law was originally intended to protect the rights of content creators, and encourage creativity. More and more we see the erosion of this concept, where the author or artist is considered secondary to big media companies that profit off of our work. Diluting the rights of small artists such as myself will do nothing

to support or protect artists. I am all in favor of sensible copyright reforms. However, the solution in my opinion, is to increase protections for artists, while limiting the perpetual copyright that vests interest in very old works with corporations who continue to extend their copyright, preventing derivative works being produced.

I think it is outrageous that Snow White and the Seven Dwarves, a film created in 1937, is still under copyright protection, so I could not, if I wanted to, draw an image inspired by that film, yet work I produced last year may be taken from me and used without my knowledge or consent. The internet has truly been a blessing to small artists like myself, opening doors never before possible. I can share my art with people all around the world, without ever having to be featured in a gallery or achieving mainstream fame. Requiring all art to be registered would place an onerous burden on artists like me, and have a chilling effect on creativity. I do not employ a legal department who can expend the time and money required to register every work I produce.

I would urge you to reconsider the proposals being put forward, to ensure that I, and many other artists and creators like me, continue to retain the rights to my work, especially the right to determine for myself how, when, and by whom my work is used.

Thank you very much for your time.
I remain, respectfully yours;

Francoise Krull

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