US Copyright Office:

The proposed rules changes regarding Orphan Works are not supportive of creative artists, the economic resiliency of creative workers, nor supportive of the enduring nature of creative endeavor as a viable field.

The ridiculously minimal efforts required of users of a creative work to determine the ownership of works, online or off, will not yield a majority of success in accurately or honestly attributing creative works, nor in proper use thereof. Explicitly, the “sharing” culture enabled by the internet, and the difficulty of discovering true ownership of a given work will be used as a “bare nod” excuse by unscrupulous or lazy individuals and/or organizations to gloss over any real and substantial efforts to determine proper use, ownership of, or attribution for any creative work they happen to “find” on the internet or offline.

It will result in a massive volume of works that will be used to set precedent as being “orphan”, when the truth will be a plain lack of effort to fulfill their due diligence by the secondary user of said works. This will make it exponentially more difficult for actual creators to receive just compensation for or acknowledgement of wrongdoing from the offending users should the illegal use be discovered later.

Creative fields are notoriously underpaid, and requiring the burden of proof be on the artist, i.e.: having to register every single one of their works with the US Copyright Office, at a cost, for what may have been a work that was unpaid in the first place, will place an overly burdensome and unusual responsibility on those who would be the potential victims of a failure to respect Copyright, rather than onus being on the potential offenders to extensively research and determine proper attribution and/or use prior to using a creative work.

Thank you,
Evan Jensen
Illustrator