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Submitter Info

Comment: I am a computer artist and computer game artist of nearly 20 years experience. I've seen computer art evolve from plotter pictures to 2-colour sprites to "3-D art". I've seen the media that art was "saved" on move from tape drives, to floppies, to diskettes, to "the cloud". And I've seen the machines, art programs, and games on which that art was displayed fall out of use and disappear. Which means that thousands of pieces of art produced in that time disappeared. Innumerable hours of artistic effort not only by those who drew the pictures, but also the artists (game designers) who designed the games and the artists (programmers) who made the designs actually work have disappeared, leaving perhaps only a footnote in art history. In some senses, it is a loss comparable to the burning of the Library of Alexandria, save that it has been and continues to be piecemeal and incremental. While the exemptions proposed are not a guarantee that that loss can be stemmed, it is a step in the right direction and a beacon for the future, saying that the few games that have made it into the Smithsonian are not the only works of art in this genre that are worthy of study, worthy to be saved and maintained. Most of the art I generated in the Computer Game Industry was done under contract as "work for hire". That meant that I had no right to my work, no right to the copyright, no say in its preservation. At least once, I worked under a contract that allowed me to "sell the original art" - clearly a throwback to the non-computer game industry when illustrations were provided as physical canvases and illustration boards. That contract was an occasion for much amusement amongst my colleagues. There is no "original art" to sell when one uses a computer program to produce pixels organized as art. I've since been asked for sketches and drafts produced for some of the games I've worked on, but can only shrug. Not being the owner of those, I can't provide any no matter how much someone would like to produce a "The Making of ..." article or book about their favorite game. All that exists is the game itself, assuming that it it still playable somewhere. Organizations such as The Museum of Art and Digital Information could, with the US Copyright Office's permission, help with that. This ruling on exemptions could help with that. * 

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