

Orphan Works Comment from Peg Gerrity

I am a U.S. resident and commercial medical illustrator currently residing in Singapore, so I would like to share from my own experiences both here and in the United States, regarding orphan works legislation.

The onerous task of protecting one's work has been a major struggle for designers and creative artists in all parts of the world for centuries. In 1511, the great German engraver and painter, Albrecht Dürer, referred to those who would print or sell fictitious imitations of his engravings as "crafty ones, strangers to work, and pilferers of other men's brains". The proposed orphan works legislation will make cerebral suction even easier, through the construction of legal loopholes and by creating the incentive for pirates to continue stripping copyright information from digital media.

The question many congresspersons are battling to answer is this: Does the weakening of copyright legislation help the economy?

China seems to think so, but curiously, Singapore does not. Why would one of the highest rated economies in the world maintain and enforce strict copyright legislation, including the protection of so-called 'orphaned works', while their neighbors to the north do not? What's more, most of the countries surrounding the small island of Singapore do not enforce strong copyright laws either. Perhaps a Jedi might be able to answer this question. George Lucas, of Lucasfilm has opened a large animation school and studio in Singapore - why? I suspect it is because he wants the TALENT from China and other areas of SE Asia, however he must have the strong copyright protection that is best enforced in Singapore. For an island with a population of about 5 million, companies like Lucasfilm have had a significant economic impact. According to the Singapore government, the interactive and digital media industries are expected to generate "10,000 new jobs and create a value-add worth 10 billion Singapore dollars by 2018"**. Not bad for an island the size of San Diego.

So Singapore, with its strict copyright laws, is the big winner in the economic scheme of things while China loses the benefit of state-of-the-art studios as well as some of their most talented animators and artists. Meanwhile, US companies with locations in China risk the piracy of their creative work and the 'reverse engineering' of their intellectual property. Many US companies, including my own, find themselves in competition with Chinese producers who charge pennies for pirated works they've stripped of all copyright information, thereby rendering them 'orphaned works'.

By watering down the US Copyright laws, our legislators will be no better than their Chinese counterparts. Is theirs the market model we wish to follow?

Peg Gerrity is a Certified Medical Illustrator based in Texas. She has lived in Singapore for 7 years and travelled extensively throughout China and SE Asia.

***Hold! You crafty ones, strangers to work, and pilferers of other men's brains. Think not rashly to lay your thievish hands upon my works. Beware! I have a grant from the most glorious Emperor Maximilian, that not one throughout the imperial dominion shall be allowed to print or sell fictitious imitations of these engravings? Listen! And bear in mind that if you do so, through spite or through covetousness, not only will your goods be confiscated, but your bodies also placed in mortal danger.**

Albrecht Durer © 1511

**** <http://www.asiaoutlookmag.com/content/lucasfilm-opens-new-state-art-premises-singapore>**