To Catherine Rowland, Senior Adviser to the Register of Copyrights in the United States of America,

My name is Elizabeth Stockton. I am writing in response to the proposal of what is most commonly being referred to as “The Next Great Copyright Act”, which is scheduled to be enacted this Thursday, July 23. I am writing to urge you to reconsider, as it would only add more problems to the list of those faced by artists and creators in the U.S., online, and around our connected planet. In fact, it could easily make earning a living through our work impossible.

Some of the most significant challenges artists, designers, and illustrators today face are claiming and retaining credit for our work. This is for any image, whether it's an intensive illustration that took three weeks or a selfie that took three seconds. The use of images without permission is a large source of the creation of memes[1,a], which while entertaining can sometimes lead to misgivings about otherwise innocent people who committed the “crime” of putting their images online. Some people ask for proof that it was an artists work and not just copied- which is a reasonable request- and while that may have been easier to prove thirty years ago, in a world of growing digital-only creations conclusive proof may be hard to discern.

However, the challenges do not stop there. As soon as someone's creative work is put online it can be viewed by anyone who can find it on their computer. While one can easily make the optimistic view that the internet allows their work and skills to be seen by more people and allow them to gain work in their field, these works, often images, are victim to theft and re-appropriation. On certain art communities (deviantArt and Tumblr are what come first to mind) there are less scrupulous people who will take art and alter it slightly- such as cropping it to remove the signature or slightly altering the appearance in color- and re-post it as if it was their own creative work. Such re-appropriation does not stop at stealing traffic and credit in online communities: Burger King used a woman's stock images without permission in one of their more racy and offensive advertisements[2] and ended up receiving flack for it once the woman, a performance artist, found out. Hot Topic stole a piece of Adventure Time fanart to use on one of their t-shirts,[3] which spawned a slew of mass panic that the website it was posted on, deviantArt, had slipped a condition that had allowed them to sell the artwork to third-parties(this was later disproved). Art theft is not new on the internet, and the way this new act would work is making a lot of people who have suffered from art theft *very nervous*, myself included. The difference being that under current law, which allows natural exclusive right to the artwork, we have a way to fight it, but not if they claim themselves “good faith infringes” under the new act.

Having people register doesn't fix the problem either. To keep your work from being taken and used as “orphan work” under the new act artists, designers, and any form of creator would have to register for each one, paying someone for something they should have an automatic right to and giving a private organization money and time a lot of artists just cannot afford. What makes it worse is that it would be required for every

image posted online for it to be “protected”. Past and present. With all due respect, do you realize how many images that would be, even for a non-professional artist? I know I have at least a few hundred spread across multiple websites, and those are images I can't afford the time or money to have registered. Why should I have to give up the exclusive right to my work just because, on top of the time and energy out into the work itself, I don't have the funds and time to retain that right? It's like someone building a house and having to pay a private company to keep other people from claiming *they* built the house and moving in. It just wouldn't be considered reasonable.

The concept of having to register itself is problematic for creative works. It isn't like a patent, where you get your name in the ring first to keep people with concepts like yours out. In the creative world, there are both all original ideas and nothing new left under the sun. The real thing we should have to worry about is art theft and not so much about people having ideas similar to ours, and possibly better protection for artists in general.

I can understand the good motive behind this act. Orphaned artwork that businesses, libraries, teachers, and other interested parties want to legally use make life difficult. This isn't the answer though, and many artists like myself fear that enacting this act will make art theft not only more common, but legal and unable to be fought due to the loopholes that would be allowed and inevitably exploited. However, while the fears and concerns of professional artists who depend on this for their livelihood should absolutely be worth the concern, I'd also like to offer an alternative solution: Google has an image search option that is sometimes referred to as “back search” which some of my online peers use when trying to find images that have lost their proper accreditation due to sabotage or neglect. While it is not a flawless system, I encourage the US Copyright Office to consider working with the creative minds at Google to create a system that would work in a similar manner, but perhaps with more perceptive software. Something like this may also make it easier to fix copyright loopholes that still persist today, at least on the internet stage.

I would like to emphasize to the Copyright Office that while they may have received some highly emotional, highly angry letters concerning this topic, it goes far beyond just artists keeping the rights to their artwork. This act, if exploited, could extend to anyone who posts images online, which hopefully explains the emotion behind this substantial and passionate movement. If exploited, this could affect anyone, from the professional artist who has their portfolio online, to the blogger who posts their craft handiwork, to the teenage instagram junkie, to the child whose mother posted their crayon drawings on facebook. Hopefully I've emphasized the logical extent of the effect of this proposed law; if it's an image, this act could let that image fall victim to theft and misuse. It makes it even harder because with forums that allow, for instance, micro-blogging as a form of sharing work, a piece could seem to come from multiple sources.

Please bear in mind that requiring artists to register every work they've ever made just to keep them from being taken, and even in that case may not protect them at all, will not just declare open season on art for any business or corporation that is

unscrupulous enough to take work in the methods I mentioned, but will cause an onslaught of lawsuits and legal disputes where there are no winners. On top of it all, as artists it will void our constitutional right to our work, in Article 1 Section 8, which among multiple rights insists upon a duty for our government "To promote the Progress of Science and useful Arts, by securing for limited Times *to Authors and Inventors* the exclusive Right to *their* respective Writings and Discoveries"[o](emphasis mine) By allowing this act to pass you are hamstringing not only people who post their images online for fun and for sharing, but those who depend on their natural and automatic copyright so that they can work and earn a livelihood for themselves and their families. Unscrupulous people, such as your average art thief or registries such as the Copyright Clearance Center, can take artwork from any creator and go after that creator's clients, if they wanted, and it would be near impossible to stop it.

Copyright is a prickly subject, as the loopholes in the system show, and I am aware that at least initially the intentions were in good faith. I, as an artist and a citizen of this country, urge you to consider other options that will make artists everywhere more protected from theft and misuse. The intentions are good, but this act is not the answer.

Thank you for your time. I have some sources at the bottom of the page (short ones) if you want to know more about some of the references I made.

Sincerely,
Elizabeth Stockton, freelance artist

[1]http://www.memes.com/
[a]http://www.mybs.com/10898-infamous-memes/
[2]https://fstoppers.com/commercial/updated-performance-artist-claims-burger-king-stole-and-digitally-raped-her-face-29702
[3]http://www.dailydot.com/geek/deviantart-hot-topic-shirt-art-stolen/
[o]http://www.annenbergclassroom.org/page/article-i-section-8