Hello,

I am writing in response to the Copyright Office's request to hear from visual artists about this possible new approach to copyright law.

In short, Orphan Works will destroy the self-employment of millions of visual artists working in fields such as illustration, graphic design, movie/television/video game entertainment, and many other commercial applications of visual art. It could very realistically put SO MANY OF US ARTISTS COMPLETELY OUT OF WORK.

As one of these people, I make my living creating imagery for clients across the country. In my field of illustration, I license rights to use my images for a limited amount of time for a fee. After such time passes, I then am able to re-license my work to other users. COPYRIGHTS ON MY IMAGES SUPPORT MY BUSINESS AND FAMILY.

Since I began my career in 2003, I have repeatedly had to defend my rights and my images from people or companies who steal them online and use them for various applications including re-selling them! These people take images from my website or a client's website and they remove any accreditation or copyright mark; then they sell it online! This not only steals from my family but it creates a loss to my income in terms of time and resources to locate the thief and take legal action; however, the worst part is that these ILLEGAL ACTIONS REPEATEDLY CREATE NON-CREDITED IMAGES of my work on the internet. So in these cases, there are images of mine online that would fall under "orphaned" despite my desperate attempts to stop these events!

Here is an example of how owning a copyright supports my family. In 2003, I created an image for an investment magazine in which I retained the copyright for a fee of $500. That same image has been requested and used for numerous publications by OTHER clients up until now, and it has supported my family to the tune of approximately $3000. This one image was re-licensed for OVER TEN YEARS and might still bring in new clients in the future! Under Orphan Works, should this image ever be seen without my name, a company could claim it is "orphaned" and sell it as stock art for something like $10 while denying my family the income on which we rely. OUR ARTWORK HAS A VALUE BEYOND INTITIAL CREATION, AND COMPANIES ARE TRYING TO TAKE THAT FROM ARTISTS!

I'm going to be quite blunt; there are fewer and fewer opportunities for visual artists every year; my business is shrinking because of clients using stock photos or uncredited images they find online. Adopting Orphan Works is going to amplify that so much. I fear that Orphan Works would actually frighten visual artists into not posting images on their portfolio sites or allowing clients to use images online; in doing so, Orphan Works would limit artistic creativity and possibly even our constitutional rights.

I shudder to think about how Orphan Works could affect new visual artists emerging from expensive colleges or academies. Schools tend to gloss over copyright in their lessons, and new artists often make mistakes including forgetting to mark an image with a credit. It would be horrible to see a student exit school with expensive loans, begin a career, and then lose it all because some entity claimed their images as "orphaned."

Another issue that I feel should be addressed is the fact that the Internet is international; how would Orphan Works be applied on such a scale? Would it say that any image found without credit is "orphaned?" But what if a U.S. corporation decides they will claim an "orphan" image that originated in say, Russia or Japan?

I just feel the need to say that Orphan Works creates more problems than it solves, and seems to be placing artists in a position of being unable to make a living off of their skills. Yes, there are images out there thatdo not belong to anyone. AND THAT IS OK. Let those images fall under public domain and everyone benefits!

While I do agree that copyright law needs to be updated for modern times, I feel the Orphan Works approach is not the right way to go. I do hope my writing along with other artists' letters show how devastating it would be to creative industries.

Please, PLEASE take into consideration how adopting this new law will destroy many sole-proprietors and small-design firms. I hope we are able to find a solution that works for all. Thank you for your time.

Enjoy the Day,
Chris
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