Dear Copyright Office

I am alarmed at the news that soon artists may have very little protection or assumed ownership of their own works. As an amateur artist I have already experienced art theft and I know how widespread a problem it is. So far, to my knowledge, no one has tried to use my work for profit or claim it as their own, but if they were, my primary consolation would be that in a legal case I would be assumed the rightful owner if I could prove that the work was exclusively mine originally. That doesn't seem to be the case with this new bill.

I have heard that the Orphan Works Copyright act makes any work not registered as for-profit by the creator "orphaned" and legally available for use by those who make a "reasonably diligent" but unsuccessful effort to find the original creator. In this age of the internet, this part of the proposed law is especially problematic. In the past, when my work has been stolen, it very quickly became removed from its original source several times, for example, by being posted to a free line-art collection, from which it was then posted onto another free line-art site, and then colored and posted by people who claimed the entire image as their own because it supposedly came from a free line-art site. This process, which happened rapidly without my immediate detection, would have made it difficult for a "reasonably diligent" seeker to find me. Under this new law, those who posted the colored images as their own could have sold them for their own gain and assumed them to be orphaned.

It is also unreasonable to ask artists to register every work they wish protected, when the internet has become a haven for critique and encouragement and even collaboration between artists (both parties consenting of course). Should an artist be forced to register every work-in-progress image as for-profit before posting it for critique, in order to ensure that others do not have the legal right to take that image and turn it into something wholly for their own gain? Should artists have to register every rough sketch of an original character concept they have made, or else risk losing that entire concept and image to someone else who never spent a moment working on it, and yet is now allowed to profit from it?

The current copyright laws work on the assumption that if you create it, you should have exclusive legal rights to it. Current copyright laws are already sufficiently flexible for those who wish to use others' works for profit. It is not usually that difficult to ask artists for permission directly, and if the artist cannot be found, a suitable alternative to what the user wanted to use is also easy enough to find on the internet, which is full of stock photo websites (free and otherwise) as well as art sites where artists can be contacted directly.

Copyright laws should protect content creators, not encourage an environment where creators' works are assumed to be a free source of income for those who did not create them.

-Rachel McCausland