All parties in this consideration for revision of the copyright law are missing the point.

The unseen goal and results of this is to give work and money to lawyers for doing a job that the law is supposed to do.

The law is the province of the courts and congress and it is the courts and congress that have created the false problem that this debate is covering up. This discussion is a smoke screen to protect companies and corporations and their lawyers from having to deal with the consequences of the work made for hire provision of the law. (Disney/Marvel recently paid tens of millions of dollars to the Kirby family to avoid allowing the work made for hire provision of the law to be reviewed by the Supreme Court in its recent case. This should be investigated by everyone involved, carefully, before even thinking about changes in the law.)

The work made for hire provision. This is the corruption of the 1976 copyright law that led to all the problems since then, and especially these contemplated changes.

There are 2 conditions of employment: Employee and freelance contractor. All conditions of employment are covered by these two categories. Absolutely nothing is left out and every party involved in any employment is covered by these two conditions. Yet, congress, under poor advice, created a third condition, work made for hire or employee for hire. And because of this, the copyright law has been revised and revised without this awful mistake being changed. There is and never has been a category that can be called work made for hire. The category was created based on an encyclopedia publisher's complaint that he did not want to give a 7 page contract to a writer to a one paragraph of his encyclopedia. Sympathetic congress agreed there should be a provision for this. But, ladies and gentlemen, there is no need for this provision. And it has corrupted, not only the copyright law, but the conditions for employment for all creative artists, writers, and others in the United States of America. A purchase order, which is a ½ page contract, can and does cover all conditions for a freelance contractor that is ever needed under the law. These purchase orders (contracts) are used by advertising agencies and employers throughout all industries. They can be copied on a copier and handed to the freelance contractor to sign. The cartoon of a "7 page contract" has fooled congress into abdicating their responsibility to provide a fair and ethical copyright law. I understand that this may seem funny to some, but this has led to all the problems that we have today in the copyright law.

And now we are contemplating a clearing house for copyrightable ideas. And, naturally, fees will have to be paid for this registration, and all the insanity that will ensue from this was never necessary, is never necessary, and is a smoke screen to cover up the needful removal of the work made for hire provision of the copyright law. Do not lose focus here. Do not believe for one second that the orphans act or anything that relates to it is anything but a smoke screen to avoid facing the work made for hire provision to the law.

In the copyright law of 1908, copyright was protected by placing a copyright sign and printing and selling the material. These are the conditions of copyright. That is why the word "copy-right" exists. It is the right to copy. And it can only be established by copying, it cannot be established by creating. If a person created a comic book superhero, in the privacy of their own home, and it is seen by one of their neighbors, and that person goes out and draws a similar superhero and gives them the same name, it is the person who sells the work for reproduction who retains the copyright. You are contemplating a change in the law where every kid in America can sit down and draw little superheroes to their hearts content, give them names, and send them in for register as if they were now copyritten. This is analogous to the internet where a condition was created in which people can make up names and register them for websites that have nothing to do with the name or the purpose of the website or anything except to block other people from registering websites that are valid for their names and purposes. So that if I, Joe Blow, wanted to have a website in my name, I would have to buy it from someone who registered Joe Blow. This has led to massive problems and something far greater than this is what you are contemplating; a registry where people register any damned thing they want. A sketch from a 5 year old with the name Comic Book Man on it. this is incredibly insane and complicated thinking. The idea is to simplify the law, take it back to something closer to the 1908 copyright law, remove work made for hire, place back in the protections of normal copyright and recognition by other professionals, and signature on the artwork that any judge in any court would understand and make his judgments based on.

Creating conditions under which it is impossible to protect your work by having to register at some sort of clearing house is wrong. It is easier and better to sign the work, place a copyright notice on it when it is copied, and file it away for future reference. These are common and workable protections. We all, out here in the creative field, try to do these things because we have been told for generations that this is the right thing to do. Artists cannot sit down and make a sketch and then register it. Writers cannot write a headline and then register it. and companies cannot protect themselves from children who register anything that comes into their mind just because their parents can pay the fees. You are contemplating a Gordian knot that no sword can ever sever. Go back to simple, get rid of the work made for hire provision of the law, and give creatives simple protections that any judge in the land will recognize.

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