United States Copyright Office
Re: Notice of Inquiry on Copyright Protection for Certain Visual Works

To whom it may concern,

After doing a lot of reading about the Orphan Works Act, I have come to the conclusion that while it aims to do good, it could too easily be exploited to do more harm. Digital theft is a very common problem independent artists face every day, and is a constant uphill battle for it's victims.

I understand that similar copyright reform to what the US has been proposing have already been passed in the UK and Canada, but the language in which the US version is written seems too vague to be proficient in protecting the interests of the copyright holders (the content creators). Exploitation of artists and their work is a very real and very serious problem, and we need legislation that will protect them from that. As it stands, this Orphan Works Act either does little to protect an independent creator or could be manipulated to harm them. An artist shouldn't have to be already working for a company who owns the work they do for their rights as creators to be taken seriously.

The reality is making a living as a creator of content is difficult- even more difficult if you are trying to make that living independently or as a freelancer. The digital age has brought about many helpful tools to aid content creators, but these tools are also too easily used to take their work and content for monetary gain without paying them for rightful use. I believe that legislation like the Orphan Works Act could be potentially helpful in the way it aims to be, but the language used to define it needs to either be far more specific, or there needs to be a specific clause pertaining to the rights of visual artists, photographers, and other digital content creators for better protection. Watermarks and registering work do help digital artists in protecting their work, but watermarks are often cropped or edited out easily, and registering every solitary single piece of artwork an artist does is not realistic, and too costly. I have read that registering work is not necessary under the Orphan Works Act, but again, it language is just vague enough that an artist working at a company could pull an image with no source and say "oh this was orphaned, I couldn't find it's creator". This should never be acceptable.

The legislation specifies searching internet databases and phone records- I think if we were to revise the law with the goal of independent content creators in mind, we should require a proof of email contact. A phone call or a phone number is not always reliable source of which to prove attempted contact. We need to require this in writing, and an email address- aside from that being the easiest and most reliable way to contact an artist over the internet- will have this in writing as proof. Also we should specify what determines a 'database'. On it's own, Pintrest is not a database. Flickr is not a database. Tumblr is not a database. Even Google Images is not a reliable database. So many times artists will find their own created work posted on such sites by another anonymous user without any attribution to themselves or their website where their work was originally posted.

Much as teachers in school will tell their students that Wikipedia is not a reliable source of information, neither is Pintrest or any other social posting site a sole reliable database for attempting to locate and contact a creator. We need more clear-cut language

and more definite proof of attempted contact written into the law to protect digital content creators and their work.

I am a visual artist and I have been all my life. I've been going to school and working professionally for eight years, currently I'm working full time for the toy company Jakks Pacific as an illustrator and designer for Disney brand dolls and products. Outside of my job I rely on my personal and freelance work for further support. I run a blog where I post my art freely for my friends and fans to enjoy, and to gain monetary support for my work. I have been fortunate to have enough of a following and online presence that my name is known and I am easily contactable, but for many artists that is not the case; and even if it is, their work still gets stolen. It happens more often than any of us would like it to, and what we really need is legislation that protect us specifically from this sort of theft, not that can indirectly encourage it. I ask that we please reconsider the Orphan Works legislation and revisit the definitions of the language it uses so that it will stay fair to independent content creators. Thank you so much for your time.

Kirsten Kneeland