This is a letter Concerning the April 21, 2015 “Notice of Inquiry“ (BILLING CODE 2210–55–P) and overall projected ideas behind the 2015 Orphan Works and Mass Digitization Report

Dear United States Copyright Offices,

I am a teenage artist that both creates and publishes art digitally. I have created and distributed artwork my entire life, and art has been a continuous aspect of my livelihood. Although technically I am a hobbyist, I continue to improve my artistic talent and hope to do it as a professional career in the future. This being said, the ideologies proposed in the 2015 Orphan Works and Mass Digitization Report concern me greatly, as it conflicts how I distribute artwork.

Title 17, Chapter 2, Section 201 of the United States Code states “Copyright in a work protected under this title vests initially in the author or authors of the work. The authors of a joint work are coowners of copyright in the work.”

This is actual very ideal for artists, as it allows artists to have copyright of their work from the moment they create it. They need no correspondence with a third party, no legal documents. This legal code gives artists the ability to choose how their work is used in a reasonable manner. Title 17, Chapter 2 also continues to detail reasonable law that protects and benefits artists and their work.

In the 2015 Orphan Works and Mass Digitization report, the U.S. Copyright Offices propose an “extended collective licensing” or ECL model. Under this model, “licenses are issued and administered by collective management organizations (“CMO”s) representing copyright owners in particular categories of works. CMOs would be authorized by the Copyright Office to issue licenses for mass digitization projects and to collect royalties on behalf of both members and non-members of the organizations...”

In this quote alone, the proposed ECL model shows to be disadvantages and infringing towards artists. In this model, unless an artist approaches a third party organization for an official license, their work can easily be sold or used by anyone without the artist’s permission. And, when an artist does license their work, the assumed CMO organization would be able to inherently collect royalties from the license, profitting off of the artist’s work.

This model is simply unacceptable. It would work AGAINST the artist by stripping the artist of the rights to their own art. The royalties collected by the proposed third party organizations would be practically stealing from artists. Artists are entitled the right to be the owners of the art they create, and to choose how their art is used.

According to the April 21 Notice of Inquiry, the Copyright Offices do have interest in protecting creators’ copyright rights. As a creator, I will answer one of the questions in Section II of the notice in order to help further benefit artists and other creators.

“What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?”

One of the most prevalent issues for creators is the illegal distribution and use of their work. There’s many occasions in which a person easily steals a copyright image, then reposts it online as their own.

Creators usually directly contact the person who illegally distributed the image, and asks that it be removed. Often times, the person flat out ignores the original creator, or disputes them despite their activities being illegal. The next usual step is to contact the website that the image was illegally posted on.

This is where things can become frustrating for the original creator of the image. If the website doesn’t remove the image, then the only next step would to place a lawsuit on the website. This, however, is very impractical for creators, and would cost a lot of time and money. There needs to be a way to easily contact the U.S. Copyright Offices, and have them take care of the situation for the original creator. The Copyright Office is suppose to work for creators who have copyrights over their work, and help conveniently enforce the creator’s copyright without negatively affecting the creator in a costly, inefficient way.

In conclusion, there doesn’t need to be a new copyright reform. There needs to be help enforcing creators’ copyrights by the U.S. Copyright Office.

Thanks,

Hunter Y