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Maria Pallante
Register of Copyrights
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Dear Ms. Pallante, et al:

I am writing because I am concerned about the intentions of revising copyright law, specifically with regard to Orphan Works.

As an emerging artist, I have already found my art to have been pirated by people who either did not know better or did not care. Every time someone prints one of my images for their own use, I lose money, because offer prints of my work for sale. I realized early on that not everyone is willing to spend a large amount of money on original works of art but that many people will spend $10 to $30 on different sized prints. So when I discovered that people were printing and framing my work without permission and without paying me, I was understandably upset.

Artists are in a uniquely difficult position right now with advancing technology. As internet technology is the best way to get our work noticed and even find buyers, it also leaves our work extremely vulnerable to pirates and general abusers. Even after programming into my website to prevent users from copying or downloading photos from it, all one has to do is Google the photos or my name, and they can easily copy or download right from the search page.

Authors have come to me for illustration work. After having spoken to a seasoned professional who illustrated my grandmother's books, I already knew what steps to take to protect my interests. I drew up a very clear contract spelling out how I would like to be reimbursed for licensing and that any use other than the book would have to be renegotiated; otherwise, I would need to receive a much higher payment for the complete works including copyrights. Because all three authors wanted to own the copyrights but were not willing to pay me in advance, they did not pursue the matter with me. I felt justified because even though I lost those jobs, they likely would not have remunerated me properly for my work in the future.

To be honest, I have not made a name for myself yet. Although I am trying, I have not sold a lot of my art. Most of my art business is from commissioned paintings. That said, because I am relatively unknown, anyone who wanted to steal my work could use the Orphaned Works provision to say, "I do not know who owns this." It would be far too easy for someone to claim they did not know who the copyright owner was and use it. And since I am still struggling, I do not have the money to pay a lawyer to help me fight them, assuming a lawyer would take the

case. "A lot of money" means something different to everyone, depending on their economic status.

The proposed Orphaned Works provision seems to leave the door open for corporations to pirate work for their own benefit and just say to the artists, "So sue me." The problem is that most artists are not making corporate income, and the burden of proof would be far too much for most of us to bear. Businesses have the resources to trace ownership of art, and claiming they do not is just an excuse to save the expense.

Since I do not know exactly how the Copyright Office stores and records artists' copyrights in a database of photographs and how searches could be made for them, I cannot say what the best way for users to search for ownership. Many artists have databases themselves, detailed records for their own purposes, with photos, dates of creation, location, price, size, etc. That would seem a logical place to start. My own database is growing and coming together slowly.

If Google can do photo matching randomly, it would seem logical that any photo in the Copyright Offices archives could be searchable as well. From the match forward, the requesting user would have the owner's contact information and therefore could purchase the work or license from the artist. If the artist dies and leaves rights to his or her heirs, then the user would have to contact the remaining owner(s). If there are no remaining heirs and no one is left to claim ownership, then and only then should a work become public domain.

Overall, I think artists' rights with regard to copyrights have been far too lightweight. It has been too easy for others to take an entire design, make a couple of miniscule changes, and sell it as their own. I have seen it done. Copyrights, and enforcement thereof, need to be stricter, especially when large businesses are the perpetrators. Every time our government has loosened rules on anything by an inch, abusers have taken advantage by a mile. Please do not make it easier for our work to be stolen.

Sincerely,

Anne-Marie Landry
Artist, Painter