The Digital Gryphon LLC

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Copyright Office
Regarding “Copyright Protection for Certain Visual Works”

Greetings;

I write to express my concerns with proposals to drastically change US Copyright legislation by stripping away my Constitutional right to the exclusive control of my work. I am a fine art photographer, poet, graphic designer and publisher.

The proposed rules would be a dramatic, and deadly, step backwards just as the US has started to bring Copyright protection up to the levels found in most other countries in the world. When I was a young photographer, works in the USA were not protected even for my entire lifetime, much less for decades afterward as in most other countries. Finally in 1978 the US started to bring laws into line with the rest of the world.

The proposal being considered would be a give-away to international corporations and 'Intellectual Property' poachers who have already run roughshod through trademark and patent protections. It would "orphan" unregistered work; removing protections in an effort to force independent Creatives to bankrupt themselves with registration fees .

Then it would make orphaned work available for commercial infringement. In an area of law that is already riddled with nearly-impossible-to-define terms that lead to expensive court actions (or pre-emptive surrender to a wealthier party with a weaker case) it adds “good faith” !

As if the struggle to protect our legal intellectual property from theft and abuse isn't already a major challenge, this would allow others to alter my work and copyright these "derivative works" in their own names.

In summary, these changes are regressive and harmful to Creatives. They would further increase the imbalance of power between humans who create intellectual property and the commercial enterprises who seek to profit through exploitation rather than partnership. It has no redeeming value to society, and I believe would, if brought into force, stifle creativity and remove any incentive for creativity.

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Brian Gryphon, Owner