7-18-2015

United States Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000

To Whom It May Concern,

I am writing this letter in response to a proposed law that would replace all existing copyright law. This proposed law comes under the guise of a "reform" though the real intent is very clear. The proposed law has been designed by large internet firms and their legal advisors. The clear purpose of the law is to make it possible for firms like these to supply the general public with other people's copyrighted work – such as my own - without paying for it.

I am an award winning professional illustrator with over thirty years experience. My work has appeared in many major publications, books and advertisements, both nationally and internationally. My work has ranged from science fiction and fantasy paperback covers, to illustrated books for children, to non-fiction science books about disease, disasters, Islam and climate change, to historical illustrations for entities like the National Geographic Society and NASA. Although I created the images for these books and publications years ago I resell the images again and again. This is a significant portion of my income. Earlier this year, for example, a corporation wanted to use one of the visual ideas embedded in one of my images as their mascot. After months of negotiation, we came to an agreement that gave them what they wanted while properly compensating me as the inventor. Under the reformed law, this corporation would not have had to compensate me, but take my work, for free.

This newly proposed copyright act would press for a mass digitization of our intellectual property by corporate interests, an extended collective licensing with the intent of replacing voluntary business agreements between artists and their clients. The current "reforms" in the newly proposed law would in effect waive the responsibility of a potential user to find the copyright owner and redefine an "orphaned" work as any work by any artist that anyone finds "sufficiently" hard to find. It's a convenient setup to exempt the responsibility of the potential user from proper searching and void every rights-holder's exclusive right to his/her own property, a right stated in Article 1, Section 8 of the U.S. Constitution. For professional artists whose livelihoods depend on what we create and the agreements we make to determine how the art is used, this is most definitely not an abstract legal issue. Our work does not lose value upon publication. If anything our published work becomes part of our business inventories, and these inventories are now even more valuable to us in the digital age.

Corporate internet companies want to mine a vast resource owned by others. This is an old, shameful story, as old as conquest, colonialism, and imperialism. Lobbyists and corporate attorneys have "testified" that once an artist's work is published it has almost no further commercial value and should therefore be available for use by the general public. This is nonsense. Freelance, independent artists are finding it challenging enough these days to earn a decent living without suffering further erosion of tour earnings and potential earnings by those who have consistently devalued creative and intellectual property, culture, art and the artists who create it. This proposed law to replace existing copyright law should be dismissed as the dishonest, and unconstitutional, affront that it is.

Sincerely,

Bryn Barnard