Concetta Huffa
4963 Haskell Avenue
Encino, CA 91436
818-510-0814
U.S. Copyright Office
RE: Orphan Works

July 23, 2015

Dear U.S. Copyright Office,

I'm writing to you in regards to the upcoming and proposed changes and evolution of Copyright Law in regards to Orphan works. For the past 51 years, I have enjoyed being an author, artist, designer, textile engineer, and former adjunct professor of textiles at Philadelphia University.

I have spent a lot of time effort and resources on becoming the professional person, teacher, and creative individual that I am. Inspiring others is also part of what my life's work is. However, Copyright is the basis on which I do business. Infringing on my work is the same as stealing money out of my pockets and piece of my time on this planet.
Copyrights are the products that I license, as well as the derivative works in my design business, photography, and the selling of my creative services.

A large part of my work is created in advance, on my own time and then purchased by other companies and sometimes not, but might be displayed somewhere physically or digitally by me. Nike, Apple, Adidas, New Balance, Skechers, Sunbrella, Lululemon, The North Face, ILC Dover, Soma, and many other huge corporations do business with me. Every single one of them would be furious and take legal action if the rights to their intellectual property were removed or even threatened.
The proposals to change the Copyright law, which I'm reading about, and which you are considering, would make it all but impossible to defend my work or any individual's work that is not a huge behemoth of a company with deep pockets and bullying power of herds of attorneys.

As a former professor, I taught Copyright, as reference for my students for textile design. I remember pointing to your website at that time and advising my students to read all the FAQs. The one that sticks out in my mind, and is most relevant in this current age of mass digitization, music ripping, 'pinning of photos on line', and commercial knock offs, is one of moral ethics in regards to Orphan works. Works that might or might not be legitimately Orphan:' If I found it on the ground, can I copyright it?' Your answer has always been a resounding, 'no'. Your response is that the rights to the work reside with the individual artist, or company that paid the artist for hire. So why would someone finding something digitally be any different an answer? If the person doing the finding did not create the thing, photo, picture, recording, etc. – he/she has no rights what so ever, regardless if he/she can or can't find the artist. It's called stealing. He/she might call it borrowing, but, it is still taking something that does not belong to him/her and exploiting or profiting from it in some way. This proposal in legislation is 180 degrees in the opposite direction of previous Copyright laws that are Capitalistic in nature to the benefit of the individual /entity who created the work, to a proposal that smacks more of Communism that works exist for the common good of all. I run across this mentality constantly, working in China in

producing consumer products I've created for some big companies, so it is easy for me to see how this proposal would be exploited to the detriment of American and Western artists and creators.

The proposed legislation would pressure me and other artists to register my life's work with commercial registries. In my experience, these registries are catalogs for people to take inspiration from and create their own derivative works, alter that work, and create their own Copyrights in their own names for work that was not theirs in the first place. From a foreign risk perspective: any company doing business manufacturing in China has to submit their product plans, blueprints. Then we wonder how the Chery Auto looks so much like the GM vehicles, or how the ITMA textile trade show in China showcases Chinese made machinery, exact copies of Western precision machinery, for pennies on the dollar, or why Santee Alley here in Los Angeles is always overflowing with Chinese knock offs of major brands. This proposal will make Customs a nightmare as to what is real, what is derivative and still real and what is fake.

This proposed Copyright change in legislation potentially opens up huge loop holes as to what is a good faith diligent search and how far, wide and long should that search for an Orphaned work's creator be. It essentially creates a way for mega million dollar digital sites, corporations and just about anyone, to legally create a business model that gains access to other people's work, use that 'supposed' Orphan Work, without paying the artist, and potentially create a situation where the work becomes so valuable that the extreme marketing efforts of these business models muddy the true origins of the work to the point where the true artist is completely obliterated and steam rolled by big business interests. This proposed legislation would literally Orphan all unregistered work and would make that work available for commercial infringement in the US and abroad. It is difficult now for artists like me to combat when a big company takes work and claims it for its' own. This proposed change would make me and other artists fodder for huge corporations, foreign interests, and anyone who comes along and finds my work, strips the authorship from it then claims my work and exploits it for their own profit.

This new situation you are considering would void my constitutional right to use my own work, if it has been usurped by someone or some company with huge pockets and a hoard of attorneys that will defend their client who essentially, 'found work on the ground,' so to speak, and cause a great financial burden and enormous stress to me and other artists to assert their creative ownership of the visual art, drawings, paintings, sketches, photos, past, present and future; published and unpublished; domestic and foreign – that they have literally pulled out of their own minds, hearts and souls into existence in the first place. The impact of what these proposals mean to me and every other creative would be legalizing the stealing and exploitation of chunks of real people's lives and taking away any tools we have to protect it. It would be opening the bank vault of art for a free for all.

If you have any questions – I'd be more than glad to speak to you in person.

Sincerely,

Concetta M. Huffa