Comment/Letter from: Brandon Mathews

Hello, I am writing to you about the importance of the current Copyright law. I, like many others, am a freelance artist. But not only that, I have several personal works of art depicting characters for use in my comics, stories, etc...that I do on the side, separate from my professional works.

As both a professional and hobby artist, I can tell you the revision of the Copyright law is going to make things far more difficult for those not directly affiliated with a company, and/or those without the means to register -every- piece of work that they have done.

Yes, there is 'money' to be made, but isn't there always? However, when that 'money' comes at the expense of the happiness of others, morally, it is wrong. This time too, there are more complications. Freelance creators of content hosted online, or even those hobbyists who post up pictures of their exploits, their family, etc, do not have the means or sometimes, the knowledge to register these works, photographs and other such visual media hosted online, to have them registered to protect them from others using them without permission.

I urge you, please rethink this new law. It will create strife, anger, stress, and fights between companies, individuals and content creators. It will get people to erase their archives online, to remove art, and stop creating. People are going to see this, and be scared. They're not going to create new 'orphan' work to be exploited. Instead, they're going to guard everything they've ever created, and likely stop, since sharing their creations means that companies can cherry pick their works without giving them credit or asking for permission, or even notifying them so long as they have made a 'reasonable effort' to find them...which in and of itself is too vague.

Many artists rely on the 'automatic' protection of the 1976 Copyright Act to keep their professional work save, and their personal works protected. Without it, many will go out of business since they can't afford to register -everything-, and if they don't have a portfolio up for potential clients to browse, they will not receive any work.

So again, please, do not create such a hostile atmosphere online, where people will hoard everything they own and stop sharing their lovely works with the world. Please stop this new 'Orphan Works' idea, it's going to do more harm then good in the long run.

In closing, let me leave you with a quote from an article from www.jbiocommunication.org :

“To prevent their creations from becoming orphaned, the Copyright Office has suggested that artists digitize and file their illustrations with yet-to-be-created private registries, run by profit-making companies. These companies would presumably use scanning technology to compare an illustration or graphic supplied by a user with an image of the original artwork that would have been placed on file by the artist. As numerous private registries may ultimately be formed due to this legislation, an artist may find it necessary to have works registered in a majority of them to insure access by a future user. Unlike the current system of registration with the U.S. Copyright Office, which of course is a government agency, these registry companies would be able to charge whatever fee they wish. Since the numbers of works created by the average painter or illustrator may far exceed the volume of even the most prolific creators of music, books, and films, the amount of time, the expense and the administrative burden of filing illustrations with these registries would be prohibitive.
Even assuming that these registries could work, they will reverse a 30-year history of taking bureaucracy out of the copyright system, and impose new burdens and expenses on those least able to comply. Furthermore, while the Copyright Office proposal immediately and unfairly prejudices the little guys in the creative economy, it sets a long-term precedent that eventually could come back to haunt even those with deeper pockets—like Hollywood and Silicon Valley—to defend themselves in an infringement case.

It is the deterrent effect of injunctions and large damage awards that keep copyright infringement and piracy under control in the United States. This proposed Orphan Works legislation would limit relief for an unauthorized use to 途easonable compensation﹐for the copies made, even after the great expense of suing in a U.S. Federal court. Currently, the possibility of receiving large damage awards under the current copyright law not only serves as a deterrent against infringement, but it provides the artist with the ability擁f he wins the case葉o pay the attorneys fees and other costs of bringing expensive lawsuits in Federal court. The limitations on potential damages awards proposed by the Copyright Office under the Orphan Works legislation would make the right to sue for infringement virtually meaningless to artists. If passed, the resulting law would become an open invitation to steal creative work. Under the proposed orphan works legislation, the typical artist would be denied effective justice and possibly become bankrupt by this process. In addition, even deep-pocket publishers, film producers, and software developers could find the costs too much to bear, when this shift in the burden of copyright enforcement spreads to other uses of copyrighted works.﹐Source: http://www.jbiocommunication.org/free_issues/36-1/feature4.html