Bela Alexander Von Tolmacsy
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To whom it concerns,

The 'Orphaned Works' legislation being considered presently is a calamity. The idea of having to register your copyright on every individual art creation of an artist is actually a very good idea, but the provision that the 'registry' would happen through a private company with no government insight or oversight is purely disastrous.

Currently as I create a drawing or a painting I am assumed to own the rights to my creation in physical or digital format unless I specifically license it (or any content therein) to another party. There are fair use exceptions for the content depicted and I don't need to worry about those using my owned content in this manner because they are taking my idea and doing a variant.

With the Orphaned Works legislation: unless I specifically register my creation with a third party registry I'll have no recourse if the other person, who once used a fair use exception to make his parody or tribute, decides to file my artwork as an orphaned work and instead he or she would have the right to sue me for my original creation. This is completely unacceptable.

The original creator of an artistic work should A.) have first choice of monetizing his creation and B.)not be required to monetize it (or, worse, have to pay money to register an item he had no intention of monetizing) to keep a copyright thief from being able to sneak underneath the creator's right of ownership and register a copyright of his/her own and immediately be able to issue a Cease and Desist order to the original creator and then monetize his theft of goods. This is nothing but government advocated larceny and should never be considered. An artist is required to copyright everything he has ever created under this law and the infringer would only need to register the creation that he intended to infringe upon.

Allow an artist to register his original creations with the government copyright office for free, if the artist has no intent to monetize) or for a small fee (if the artist intends to capitalize) and do not take yourselves out of the process. Find a different solution as this one should never be allowed to happen.

Sincerely,

Bela Von Tolmacsy

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this is a photo of original work