July 23, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Dear Ms. Pallante and the Copyright Office Staff:

Thank you for the opportunity to comment on the proposed new copyright legislation. I am the manager the estate of an artist who created many thousands of unpublished artworks, spanning his career of almost 50 years. I understand how important it is for the public to have access to such an archive, and the important role that the Internet has for sharing the legacy of the past.

However, I am very concerned about the new proposals for changes to the copyright laws. I believe these changes will present additional obstacles for artists and that these obstacles will have a wide impact on culture and all of humanity over time, by making it more difficult for artists to earn a living.

Art is the pinnacle expression or manifestation of a culture, and humanity itself. Without art, humans are merely consumers, destined to remain at a level of consciousness, focused only on survival. Without a viable avenue for the expression of art, humans will become enslaved by their own suppressed creativity, leading to a volatile and disenfranchised population. Even the Romans realized the value that art must play within a culture.

The copyright office as a government entity is required to serve the people, and the current copyright management plan has been working so far. The new proposals do not serve the needs of artists. In addition, they violate International Treaties, which could have repercussions that effect everyone.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?
In my personal situation, the new legislation would discourage me from sharing this collection, because the amount of time and money involved in copyrighting each individual item under the new rules would be cost prohibitive. Even if I can sell prints to try to recoup some of my expenses or to get paid for my time, it is still cost prohibitive.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?
Enforcement of copyright should not penalize the artist who created the work, by requiring them to spend large sums of money to protect their work. In addition, enforcement is

difficult if, as proposed, the registries are essentially purchasing the copyright and can resell it without the knowledge of the original artist. And if the registries are not transparent, and do not provide artists with an easy way to discover if their artwork has been copyrighted by another party either as an orphan or a derivative work.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?
The proposal to transfer the management of copyright registration to private companies makes me very concerned. Copyright registration should not be managed by the private sector, who are driven by profit. No matter how little these registries might charge in the beginning, there is no guarantee that their fees would not increase over time. In addition, if the inner workings of these companies are not transparent, then corruption is likely. Private companies have a conflict of interest with the artists they claim to represent, which is that they too want to make money from the artists work. Therefore, transparency must be required.

4. What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?
I understand that companies may want to use an image they found on the Internet, but may be unable to find the copyright owner for that image. And the idea of a database or registry for artwork has some appeal as a solution. However, any registry must be managed with the intention of serving the artists, and only secondarily as a profit making venture. And transparency would be required in order to guarantee that.

I thank you for reading my letter and I ask you to recommend that visual art be excluded from any orphan works provisions Congress writes into the new copyright act.

Sincerely,

Arden Riordan
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