July 17, 2015

To: Maria Pallante, Register of Copyrights

I am a student of the arts looking to pursue a career making visual imagery, particularly in the fields of Game Art and Illustration. While my career has yet to begin, I am working towards achievements in higher education at Laguna College of Art and Design. I publish my works online for others to view and to gain exposure within the art market. I have already been offered, and completed, professional products for use in video games. I have high aspirations to achieve great things in this field, and the proposed changes to copyright law as set out in this government report serve to **destroy all of that**.

A significant portion of the money generated by artists working in the field is directly tied to keeping control of their copyrights. Under current copyright law, the copyright of a work is automatically granted to the author of that work as soon as it is conceived. The current system works wonders for protecting individual artists from unethical, disgusting, and unlawful practices performed by large businesses, marketing firms and corporate entities.

Under the current copyright system, challenging unethical and illegal copyright infringements is simple and effective. Under the new system, all of my prior, current, and future works would need to be cataloged and registered in full if I expect them to be protected under the law. Provided that many professionals and students alike produce hundreds, if not thousands, of works **per year**, it would be impossible to legally defend my work.

Under the current copyright system, all of my works are immediately protected under the law and I do not need to invest significant amounts of time, money, and energy to ensure that protection. The new system proposed would force me to spend impossible amounts of money and time just to guarantee those same protections. In the new system, even if these works were registered to these third party organizations, they could then easily and effortlessly alter and reproduce my work, all without gaining my authorization or providing monetary compensation.

Under the current copyright system, the work which I publish does not depreciate in value for merely publishing a work. The new system proposed would undermine my ability to work as a professional artist and earn money as a small business.

Under the current copyright system, the work which I create is rightfully mine and mine alone. It is illegal for companies to utilize my artwork, even if they are unable to contact me or are unable to identify the owner of the work. This is how it **should** be. Just because somebody is unable to easily locate or identify the owner of a **car (or artwork)**, does not mean they should be able to **steal** that car (or artwork).

Under the current copyright system, the rights of creative works and the rights of individuals are protected and the integrity and value of the artist's collection of work is respected. The original works which I create cannot be stolen by other individuals. The original works which I create cannot be used by other individuals without my express consent, typically through contractual agreements. The new system proposed seeks to immediately orphan all original works and force artists to fight tooth and nail to protect their businesses.

The ideas and strategies presented in your report, which are aimed at supposedly protecting orphan works, are insidious and tyrannical. If you destroy the current framework, all works of art will immediately be orphaned to the public and large businesses, corporations and governments will rapidly descend upon artist's works and destroy their livelihoods.

Let us take for instance this section of your report, as found on page 11 of the "Orphan Works and Mass Digitization: A Report of the Register of Copyrights," published in 2015:

> As a result, the Report explained, potential users of photographic works often lack the most basic information with which to discern a search path, let alone ownership [11]

The ideas laid out in this sentence and it's context paragraph outline a clear lack of interest in the lives of actual photographers, artists, and citizens alike. As understood by the report, "potential users" can refer to any individual, business or organization. If an individual, business or organization finds a photograph online or in print which they cannot find the owner of, they have absolutely **no** business using said photograph. It is **not** theirs, they did **not** create it, and it is **not** their idea. They have no business using that work under any circumstances, as it is not theirs to use. There should be no path by which a business, individual, or organization could claim ownership of property which is **not** theirs. In the real world, taking property which is **not** yours is **theft** and potentially **damage of property**. Why do you believe that these protections which we afford to physical **property** should not also apply to the intellectual **property** of the originators of creative works?

As outlined in the previous paragraph, ownership of intellectual **property** is of serious issue, particularly to the originators of creative works. The copyright, which is currently guaranteed upon creation of a work, solidifies and establishes ownership of **property** for that creator. As an artist, my business is run entirely on the sale and distribution of said property. Without safeguards to my property, whether it be physical or intellectual property, I risk substantial damages to my own business practice from "users" who would otherwise illegally use and steal my work. Copyrights are the assets which I create, sell, and trade. The new system you propose suggests that the work which I create is not truly mine and is instead owned by whoever acts as a squatter in claiming it. This new system encourages the creation of a parasite class of businesses, which you call "CMO's". These parasitic businesses would largely be in the practice of squatting on the property of individuals' property. A CMO, as a "user", could seek to establish ownership of orphaned works and thus steal the time and money of individuals.

Simply put, the proposed legislation creates two classes of individuals when it comes to intellectual property and creative works: hosts (originators of creative work) and parasites (CMOs and large corporations). Under this system, creators will have to rigorously and vigilantly protect themselves from government funded parasites. For every work I seek to publish and create, I would have to rush immediately to claim it's copyright else I risk losing it to a corrupt individual or corporation who did not create it. I can't support such a system and it strikes me as disgusting that my own government would even consider such legislation.

Sincerely,

Adam Taylor

Student Artist

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