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U.S. Copyright
Orphan Works

Dear U.S. Copyright Office,

I am an Artist and Designer, and have been a graphic designer for the last 20 years For the last year and a half I have started pursuing fine art. I am self taught, and have had my artwork in the last year shown in Art Galleries and Museums, have been featured by local television stations, and in magazines and books. I am also a member of the San Diego Watercolor Society.

I am just starting out as a fine artist, and see my artistic voice as a way to help society. Art is often the only way to soften the hard of heart, and to remind people that they have a soul. I rely upon copyright to ensure that my work is only used to support the causes I care about.

For example my series of portraits of the girls abducted from Chibok has been shared across the world via social media (Bring Back Our Girls), and is able to give a face to that tragedy. Because of copyright, I can give permission for the parents of these girls and organizations that support they cause, but also I can prevent others from using them just to benefit themselves.

I openly share my artistic process as I am creating this series, each taking about 2 to 3 hours of painting, plus posting to social media. I release these to the world knowing I am protected by copyright automatically, even before they are completed.

This automatic protection prior to me even asserting my ownership is critical in letting me practice my art openly, for it lets me focus just on art and only if someone infringes do I need to focus on hiring a lawyer to protect my voice. Because there are 230 portraits, each one taking just 5 minutes longer will make the series take 20 hours longer to complete, which is a heavy burden when you are doing this in addition to working full time.

Artists routinely even now get their artwork stolen, generally by companies either ignoring or gaming the laws to their advantage, often with vast legal resources while I am working alone in my home. Being an artist for me would be impossible if it had additional burdens, either legal or bureaucratic to deal with.

The idea of "orphaned" artwork is just a means by which these companies can use that artwork without permission, of artists who cannot defend themselves, for their own purposes and contrary to the causes which I care about. Many artists (especially older ones) are not even connected to the internet, are not aware of what is happening outside their studios, and might not be easy to find.

Some like Banksy are doing art which requires them to be anonymous, and yet his voice has an important social value that needs to be protected. Some are sick, and some the artists have died and the children do not know how to manage the estate. These are all reasons artwork might be orphaned, but it is still possible to seek and get permission, and failing that new art can be created.

Any one wishing to use the work of an artist should have that burden to ensure they have permission, either from the artist or the estate, any means to sidestep this burden, besides fair use, subverts my voice and lets it instead be used to support things I as an artist am against.

The only defense I have without copyright as it is now is secrecy, which in effect silences my voice. The reason copyright being in the constitution isn't because of commerce, rather it's to allow art in all it's forms to be shared among all Americans, enriching not only those who can pay for it, but also those who cannot pay anything.

Sincerely,

Brian Meyer