July 20, 2015
Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: The Orphan Works and Mass Digitization Act

To Whom it May Concern:

My name is Michael J. Williams. I am a nationally recognized illustrator, having worked in the field of illustration for over 14 years as a professional.

I am writing to address the problems visual artists face in the new digital environment, especially concerning new proposed “Orphan Works” legislation.

Freelance illustration is my chosen profession and how I make my living. The copyright ownership of my work is fundamentally important to my ability to make a living. I not only make money from newly commissioned artwork, but also from the resale, reprinting, licensing and printing of my copyrighted images. When I create new work, it is not only done as a way to provide clients with their needs, but also adds to my inventory of work that I can resell and license in the future. Without this ability, my livelihood is severely hindered.

Being able to control how and where my work is used and by whom is very important to my brand as well as my business. If my work is used by an organization without my permission or for a purpose that I did not agree to, it negatively impacts my brand as an artist and the perception that my work has in the marketplace.

For visual artists, The Orphan Works and Mass Digitization Act would essentially make the theft of artists’ imagery legal. If someone desires to use an image for use in their business or organization, especially in an endeavor that is going to be making money with the help of such imagery, the original creator needs to be compensated. This is exactly why illustrators create their work; so that clients will want to use the imagery and pay them for the use of that work. Most artists are very easy to find with a simple Google search, whether it be by keywords or even, and with more accuracy, an Image Search. The burden of finding the legal means to use a visual work should be on the one wanting to use it, not on the artist to police the use of their work.

If such a law is put into place, it would create a huge disenfranchisement in the artistic community, with little incentive for an artist to create new work, knowing that all that hard work might only lead to it being legally stolen, or used without the artist's permission or compensation.

Professionals in creative industries already work under immense challenges to make a living. Pay rates can be low, educational and training programs are expensive, and many creatives already devalue their work to a point that it hampers other professionals from being able to make a livable income. With this being my and my colleagues chosen profession developed over years of training, practice and hard work; the thought of such a law going into effect would be devastating to our careers.

Thank you so much for taking the time to read my concerns about The Orphan Works and Mass Digitization Act. I passionately suggest that you recommend that visual art be excluded from any such revisions to copyright law.

Sincerely,
Michael J. Williams