To Whom it May Concern,

I am a freelance illustrator. Simply put, my right to exclusive control and maintenance of the copyright of my works is critical to the operation of my business, and to my very livelihood. This is how I make a living. The Orphan Works and Mass Digitization Act and any similar legislation presents a grave threat not only to my own career and livelihood, but to those of thousands of other hardworking Americans—and thousands more individuals outside the US—in the field of the visual arts.

I make my living not only by creating artwork on commission, but by the licensing and sale of my existing body of artwork. Central to this business model is my ability to maintain copyright over my works—the body of images that only I can create and reproduce is my inventory, which translates directly into a significant part of my income. My images do not lose their commercial value once they are published—quite the opposite. Even once an image is published online, the ability to sell usage and licensing rights to that image is a crucial stream of income. This of course is only possible if I maintain exclusive control over the appearance and usage of the image. I make a still greater portion of my income off of the creation and sale of prints and other reproductions of my images, and it is therefore imperative, once again, that I maintain control over the nature and extent of those reproductions.

In addition, my copyright is critical to maintaining and controlling my own public image and that of my business. Once an image is published, whether online or in print, it becomes part of my brand, and is connected with my works and services. My images are my brand, and therefore it is of the utmost importance that I maintain control over when and how these images are used. My ability to control the presentation and distribution of my works helps to ensure that my images are not used in any way without my permission that would reflect badly on me as an artist, a businessman, or a person. Stripping artists of the copyright to their works not only undercuts their ability to sell and license their work, but also opens the way for their work to be used or even altered in ways that they do not approve of and with which they do not agree.

Artists are not difficult to find. Most of us do a vast portion of our business online, and make great efforts to ensure that our work can be traced back to us. However, even on those rare occasions when this is not the case, this does not and should not entitle anyone to use the work without permission or otherwise infringe on the copyright of the artist. If a person sees a car in a parking lot and cannot find its owner after making a good faith effort, that does not entitle the person to take the car for their own use. The exact same principle must hold true for copyright.

Finally, the ability of the general public to make use of “orphan” works harms visual artists in yet another way. Allowing any passing individual to make use of a work without the creator's permission would severely undercut the incentive to hire visual artists. As I pointed out, we are not hard to find, and we spend a great deal of time and effort in making ourselves known so that clients can hire us to create images. Allowing the unrestrained and uncontrolled use of an artist's work regardless of permission would not only strip the artist of critical sales and licensing opportunities, but would negate the need to hire that artist to create new imagery, effectively crippling all of that artist's streams of income in one fell swoop. The Orphan Works act presents a dire threat to visual creatives everywhere. It stands poised to destroy thousands of careers and livelihoods, and I urge everyone to take a stand against this threat.

Thank you.