U.S. Copyright Office July 22, 2015
Library of Congress

Re: Docket No. 2015-01, Copyright Protection for Certain Visual Works
Aka Orphan Works and Mass Digitization

This is written in response to the call for comments in the Federal Register/Vol. 80, No. 79 / April 24, 2015. I just learned of this matter yesterday.

I am a working artist and book illustrator who has the "chops" to comment on the proposed changes in the US Copyright legislation at hand. An artist since childhood, a "hobbyist" through parenthood, I earned my professional artist status in 1989, while enjoying a 35-year business career. Art became an avocation in the eight years before retirement from that career. Considered a self-taught artist, I sought continued education in the various art genres and enjoyed many years of instruction from well-established artists. I taught adult art classes and home-schooled, secondary-level youth. My students taught me, and I am still a dedicated student in art as in life.

Professional credits were achieved from juried exhibitions and I gained signature status in prestigious art clubs nationwide. My professional memberships include: The American Society of Portrait Artists; Catharine Lorillard Wolfe Art Club, NYC, juried member; International Association of Pastel Artists; Pastel Society of the West Coast, juried (signature) member; The Portrait Institute of NY, charter member; and The Northern California Writers Group as an illustrator.

Over the past 25 years my paintings were juried into numerous regional, national and international exhibitions and awards were gratefully forthcoming in many of those shows (e.g. International exhibit, Pastel Society of he West Coast, 1996, '98, '99, the Catharine Lorillard Wolfe Art Club 100th Annual National Exhibit in 1996, The Pastel Society of America 24th Annual Open Exhibition, 1996, and other non-juried membership shows).

A commissioned portrait artist, my clientele include the Order of the Eastern Star, University of California, Berkeley, and many private clients located throughout the U.S.

Recently, I embraced the challenge and became an illustrator. In 2007, I was chosen as one of seven artists to illustrate the Paradise Chocolate Festival Cookbook. The book won two national awards for creative design combining fine art and chocolate recipes. I illustrated the children's book, Jeremiah Dragonfly's Special Day, published in 2014, for the award-winning book author, T.E. Watson. Other publications include fine art in *The Pastel Journal Magazine*, *The Artist's Magazine*, *Art Calendar Magazine*, *The Encyclopedia of Living Artists*, and *North Light Book Club*.

The "…nature of my interest in this matter…" is clear. I believe that my livelihood, artistic reputation, and emotional wellbeing are being challenged by the proposed legislation. It would, in effect, put me out of business to license my large, professional portfolio that spans over 25 years. Not only would it be outrageously time consuming, I'm guessing it would be very costly.

The thought of my creations becoming "derivative work" makes my blood boil. I taught my students to never pirate and change the work of another artist without first gaining permission to

do so. If they were not able to find or contact the artist or photographer, they were admonished to be original. I have been contacted by and given permission to reputable individuals to use my work in good faith and for fair use. The proposed legislation would allow the public to harvest my property, violating my Constitutional right to exclusivity and control, and take my artwork by immanent domain without clear or easy recourse on my part, but for profit on their part.

The proposed establishment of "stakeholder groups", "extended collective licenses" (ECL's), and "collective management organizations" (CMO's) will create such a ponderous system of non-checks and balances to make it nearly impossible for a poor artist to comply with the new regulations or receive payment for their work or seek legal recourse when all goes terribly wrong. I learned in business that when a contract was inordinately long and confusing—watch out—the contents were not written in my favor. Simple instructions and solutions are best.

The proposed CMO's, in my mind, will be, frankly, cyber pirates. The inability of artists to follow the money will be next to impossible, their rights to their creations will be lost in the "Cloud", and someone will become very rich on the back of the poor artists.

The proposed legislation will stifle creativity big time. It will be an incentive killer. Artists are validated by the act of creating and having their artwork purchased for a fair-market price. They value their artist-client relationships and strive to continue to have the right to reproduce their artwork for their livelihood. And this legislation will not stop at the visual arts. The legislation will infect all genre of the arts community where ever creative rights are concerned.

Artists, as history proves, are amazingly resilient. Our creative imaginations find ways to deal with adversity. The passion to create is so profound that artists survive when governments fail. I implore you to reconsider the consequences of this matter and urge further negotiations. Do not pirate our creative property. Do not hold us hostage for the sake of the almighty dollar to fill the coffers of private registries and Internet giants that do not have artists' best interest at heart.

Respectfully submitted,
Linda L. Oslin
Artist