Dear Copyright Office,

I am a professional scientific illustrator and I would like to comment on the new policies on Orphan Works.

I have been making artwork on a professional level for three years. I attended art school for five years to build the necessary skills. When I make artwork, it takes me hours of work; each piece I create is a result of hours of skilled labor. My artwork is valuable in multiple ways. Abstractly, it is valuable because of its beauty and the information and emotions it coneys; concretely, it is valuable because it is made with professional skills. I create and sell my art, and am commissioned to use my skill to create artwork for practical and aesthetic uses.

After I have created artwork, I can then sell the original works, if they are physical. Otherwise (and in any case), I can license my digital artwork by negotiating a contract with a potential user. These contracts state that a certain person or organization can use certain artworks in a certain fashion, and in return, I am paid commensurately.

This payment is essential to my income as an illustrator.

As an artist, I have the right to show other people my artwork, be it in person, through photographs, or digitally over the internet or e-communication. When I put my artwork on display on the internet or in a shop, the work does not suddenly become freely available. Instead, I am advertising my skills by showing examples of what I can create. Every image I make is part of my inventory of business assets, ready to be contracted out, no matter how old it is. The images remain mine to use.

The new policies on Orphan Works will allow people to steal my labor, my skills, and my time.

The current ideas allow strangers to use my images and artwork *for free* if they cannot find my ownership of it via a "good faith search." This is dangerous; If you find a purse on a bench in a park, and take it, it's stealing, even if you tried to find the owner first.

Allowing people to take my artwork and use it, re-purpose it, and resell it without my knowledge and permission is theft. Artwork is the product of years of experience, study, and practice, and like any other skilled professional, I should be paid for my work. I own my work, and I am the only one who can say how it will be used, by negotiating a contract with each and every person that wishes to use my skills or art in some way.

People who support Orphan Works say that they are being hurt, blocked, or disenfranchised by not being able to use the many images on the internet. They do not understand that each image, be it a photograph, a painting, a diagram, or any other kind of art, is a product of a skilled professional and *is the property of the person who created it*. Not being able to take other people's property is not being disenfranchised. That is like claiming that by wearing pants, I hurt them because they can't have my pants. No one is hurt by being unable to use my artwork, that I took time, money, and skill to create.

On the contrary, if this policy is made law, I will be hurt. My labor and skills will suddenly be useless to me when anyone can steal an image it took me days of labor to make, by claiming they couldn't find me, and therefore the image is free for everyone. My main source of income as an artist is licensing, that is, exchanging the right to use my art for money.

So, please, do not allow this policy to become law. All artists, musicians, movie-makers, and artisans of all other kinds, must be protected by law. We must have our creations and assets protected by copyright, not given away. If the new policy becomes law, it will destroy the livelihood of countless artists and illustrators, take away our rights to what we create, and make mass theft legal.

Please, do not take my art away.

Thank you.

Sincerely,

Lauren Ellenberg