My name is Michael Lamka. I am submitting my comments on the proposals of Orphan Works and Mass Digitization - a report of the register of copyrights - June 2015. Although I am now retired, I hold copyrights to a number art works. Some of my works have been filed with the Copyright Office and some not.

On page 2: *The Office's current review of orphan works focuses on the challenges that users face when attempting to make use of individual works on a case-by-case basis.*

Why does this need review or consideration of any sort. Copyrights are in place to protect the artists not the people who want a free ride. People who might conduct a "good faith" search for a copyright holder know:

- Copyrights are in place to protect original creative works, not their "right" to use them without permission. That "right" does not exist, and can only exist when the artist's rights are trampled either by courts or legislation.
- There are already adequate exceptions under the fair use clauses of current copyright laws.
- The work is protected whether the copyright holder's information is available or not. That is the purpose of copyright protection.
- Using the work without the copyright holder's permission is against the law.

As written, this proposal enables and even encourages copyright infringement rather than protect an artist's rights to use her/his works as the artist sees fit. "Orphan works" are orphan works for one of two reasons:

1. The work has already been stolen, any marks of ownership removed, and made available to other thieves who, under the guise of "good faith research" will be permitted to make profit on a real artist's back.
2. The artist wants it to remain anonymous because he/she does not want others to use it.

Everything in the list contained on pages 3-4 are additional means to take the rights of artists from them and hand them to people, businesses, and organizations that had nothing to do with the work.

Extended Collective Licensing (ECL) is a euphemism for, "Give the copyrights to the people with enough money to make more money. Screw the artists"

There are already enough Collective Management Organizations (CMO's) that assist artists in selling their works – music, movies, sports memorabilia, as well as photographs, digital arts, manually created arts, etc. One of the most notable CMO's for visual artists is shutterstock.com, and artists don't have to "opt out".

Automatically including any artist's works in any government mandated organization unless the artist opts-out is ludicrous to the extreme. That is akin to stating that all US citizens must work only at jobs mandated by the government for wages set by the government. Opting out of that opportunity means one loses the ability to earn a living.

The proposed changes to current copyright law are not need, and, in fact, fly in the face of current law, as well as the purpose for copyright protections as stated in the Constitution of the United States. The proposed changes favor only those who want to force price controls on artists or to steal artists' works for their sole profit.

Neither should schools, churches, or government agencies be placed above the law. Rather, they should be held to a stricter standard simply because they *are* public entities.

Instead of the steps proposed in this report, the Copyright Office should be looking for ways to strengthen the rights of artists and other creative people and ways to prevent individuals and organizations from taking a free ride on the backs of the people who do the work – the artists.

Respectfully,

Michael Lamka
Artist