From:
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To:
United States Copyright Office
7-22-2015
Notice of Inquiry on Copyright Protection for Certain Visual Works.

As a professional natural science illustrator and visual artist, I must state my unequivocal opposition to some proposed elements that are being considered for inclusion in the forthcoming revision of the Federal Copyright Law governing the Visual Arts.

My opposition is based upon the following issues that would arise should the current Copyright law be changed:

-The legislation would compel artists to specifically register all artworks that they create with commercial registries, lest the works be considered “orphaned”. The status of being an an “orphaned” or unregistered work would render it vulnerable to infringement, since the claims by “good faith infringers” could not be effectively challenged: mere statements to the effect that “I searched for the author/ artist creator, of the artwork, but to no avail”, would be far too easy to sustain as a defense against legitimate challenges brought by the actual developer of said artwork;

-Furthermore, “infringers” would be able to slightly alter works for their own purposes and claim that the work was their own creation merely by generating a minor derivative with little creative effort;

-The development of commercial registries would complicate the Copyright process because the fees charged by commercial registries would not reflect the democratically imposed fees for registration currently utilized by the non-profit Library of Congress protocol;

-Lastly, the Constitution of the United States would adversely impacted when artists can no longer exclusively control the content of business arrangements made about their own artwork. That is, “Extended Collective Licensing”, would replace voluntary and informed business agreements between artists and their clients.

Sincerely,
Michael Rothman