Karen Temple Claggett
Associate Register of Copyrights
Director of Policy and International Affairs
U.S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000

Dear Ms. Claggett,

I am contacting your office as an art student concerned with with their prospects of employment as it pertains to the possible Copyright Act being heard in Congress. While it may be with best intentions that this act is being consider, I feel as though it poses a great danger to professionals, students and hobbiest alike. The Orphan Works act coupled with the new Fair Use policy proposed would put an unfair burden on artists in order to protect their works while allowing bad faith actors to use the laws as a shield to misappropriate work.

The biggest tool for a student such as myself to garner work is my portfolio. By nature of the industry, I have to post my work online for potential clients to access my visual resume. Under the current Digital Millennium Act, my resume is protected immediately on publishing. Under the new purposed rules, I now have to register with two separate registries to “own” my artwork. This will incur fees and paperwork previously unnecessary to protect my work, creating a new burden in order display my work in the way of time and money. If I choose not to register my work is then considered orphaned and can then be appropriated by a third party. Even a “good faith” search for an author doesn't guarantee that my works won't still be considered orphaned. In the worse case scenario, a third party could copyright the so called orphaned work and sue me for infringement, even if I am the original author.

In either case my ability to garner work in a freelance or studio capacity is severely hampered, as there is now a “cost” to safely post my visual resume where employers can see it. While art is a public good, and I would even go as far as to say a public need, burdening artist unnecessarily will curb the production of creative works.

I hope your office considers these facts while making your decision.

Regards,

Matthew Brown