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U.S. Copyright
ORPHAN WORKS

To whom it may concern,

I have been a graphic artist for 35 years (as a movie title artist for the last 15 of those), and a watercolor painter for 12. The painting has been a hobby up until the past year or so, but now I am planning to leave my full-time job as a librarian in a couple of years and embark on my third career as a full-time painter. I will make my living in two ways: selling original artwork to collectors, and selling IMAGES of my artwork for use by businesses. BOTH are part of my personal property, regardless of where these images appear.

The contemplation of what you plan re: copyright changes appalls me--as an artist, as a librarian, and as a person of integrity.

In this day of visual access to everything, the theft of other people's PROPERTY is rampant. Last I heard, theft was against the law. Yet you propose to make it even easier for people to appropriate my intellectual property, my art, my products, at no cost to themselves and at great cost to me.

How are artists supposed to make a living if others appropriate it, free of charge, to use on behalf of their own profit-making businesses?

I urge you to rethink these radical changes and preserve the integrity of copyright law. You need to realize that this is not an abstract legal issue to artists, but the basis on which our businesses (and yes, creative product is also business when you make your living from it) are built.

As the creators of these works, we must be able to determine voluntarily how and by whom our work is used! Everything we create AND PUBLISH is part of our business "product." Just because we post something on the web does not mean anyone is free to take it! How else are you supposed to sell your work if you can't advertise it by showing it? But does that mean people are free to TAKE it? No!

Try making the argument that because a dress designer hangs a dress in a window, others are allowed to take it, because it has been placed in the public view. Can you stop them from looking at the design and attempting to copy it on their own? No, probably not, although there has been much successful litigation over this kind of issue. But can you stop them from taking the actual dress? Yes! That is theft. People would consider that question patently absurd. Now apply that concept to my painting that I display on Etsy. What's the difference?

And is the value of the dress lessened because someone puts it on display in the window? No! In fact, the argument can be made that as more people see it, covet it, and buy it for themselves, the value increases because its desirability is enhanced. This is the basis upon which all fads turn into profitable business undertakings. Why should that differ for an artist?

As a person with training as a librarian in the sacredness of intellectual property, I am astounded that the Copyright Office of the United States would be influenced to downgrade the integrity of the individual's rights in this way. I urge you to think again.

Sincerely,
Melissa Garrison Elliott