July 18, 2015

Mark Chmielewski

Register of Copyrights

U.S. Copyright Office

101Independence Ave. S.E.

Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

To Whom it May Concern

My name is Mark Chmielewski and I'm an illustrator. I am writing to address the problems with the resurrection of the orphan works act and the problems that many visual artists face today in the new digital environment.

1. What are the most significant challenges related to monetizing and/or licensing photographs, graphic artworks, and/or illustrations?

Currently there is little stopping people from removing my signature of my work or another artist's signature from their work and claiming credit for it. Art can even be sold online with the copyright holder being none the wiser. The only real protection we have is that we own whatever we create the moment it is created. The changes being suggested would make this matter infinitely worse. They would make false attempts to contact the original maker or simply not bother before using the art. This process of registrations favors big corporations over the creator every time and leave the creators with nothing.

2. What are the most significant enforcement challenges for photographers, graphic artists, and/or illustrators?

Many artists work hard to make what little they do. We have little to no ability to enforce our copyrights as is when someone decides to steal our art, our major defense is that we own whatever we make. All past orphan work acts and this latest incarnation would remove what little enforcement and legal power we have to practice our craft in any form of security. There are too many companies out there that attempt to trick artists into working for FREE in the hopes for "exposure." The fact that this is a common practice that even the most well known artists have to deal with shows how little today's corporations respect artists and their work. These companies would abuse the orphan works act in order to outright steal artwork they want but wish to avoid paying for. Why even talk to an artist when you can say you made a "good faith" attempt to contact them and use the artwork with no payment needed.

3. What are the most significant registration challenges for photographers, graphic artists, and/or illustrators?

I barely make enough to get by. A lot of the artists I know barely make enough to get by. Having to register every piece of artwork we make would cripple us. I have been known to make over 10 sketches in a day or several illustrations in a week. Having to register each one to avoid theft of it would drain me of time and money. Registering artwork will only benefit big corporations and raise the bar of entry for anyone wishing to make a living off their artwork.

4. What are the most significant challenges or frustrations for those who wish to make legal use of photographs, graphic art works, and/or illustrations?

If I don't own the artwork, if I don't have permission to use it or if it's not under fair use than I don't use it. There is a huge amount of work that falls under this criteria that is open for me and anyone else to use. Anyone that does not want to use the art that is free to use now is either being greedy or just does not want to pay for quality artwork.

5. What other issues or challenges should the Office be aware of regarding photographs, graphic artworks, and/or illustrations under the Copyright Act?

The orphan works act was never designed to help artists or "orphaned works." It was clearly made to benefit those who don't want to pay for artwork or royalties on artwork. No other profession is expected to work for free like an artist, no other profession is offered "exposure" or "craft integrity" as payment for their work. The attitude of the current business world is that artists can be easily tricked, controlled and doing so is not wrong. The orphan works act is the pure representation of this, a law that removes the very right of ownership from the artist and gives it to those that don't want to pay for it.

Thank you for reading this letter and I ask you to recommend that visual art be excluded from any orphan works provisions congress writes into the new copyright act.

Thank you,

Mark Chmielewski