Michael Scalise 07.20.2015

To Whom it May Concern,

I am writing to express my opposition to the proposed change in the copyright law. The Orphan Works Copyright Act seeks to close holes in rights management but it does so at the detriment of the artist. This is simply not acceptable. In our current culture, there is a belief that art of any sort is to be used freely regardless of its provenance. This is wrong. But creating a mass digitization library is not the right way to go. Art is already viewed as disposable. From companies like Urban Outfitters who regularly steal independent artist's works to adorn their clothing to other artists such as Richard Price, who recently stole and printed Instagram photographs and sold them, barely altered, under his own name. The proposed changes in the law will only push this behavior forward.

There is a major amount of work that goes into art – be it a painting, a sculpture, or digital drawing. Since the beginning of this internet age, the issue has been about fair use, licensing, and pure theft. And what the Copyright Office intends to do is support those who would steal and profit. Returning to the issue of Urban Outfitters, there is no recourse for a small illustrator to defend themselves against a major corporation. The only defense an illustrator sometimes has is public awareness and the law. What happens to the person who posts their artwork and is ignorant of the fact that they must register it with some official body? There is no defense for them. Only a law that states that their hard work belongs to everyone and their effort is meaningless.

An artwork is the sole property of the artist to create and then do with as they please. If they should sell it, that's fine. If they license it, that's fine, also. But it should be the artists' decision, not a governmental body. The Copyright office should be there to provide defense and structure, not dictate use.

Imagine if this was the way for all works.

- As a top performer, I could search for unknowns and take their songs, making it my own.
- If I was a top writer, I could steal the manuscript of a young writer, slap my name on it, and claim I did 'due diligence' to find the 'orphaned work.'
- I could watch a YouTube video and create a blockbuster movie without ever having to credit, license, or even pay the creator of the original.

It seems ludicrous to even suggest these behaviors – but this is what the Copyright office is proposing for artists in visual media. I draw a picture, Urban Outfitters can use it without my permission. I create a painting, another artist can simply repaint it and sell it as their own. I take a photograph and suddenly, it can be used in ad campaigns despite how I feel about the product or company. The Copyright office should be there

to protect people and their creations, not to diminish their effort and right to make money off of their works. Corporate interests and the private sector should not be the ones in control of a mass digitization and rights managements. It is a bad idea for the average citizen and a blow to the arts in general. It is not in the public's interest to make everything from a picture of my family, to a child's drawing, to the culmination of one's artistic achievement as a commodity for corporate interests and a misguided digital library.

I implore the Copyright office to reconsider this plan. It hurts the right people and rewards the wrong. Let art and its usage be controlled by the creator or owner. It is not a bad thing to want to strengthen the current laws but this is not the right way to go. This will only hurt us as a culture and diminish the arts even further.

Thank you,

Michael Scalise