July 21, 2015

U.S. Copyright: Orphan Works

Dear U.S Copyright Office

I am in the process of establishing myself as a professional artist. I hope to sell images based on artworks but may also sell photographs. I am based in the UK and am a UK citizen but believe I have an interest in the proposals as it includes use of foreign images, and also because it may influence policy globally. I am concerned for other creators and not just myself. My concern includes all creators in the U.S. also including a relative in the U.S. who is studying art in order make a living.

I don't think creators of images should have to register their work.

Foreign creators have their own laws to be knowledgeable about and should not have to know various laws of other countries in order to protect their property and life plans. Therefore it would be wrong in my opinion to expect foreigners to be aware of the need to register their work in the USA.

I think it should be a natural right to be able to display ones original image without fear of it being used for commercial gain by others without permission of the artist.

In the current system if anyone wants to use an image they can obtain one from the many images for sale websites or go to the website of any image maker and request or commission an image. If a creator has not placed their name or organisation next to it, then it should be assumed the creator does not wish to sell the image.

If anyone wishes to buy a car then they can go to a car showroom or similar published equivalent, or

if they really like a particular car on a street without a sale sign on then they can try and find the owner to ask. If they cannot find the owner this would not mean that the buyer can assume it does not have an owner or that the price is zero (because no price was displayed) and therefore that they may just take the car. Although images can be copied, each copy has a value and is a return on investment for the creator. Any copy used or sold elsewhere is a sale or use that should be a return on investment (of time and or of money) for the creator. Each use and sale of a copy diminishes and competes with the originators own ability to sell the image in order to re-coup a fair return for the effort they have expended on creating the image.

The effort in creating an original image may be from a long period of personal development possibly as a result of much time and expense in training and development in order to be able to create unique images of the type and style they are managing to create. Alternatively a single image can similarly be the result of much time and expense in order to create it. I do understand that this is why the creator would register it but the creator will not be able to track down all the locations where the image may appear such as on historic club and exhibition news items, local press and other places where the artist may be unaware of where it has been posted or picked up and copied and re-posted by other individuals and organisations. Some artists really struggle to cover their

expenses and the combination of registering work and perhaps having a few of their best works which have appeared somewhere without their knowledge is all working against the creator.

Organisations and individuals should go to the proper market places to buy, and should not be able to profit on the work of the creator in a way that can harm the creators means to continue to create or to live as they should be able to for the work they have invested in.

Regards,

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