Dear Copyright Office,

I'm a professional graphic designer and concept artist who has been working professionally for nearly 20 years. I have to say that the recent proposals to change existing copyright statutes have caused myself and many of my artist colleagues and friends great concern.

Firstly it should be noted that being a working commercial artist in the United States, let alone a traditional fine artist, is a precarious venture. The hours are long, the margins are tight, and the market is small. The "starving artist" stereotype exists with good reason. The internet has made a big difference in our ability to market ourselves and our work to a global audience, however, the digital transmission of works carries an inherent risk: the ease of duplication and appropriation of digital images already makes it very difficult to protect our work from illegal theft.

I've read the new proposal to cover appropriation of "orphaned works" and as far as I can ascertain it legalizes the corporate theft of potentially millions of works owned by working individuals whose livelihood rests on the copyright to the works they produce. Contrary to what a lobbyists and lawyers would have you believe, the value of a piece of art does not evaporate for the artist once it is published. In the same way that an author publishing a book may then go on to reap the benefits of their labor by distributing it as an E-book or licensing the rights to adapt it into a audiobook (or in the case of a lucky few, a film or TV show), an artist must retain the rights to their work in order to have the ability to market it in other media and other modes of presentation. The same art that graces a canvas might find its way onto an advertising campaign, or a book cover, or even a piece of merchandise like a T-shirt or a mug. These can be vital additional revenue streams for the artist whose actual profit is often meagre after production costs are satisfied. However, if that work is allowed to be harvested and slapped onto a shirt by a company who had no hand in its creation and is not obligated to pay the originator anything for its use, they are stealing it plain and simple. If I am a company that produces bricks, the value of the brick does not disappear as soon as it hits my warehouse, allowing anybody to walk through the door and use my bricks to build their own structure without paying me for my inventory. Similarly, every work an artist produces goes into their inventory as a potential product somewhere down the line and the value of that long tail cannot be overstated.

Also, the idea that in order to prevent this we must individually register each work is also troubling. No doubt there would be some kind of fee attached to this registration, amounting essentially to artists paying for their work not to be stolen. There is a term for this kind of system, it's known to the world of organized crime as a protection racket and it is an illegal form of extortion. If I create a work, it is mine. I should not have to pay someone else or prove that ownership and unless it is contested by someone else, I retain all rights to my product. The only exception is if I created it for a client and we have specifically agreed to transfer rights to them. This raises another thorny issue: the mass harvesting of digital images to be repurposed for corporate use has the potential to violate millions of private sales agreements between contract artists and their clients. The proposed "Extended Collective Licensing" would make it almost impossible to prevent a third party from intercepting and reusing something paid for by a private business. If those agreements cannot be exclusive, the value of those works diminishes drastically, as does the ability of the artist to ask a fair market price for creating them. If I were selling a car to someone, that is a private sale and ownership is transferred to the new party. If it were instead to become an "extended collective license," that car becomes like the village bicycle: a company could decide to rent my car and all the other cars on my street to strangers and pocket the profits without my knowledge or consent. Why should this be legal to do with digital creative media when it would obviously be illegal with anything else?

At the same time, the opposed law seeks to limit the ability of the wronged artist to seek redress and damages for the theft of their work, protecting the perpetrator instead of the victim. Favoring the rights of the "user" over rights of the owner is fundamentally unjust. The ability to sue for infringement is the only weapon available to creative people to prevent theft and seek restitution for the real and substantial financial damages of that theft. The arguments in the proposal rest on the assertion that if the thief was "diligent" in their "good faith effort" to locate the owner of a work and was unsuccessful, then they should be able to take it and use it anyway without fear of consequences. By that logic I should be able to wander into any kindergarden class and choose any child, if I'm unable to locate the parents in a "reasonable time" using what I judge to be "good faith efforts," then I should be able to abduct that child and take then home to be repurposed as part of my own family. I'm sure you can think of several reasons why that might not be ok

to do. The best policy is also the simplest one, and it applies just the same to children, pies on windowsills, and artwork: When in doubt, don't take it.

The removal of present copyright protections threatens not only people in my profession, but also authors, screenwriters, filmmakers, poets, playwrights, actors, photographers, architects, industrial designers, musicians, sculptors…etc. Anybody working in a creative field makes their living off of the copyright to the work they create. Current copyright laws are not perfect but they are better then the complete negation of any protection for creators that this proposed revision amounts to. I urge the Copyright Office to reject every aspect of this proposal and work instead to strengthen the parts of existing law that need attention.

We are all counting on you to do the right thing,

Nathan A. Skreslet