7/23/15

To Whom It May Concern,

I've been an artist for several decades. I feel strongly that the visual artwork being created today should be exempt from the Orphan Works Bill.

This is a bill designed to primarily serve the needs of organizations and people like library collections, history museums and cinematographers. I understand that these groups want to use old literature, images and film, and that they often can't determine the original creators of these "orphaned" works. I'm glad that the bill will help them use the content they want to use so they can convey history and knowledge without having to fear copyright infringement. I'm all for that, big time!

However, I think it's a disservice to include today's artwork under that bill. And I know the bill will try to establish standards that qualify as a "diligent" search, but I have issues with that, too: "I entered what I thought was an accurate description of the piece in the database, but nothing came up." "Oh, the artist described the piece *that" way. That's not how I see the piece, so I didn't enter that criteria." Etc.

Technology is already outpacing artists' ability to establish a connection between themselves and their artwork. Images are copied and spread at lightning speed online with titles, copyrights, signatures, watermarks and metadata stripped out. Not to mention that there isn't and never has been an accessible, searchable, reverse lookup archive of visual images. That's a long way from becoming a functional reality, with no indication that such a system will even work. I think it's a huge assumption to base new legislation on the hope that such a system will be created and also be effective.

It places additional financial on artists – most of whom make a modest living – to protect their work both in life and after death. It also places additional technical burdens on artists, when data breaches and hacks are already outpacing artists' ability to protect their work. What happens when an image database is hacked and the data is erased or altered? In addition, the bill creates loopholes for infringers.

If anything, I think we need revised copyright protections that make it easier for creators to protect their work without incurring a rash of new costs and technical requirements, and make it easier for good faith users to find creators.

Thank you for considering my comments.

Best Regards,
Pam Shaouy