U.S. Copyright Orphan Works

To whom it may concern,

It has come to my attention that new legislation/pilot program is being considered pertaining to "Orphaned Works" that could have an unintended impact on all copyrighted material.

I have been a short film-maker and visual artist for over 15 years. Creating motion graphics, sculptures, photography and digital works that have benefited from the current copyright act.

The idea that an artist could lose control of a copyrighted work because someone cannot identify the artist operates under the assumption that other parties are inherently entitled to license a work in the first place. This seems counter to the idea of licensing/contracts. If a party cannot come to terms on a contract, then no new rights or abilities given/exchanged. However, if a party is unable to be found to come to the table, because another party cannot find us, for discussions of possibly licensing/contracting their work, we are now going to lose our rights to control our work? Placing the burden on the copyright holder rather than someone wanting to use another's work for a reason that doesn't fall under fair use seems strange and counter intuitive. Also, the use of private sector copyright registration systems now puts a cost both real and perceived(time to upload/manage information/filings about works) on the creator not those looking to use/license/infringe.

It reminds me of the current state of "The Night of the Living Dead." While technically in the public domain and not an orphaned work, the need for default, inherent & exclusive protection is highlighted.
A film that changed horror, but prior to the 1976 act that allows for copyright without notice or registration. Now the work, reproduced millions of times doesn't benefit the original authors and has allowed others to profit from their work.

Small film-makers/artists, such as myself, have held the 1976 Copyright Act as one of our only shields in fighting those whom wish to profit from others works. Please help us keep the integrity of this protection.

Thank you for your time