A Letter to the Copyright Office of the United States

From one greatly concerned, to all who have even the slightest say in the matter,

I have just encountered information relating to proposed changes to copyright law, which I find exceptionally objectionable. They, in summary, propose that, should new measures come into force, copyright protection shall only be afforded to works which have been registered with one or more private organisations. This is, of course, unacceptable for a number of reasons, but most of all because it is repugnant to the reason for the existence of copyright. To examine this, let us refer to the original Statute of Anne, which begins as follows:

“Whereas Printers, Booksellers, and other Persons, have of late frequently taken the Liberty of Printing, Reprinting, and Publishing, or causing to be Printed, Reprinted, and Published Books, and other Writings, without the Consent of the Authors or Proprietors of such Books and Writings, to their very great Detriment, and too often to the Ruin of them and their Families: For Preventing therefore such Practices for the future, and for the Encouragement of Learned Men to Compose and Write useful Books...”

This statute, enacted by the Parliament of Great Britain in the year 1710 — before the existence of the United States — took the rights to reproduce written from the Stationers Guild, and gave them solely to the authors of such works; it is not a great leap of the imagination that such protection logically extends to other works of artistic or informational value. Copyright exists that creators, whoever they may be, might profit from the fruits of their labour, and have it protected from unauthorised use, that none may reap its rewards without the permission of the creator. This also allows for creators to maintain the artistic integrity of their works, by selectively licensing them, and not allowing for sham adaptations that will lessen the cultural and economic value of their creations.

The Statute of Anne specifically notes that unauthorised use of creative works by third parties is often to the “very great Detriment” of the parties from whom they are taken, without authorisation or payment. Making registration necessary for each work will cause this to become *easier*, especially if the registration must be with a private entity. Though a healthy private sector is, by and large, necessary to the flourishing of the economy, it is not necessary for it to intrude into the realms of law, and especially not where it also has a vested interest in having creative properties readily available for adaptation, whether it be in the interest of the creator or no. Private entities are more easily infiltrated and corrupted by such interested parties, and the innate opacity of private enterprise makes it further unsuitable for performing such an important public function. Further, as a pseudonymous author, I have no wish to trust the safekeeping of my rights to any organ of a private company which may have some interest in my not being able to maintain my rights without revealing my true identity.

Further, let us consider that registration requires money, which is frequently short for fledgeling creators; requiring fees for the protection of works formerly protected freely not only discourages them to present their work in fashions which will allow them to be widely disseminated through legitimate channels and in ways directly beneficial to the artist owing to the expense of defending oneself from threats which are not yet material, and it may also encourage theft, especially if the thief in question discovers that the work has not been properly registered. That one could steal property of any kind simply because it is not registered is illogical; I should not think it necessary to register the furnishings in my house, or any other personal possessions, for it to become illegal to steal them. Why, then, should it be necessary for me to register my artistic creations in order that they not be stolen? Why should I have to *pay* for something which has been given freely and equally by the law for nearly three-quarters of a century before the independence of this country, and from then for more than three hundred years?

It is my hope, in the very near future, to monetise my creative endeavours, and, were such changes to go into effect, they would fundamentally alter not merely my own understandings of the workings of the industry, but also make enormous changes with which agents, publishers, &c. would have to cope, and all in the attempt to mend a system which could be better improved with simpler and easier revisions. On the subject of the release of orphaned works by libraries and other research institutions with legitimate educational reasons for doing so, all that would be necessary on this point would be for authors who come forwards to be able to issue a cease-and-desist order, as is already possible with electronic infringements under the Digital Millennium Copyright Act, with fines only to be paid by entities which do not comply within a reasonable period; and on that of other orphaned works — if an author is difficult or impossible to contact, it is probably because they *do not wish* their works to be reprinted, and had rather be left alone. For these cases, those wishing to reproduce or adapt their works must necessarily wait until the copyright on their work lapses.

It is also my hope that lawmakers and officials will see the danger of what is propounded, and defeat now, and forever, such dangerous proposals.

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