I am writing this letter in opposition of the upcoming 'Orphan Works' act. As you may already know, this act will remove an artist's ability to retain full possession of their works, forcing them to either leave their art (drawn, photographed or otherwise) out in the open for literally anyone to more or less steal it with no acknowledgement to the contribution whatsoever. The implications of this are dire.

Imagine, if you will, that you are an artist. You have completed your latest drawing - let's say, an illustration of a boat in a lake - and put it onto the internet, available for anybody to view. Under this law, anybody who feels they have the right to will then take that illustration and use it elsewhere. It could be in a commercial, an online game, a photo gallery, or even cover art for their novel. They will then have a free illustration for their own use, and you will recieve nothing. It could be a best-selling classic-to-be, and you would never get so much as a penny for what you contributed.

I do realize the law will punish any person who uses an 'orphaned' work without making a 'reasonably diligent' but unsuccessful effort to find the artist, and while that looks good on paper, it will not work out. People who get caught on this will lie that 'no, I did not see the watermark designating this work to the artist,' and 'yes, I did do my best to search for the artist, but I failed, and it was not my fault.'

Correct me if I am wrong, but taking another person's work and labeling as yours is classified as stealing. Even if you acknowledge that you did not draw it, if you do not give monetary return for your use of a work, you are legally stealing it from another. This applies to so many other things, like cars, deodorants, computers, even pencils. As those things are not classified as 'free' by their producers, you must pay for their use. Why should art be any different?

Why should the works of artists be used for free by anybody who wants to use it while virtually everything else has to be paid for?

It shouldn't.