July 23, 2015

Maria Pallante
Register of Copyrights
U.S. Copyright Office
101Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress
Copyright Protection for Certain Visual Works (80fr23054)

Dear Ms. Pallante and Staff,

I am writing to ask that you do not pass any of these changes to Copyright Law, because they are extremely broken and do a great deal of damage to visual artists.

If an artist creates a work that is valuable to culture and society, that artist/author should be the first to reap its benefits and rewards. Current copyright law is the right of any American citizen, and changing it for the sake of benefiting 3rd party registries places a wildly unreasonable burden on artists/authors to pay other people for piecemeal and partial protections, which ought to be inherent. It's like saying I bake a pie, but it belongs to the public unless I pay for it one piece at a time. I'm pretty sure if I bake a pie, it belongs to me and I should be able to sell that pie, in pieces or as a whole, share it or eat it all myself.

As an individual artist, time is already parceled out between making art and a variety of other tasks that include: writing up agreements, self promotion, purchasing tools, further developing skills, writing up invoices, managing clients, and staying current with changes in the industry to name a few. It is also worth noting, that as regular human beings, ambitions of home-ownership, and having a family, friends also take up time like anybody else. For-profit, private sector registries, means that someone or a group of people, who have not put in the time to create the original artwork get to collect payment for using the image. That is theft of intellectual property! Ideas are powerful, and ideas are valuable, but our U.S. government would not simply declare that Google turn over all of its algorithms, or Ford hand over Research and Development information. This jeopardizes profitability that can be extracted from those ideas, which is how an artist makes her/his money.

What is the pressing concern or need to open up "orphan works" to the public domain? It seems to be very convenient for businesses that do not want to go out of their way to find or pay artists. The burden of proof needs to be in the favor of artists, who dedicate time, training and entire careers to producing visual solutions, and communicating ideas visually.

I am a young professional, which has only recently begun to advance my career in illustration. Even so, whenever I work for a client, I have to stress which rights are being

sold. Too often clients want full rights to the work, in all markets, in all places, forever. While I am happy to this for a significant amount of money, usually the pay in a mere few hundred dollars for what can be 40 hours of work *per image* that includes initial consultation, proofs, revisions, and final adjustments. Under current law, I have the right to push back in negotiations, and limit the client's use of the work. Usually the client only really needs it once. Otherwise, if they had full rights, it would become part of their stock art library to be used freely whenever they desire regardless of compensation or recognition to the artist.

The time frame from when the art is created to being published is often very short and does not allow time to register the work before it is published. Often the art is dispersed in promotional items that can end up in a variety of mediums/places. If one day I'm walking down the street and see that same image used on a t-shirt, and I'm not being paid for it… I need the protection of copyright law.

'Potential users' rights are nowhere near the same as that of that of the creator. That is like saying a child who throws a tantrum gets candy simply because they "want it now." 'Potential users' are not entitled to something they do not own, did not labor to create, did not study, nor is essential to their existence. If art can benefit a 'potential user,' they should hire a new artist to create something original and keep artists working.

I ask that you please protect artist's rights, so that we are able to contribute to society and earn an honest living while doing so.

Thank you for the opportunity to comment on these changes to Copyright Law.

Sincerely,

Javier P. Beltran
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