From: Jasmina Bricic

In response to the Copyright Office's Notice of Inquiry concerning the newly proposed copyright laws:

I would like to make it known that I as an author and sibling to a visual artist am very much against the proposed changes to current copyright law. In particular the labeling, effect, and use of 'orphaned' works and the language contained within the act.

First and foremost, I would like to speak on behalf of my sibling, who is a minor at this time but already producing visual works. Under the new law all her work would be considered 'orphaned' as she, being a minor, can not make any contracts or registers in her name.

With the language of the new act, a business or other creator could then proceed to take her intellectual and visual property and proceed to not only register it in their name (despite not being the original creators of it) but make a profit off of these works.

A system that would allow corporations or individuals to profit off the work of minors is a terrible by any definition. Further it would cripple her ability to make any claims to the work or build her own business around it.

In fact, as she is currently developing her skills and gathering an education for a career in the visual arts, this copyright act would make such a career exceptionally difficult to even begin. Should a student of the arts need to worry about registering every work the produce during their various courses and studies.

Many artists go back to these old works and designs, ultimately reinventing them or reworking them to make a product that they can sell and market. And under current copyright law this is a safe process for them to develop their work. Under the new act, this method of creating an idea and then allowing it time to grow and develop and change is stripped from artists. An image, design, photograph, would have to be registered as is if the artist wished to feel any security in their work.

The lack of security is a huge issue with the new act. To all producers of art the language reads as downright predatory. A coral and strangle process that punishes everyone from professional famous producers, everyday illustrators, and hobbyists. It makes chattel of them and their works, free for the picking of a business or corporation with its larger scope and resources, and severely hinders their ability and security in their own professional space.

As for my stance on this matter. As previously stated I am an author. Although written works are not immediately addressed in the act, visual works based off of my writing has been produced. These were simple personal agreements between me and the artist, with the understanding that they retained the copyright on their art while I was permited use of it.

The new act would throw established contracts and new into dissaray. As an author I spend an inordinate amount of time developing concepts, worlds, characters, and even entire cultures. I am terribly bothered that all of these would become 'fair use' to anyone simply because an artists made a rendition of these, or because I failed to register every minute detail of my work.

The current copyright system is flawed in its ways, but this act is not a fix on those flaws. Instead it is an exasperation of currently existing issues while it creates greater and new ones at the same time.

As a person of the arts and coming from an artistic family, I would say the greatest flaw in the current copyright law is that it allows large corporations to hoard and sit on intellectual properties. Stagnating and suffocating ideas and works, until they have lost all value (personal and financial) to anyone but their original creator.

The new copyright act would simply give a greater breadth and reach to these companies, to collect a larger amount of works, and to lock the original producers of those works out.

I must argue against this new copyright act as copyright law was originally conceived to protect the original creators of original works. This new act goes counter to this very founding principle and instead strips original creators off their protections and rips their works from them.

I hope that my words, and those of other artists, can show the Copyright Office that this new act is not to the betterment of artists and their creations, and that this new act is not passed into law.

~Jasmina Bricic