Comment to the Copyright Office

I have recently stumbled upon various pieces of information about a possible change to Copyright Laws regarding to the visual arts. Although I have also found out that certain attempts have previously failed, those of which seemed to have had similar characteristics to that of the possible law that will be created in our near future, I am no less worried about the possibility of this future bill's success.

I must admit that I am not a professional artist, writer, designer, etc. but only a student in Graphic Design and Animation who has been creating visual art since I was very young. Keeping this in mind, I do apologize for any and all misunderstandings I have of the current situation and possible future changes, but I still would like to voice my concerns sooner rather than later. Moving forward, I recently discovered that trying to fight one's passion in life is as futile as trying to hold your breath for too long without your body forcing you to take that necessary gasp of life again; by this, I simply mean that other areas of study have failed to interest me and I do hope to become a professional in the visual arts industry in my future and am thus worried about potential changes to Copyright that will strongly apply to my business and overall life in this country. Even now, with sketches or ideas that I create and post on social media, I am protected by the current Copyright laws and although I do not believe any of these pieces are industry worthy, or even worthy of charging to view and share, followers and fellow art lovers keep in mind that I have the Copyright to any of my original creations and they must obey the law's restrictions when sharing or realizing that they may not recreate/make profit from my work without certain communication and agreements from me first. However, from what I have understood so far of the consequences from the passing of this possible Copyright bill, it is practically being assumed that many pieces of visual art are so valuable to the society and culture as whole that is only fair to be able to "share" them without necessarily paying or giving the creator that automatic/ initial Copyright to their work. This unfortunately seems completely ludicrous to me and makes me think that if that were to be a viable argument, then it would be made toward various other industries including medical and scientific fields. Although I do not claim to have even the slightest right to say that I know the ways that medical discoveries are credited and named, I do think that many medical drugs and cures are incredibly important to our society and culture and would then, by the previous assumption, not matter if someone stumbles upon the discoverer's work and takes it as their own to share and exploit as they see fit because it would be for the sake of our society's growth and well-being. This may not be the best example, but I do hope that it conveys my dismay as to the arguments credibility and shows that it would be nothing short of bold-faced theft to simply take someone's pain-staking hours, and perhaps even their entire lifetime of work, and making profit (whether monetary or for fame's sake) without repercussions if the person chooses not to inform the creator of their piece's use or give them any profit later on.

As I stated previously, I do hope to someday become a professional artist, and I realize that acknowledging current Copyright is just as important as learning any changes that are made to it as far as protecting my potential livelihood goes, but the fact that I can currently have the automatic right to my own creations and work, thus giving me time to research further if I was faced with someone who stole my work gives me a much better outlook on being able to protect my earned income than perhaps not registering a piece of work of mine with a Copyright office for whatever reason and then not having any claim whatsoever if someone stole it and made a profit for themselves. I do acknowledge that any future changes with this potential Copyright

bill would not change the fact that you could still sue someone for infringement, but it is already hard enough for artists to find lawyers who will represent us. Whereas if this bill were to be passed, it would be practically impossible as you would not know about the other person's possible way of arguing that it was an orphan piece when they took it until the paperwork and act of suing was in progress. Meaning that the lawyer would have even less guarantee of being paid in any way, thus giving them the rightfully so reason to deny most future infringement cases from artists and creators of all types. Lastly, I would like to bring up a point that I do not claim to masterfully understand, but the bill would immediately defy if passed. In Article 9.2 of the International Copyright Law, there is the three step test, which as it states in the writing itself, has to be obeyed when limiting the scope of Copyright in any way (which the bill would not be doing as it defies the first point in the "test").

In any case, I hope that my lack of legal understanding is forgiven in the case that my passion for this potential change in law is heartfelt as it directly affects the potential of having a successful livelihood in my future, or possibly living within a government that has passed a bill that will be a detriment to an incredibly large portion of its people. I do not mean to create a dramatic exaggeration, but without artists feeling comfortable to create their work and be able to support themselves doing so, the entire edge of businesses who use our work to advertise and promote themselves would fall part and lose more profit than they care to imagine, among many other losses in our culture as a whole. I appreciate the fact that we are able to send in our letters, and I hope that our voice as artists (although perhaps not very respected at times) will shine through and stop these negative changes to Copyright from being further pursued in Congress.

Thank you,
Graphic Design Student
Katia Ojea Fernandez