Jennifer Weekley

Comments on “The Next Great Copyright Act” and Orphan Works

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To Whom It May Concern:

My name is Jennifer Weekley and I have been a freelance artist for a little over a year now. I received my Bachelor of Fine Arts in Illustration from Northern Illinois University and have recently been featured in ImagineFX and won runner-up nominations in such contests as 3x3 and Creative Quarterly. Slowly, but surely, I am building a career in Illustration. Central to that career, and to the careers of all artists, is copyright law and therefore I have a vested interest in how this all plays out.

Copyright law is the basis of my business. I create artwork, which is my product, and sell access to it through licenses by way of my copyright. It does not lose value, as some have claimed, upon publication because access to it is still a limited resource. If another company wishes to use it later they too have to pay a licensing fee to me. The argument that this is not true, or if it is true is not somehow “fair” to the “public” is ludicrous. There are many industries in which access to an item is worth money. Take video rental stores, home improvement stores that rent equipment, and U-Haul as just a few examples. If we apply the logic of this legislation to these other industries it becomes almost laughable:

I walk into a home-improvement store and rent a table saw for a week. After two weeks the store calls and asks for their table saw back and I decline stating: You didn’t register this table saw with a private company for a fee so it’s now an orphaned item that I have claimed. The store would then have had their product effectively stolen legally. Had I wanted the table saw for longer I should have rented (licensed) it for longer or paid for the ownership of the table saw which would of course been more expensive than just renting it (this in my industry is a copyright buy-out.)

What makes my artwork any less of a product and my private property than that table saw? What gives the public more right to it than I have? This would effectively reverse copyright law as it is now written and deprives me of any workable business model. Even suppose those who have testified are right and my work no longer has value, does that mean they can legally take it from me? If a dirty, cracked flower pot is sitting in someone’s yard can I, as a member of the public or a corporation, walk up and take this piece of private property because I have deemed it to have no further value to the proper owner? This is not for me to decide and certainly not a corporation who stands to benefit huge sums of money from this practice.

Everything I create becomes stock and a part of my business inventory, to be used later hopefully even in retirement. If copyright is changed my career is effectively unworkable and my livelihood destroyed… all before it even really had a chance to blossom. I have, between my mother and me, almost 40,000 dollars in college debt. I was the first person to make it to college in my economically poor family and, if I may be so bold, show great promise in my chosen field. I did everything by the book when it comes to trying to attain the American Dream and this one piece of legislation could literally ruin my life and set me back to square one (only now with a degree that is largely useless.) This is not just my story, it would be the story of thousands of young and old creatives who would have to stop

what they love. This would stifle the creative industry in the United States, an industry admired around the world. The art industry would end up stale and derivative as everything is stolen through “good faith” and nothing new created. This is not what our Founding Fathers wanted, in fact it was the exact thing they were trying to deter when they put copyright law into the Constitution. Indeed, this law may prove to literally be unconstitutional.

I plead to the Copyright Office and Congress to see reason and not corporate dollar signs when they decide this decision. Parts of our nation’s economy and the hopes and dreams of many are literally in the balance.