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US Copyright Office
Library of Congress

Re: Copyright Protection for Certain Visual Works

To Whom It May Concern:

Thank you for seeking comments on the copyright issues, especially "orphan works." As a painter I am very concerned that my copyright may not exist in the future as is currently does now. I need my work, and my images of my work, to remain copyrighted, even if I don't register the work. If I have to register my work, wait for whatever process that may entail, pay a cost (directly or as a taxpayer), keep extra records this would all entail, this will slow down my business, increase my costs and have no foreseeable up-front benefit to my process. What if I come back to that same painting a few months later and change it? Would I then have to re-copyright? How about "works in progress" photos that I publish online in order to build interest in a future work for sale? How would those images be protected?

Well, this is what I would be faced with, on a constant basis, if the "orphan works" part of the copyright law is changed.

Regarding the following passages of the "*2015 Orphan Works and Mass Digitization Report"*:

> *Define a diligent search as, at a minimum, searching Copyright Office records; searching sources of copyright authorship, ownership, and licensing; using technology tools; and using databases, all as reasonable and appropriate under the circumstances;*

I would have to have my work in a database first in order for someone searching for it to find it. I find the idea horrible that my right to my work could be stolen from me and than I would have a limited recourse in getting back what is mine, or payment for damages to my brand. What if someone used my image for the exact thing I stand against? Is this not something I should be able to pursue in court? I am concerned with the idea of:

Limit monetary relief for infringement of an orphan work by an eligible user to "reasonable compensation" – the amount that a willing buyer and a willing seller would have agreed upon immediately before the use began;

Should not someone seek permission to use a work and just not use it if permission is not gained? Aren't there enough artists and images and other possibilities out there in the world where permission can be obtained directly from the artist without hardship to either party?

Thank you for your time and consideration in the matter. I hope you will see that protecting a visual artists copyright is essential to all the artists and the reason that copyright was invented.

Sincerely,

Kristen O'Neill
Professional Artist