July 23, 2015

Karen Temple Claggett
U.S. Copyright Office
101 Independence Ave. SE
Washington, DC 20559-6000

Dear Ms. Claggett,

I am a professional photographer and have had my own enterprise doing commercial work for advertising for 35 years. My work is included in the permanent collection of the Library of Congress, and has been recognized in numerous international competitions including *Graphis, Communication Arts* Annual Awards and *The New York Art Directors Club Annuals*.

I own the copyright to every work that I have produced since 1976, whether for personal or commercial purposes. I license some of these works to clients, each for a specific purpose, and generally for a limited period of time. Many of the images were produced at great expense to me, and I incurred the financial risk for their production, paying all my expenses for travel, film, processing, etc.

In creating those works I have built a large library of images, some of which have great value, demonstrated over the years by multiple sales of licenses to clients including, among otheres, MCI and GTE (both are now part of Verizon). The reason that I mention these clients specifically is that they no longer exist. The images, however, do still exist and have likely been passed on to successor corporations, the copyright notices possibly removed, and the trail to me as a creator no doubt lost in the process. If the companies still find them useful, and choose to publish them, they still have value. If they have sold them to others, they still have value.

I make my living by selling licenses, essentially "renting" images to clients for a specific use. Imagine that rather than being an enterprising photographer, I were Enterprise Car Rental, and an "Orphan Car" law were passed. The car that I rented to my customer would be free for the taking if that customer were to leave it on the street unlocked. Further, there would be no locks on the vehicles at all. Anyone walking by could simply get into the car and drive it away. And if they were then to somehow alter it by painting it or removing some trim, they would now own it. They would be issued new license plates and the car would now be theirs to keep and use as they see fit. You would be correct in saying that this is ridiculous. So maybe you can see my point.

The Constitution established the principle of copyright law in the United States for a reason -- to protect owners of property from theft. Please consider the position of all the creators (owners of copyrights) in upcoming recommendations to Congress. As a nation, we all stand to lose if the entities backing the "Orphan Works" provisions prevail. The value of creators' assets will be diminished, creators' incomes will decrease, and with the reduction in their incomes. the loss of an enormous tax base that their works represent will have been lost. The forethought of our Founders has thus far precluded a game of "Finders, Keepers" with intellectual property. Let's not lose sight of their principled intent.

Sincerely,

Jim Olvera, Photographer 6130 Del Norte Lane Dallas, Texas 75225 214.760.0025