July 18, 2015

To Whom It May Concern,

I am a professional illustrator. I have had my work published in multiple magazines, books, book covers, textbooks, and other materials. I have an MFA in Illustration from the Academy of Art University, and have won awards from the Society of Children's Book Illustrators, The Society of Illustrators of Los Angeles, and Applied Arts Magazine. Illustration is not my hobby or side job, it is my livelihood.

I am writing to you regarding the "Orphan Works Act," which represents a real and substantial threat to that livelihood. As a primarily digital illustrator, I am not selling physical paintings but licenses to the copyrights to my art. My artwork never exists in a copyright-less no-mans-land; it is either owned by me, or by a client who paid for it, at all times. Depending on the artwork, I may be able to license the same artwork multiple times to different clients. It does not, in any way, decrease in value after publication.

If the Orphan Works Act passes, my artwork is at risk of being used without permission or recompense by anyone who declares it "orphaned" after a search "in good faith." Not only would this rob me of the income I would have otherwise collected from the licensing of that artwork, but it also robs me of control over my own product. My artwork could be used in ways that are morally objectionable or damaging to my personal brand (for example, being used to advertise cigarettes).

Such an incredibly loose approach to ownership is not legal in any other aspect of life. A person cannot occupy a house or take possession of a car simply because they have have concluded that it is abandoned after a "good faith" search. The Orphan Works Act treats copyrighted material with as much value as a penny on the sidewalk: you found it, no one else seems to want it, so it's yours now.

Additionally, the Orphan Works Act presumes that, if a person cannot locate an artwork's copyright owner, they are left without any solution to their problem. But there is a very obvious solution: to hire a new artist to create new artwork. If the Orphan Works Act passes, not only will fewer artists be paid to have their work licensed, but fewer artists will be hired to create new work. Nothing could be more devastating to artists, who are already struggling with global competition and low pay rates.

Professional creatives deserve more respect than the Orphan Works Act.

Sincerely,

Kelley McMorris
kelley@kmcmorris.com