Letter of Concern
To the United States Copyright Office
On the 2015 Orphan Works and Mass Digitization Project
7-5-2015

Fellow Americans,

My name is Jeff Laclede, and I am an artist. I am not widely known, not particularly seasoned, and not on my way to becoming rich. I began making art as a child, got reasonably good at it, graduated college with a degree in it, and started earning income from art commissions in 2012. It's small money, and maybe inconsequential to the issues on your desks today, but it is how I pay bills and buy groceries. It's how I get by, and it's a part of who I am.

I was recently made aware of the Orphan Works legislation being considered for the coming copyright reform law. While I will be the first to say that our current copyright law is porous and difficult, I must warn you about the prospects of the Orphan Works system. I will try to be as frank as I can - this system is dangerous.

"Orphaning works" expresses the critical, incorrect idea that the ***creation*** is more valuable than the ***creator***. Under an Orphan Works law, more concern is given to material issues - what the creation will be used for, how it can be changed, and by whom - rather than who rightly owns it. Removing their right of exclusive control, and allowing others to infringe and derive at the first opportunity, leaves the creator powerless and adrift. This makes an orphaned work a prize catch for someone else to claim – because an orphaned work is not adequately defended, there is nothing to stop its reuse by others. The creator has no say, and receives no compensation. This is ideal for copycats, moochers, and unprincipled companies who want to acquire intellectual property without the effort of developing it themselves. This is an abusive system, and it is ***very*** dangerous for small-time businesses and self-employed artists. It's also greatly discouraging to the creation of new ideas at large, since there would be little point in being creative if someone else could easily leap up and, legally, claim whatever you made as their own.

The idea of registering work, though I'm sure it was meant well, will not be enough. The legal process for it will no doubt be slow and not immediately functional – but work made today, in the age of the Internet, can already be taken and rebranded in ***seconds.*** Profit can be made from stolen work the minute it is found online, and the creator may never be able to do anything to stop it. That is unacceptable.

To keep my current state of living under this new law, I would have to clear everything I ever make (or made!) with a registry. Else, I would have to accept that someone – a company, a rival, or a simple moocher, was going to make money off my work without my consent. As an individual and as an American citizen, I would ***never*** accept that, but I wouldn't be able to do anything about it. The law would not

be concerned with my ***right*** to the work, but concerned with the ***profitability*** of the work – when, by whom, and how easily it can be taken from me.

To infringe on a creative work is, by its very nature, to deny its creator what they rightly deserve – money, exposure, credit, and more. The simple act of creation ***should not*** start an open season on someone's intellectual property. Placing your images on the Internet ***should not*** mean that you relinquish rights to them. Creativity is for everyone to enjoy, this is true – but a creation does not ***belong*** to whoever wants to use it. Everyone should be able to control and protect their creative work from the first moment they make it, ***fundamentally***, without legal hurdles. In a free society (and in capitalism itself, really) artists ***should not*** be required to defend their work from every copycat that comes by. It's not just a question of economics; it's a moral of the craft.

Please consider this as you move forward in your tasks. I hope you will make the right decision for creators and consumers everywhere.

With respect,

Jeff Laclede