July 20, 2015

Maria Pallante
Register of Copyrights
U.S Copyright Office
101 Independence Ave. S.E.
Washington, DC 20559-6000

RE: Notice of Inquiry, Copyright Office, Library of Congress

Copyright Protection for Certain Visual Works (Docket No. 2015-01)

Dear Ms. Pallente,

I am writing to express my concerns about new proposed copyright rules, in particular those aimed at orphaned works.

First of all I want to say that the term orphaned works seems misleading. While such a work may not be immediately identified with the owner of the work, this does not mean it is orphaned in any way. A work may be hard to identify for many reasons, both purposeful or not, as well as fraudulent or not. So, in my opinion, the very premise of this whole change in law is flawed from its core.

Copyright law in our country has been based on the premise that a work of art is the property of the creator. This is the foundation that makes it possible for an artist to pour their time and resources into creating art. If it were not so they would have to set their talents aside in order to make a living in another manner. Therefore art would be left only to those who have the means to support themselves and their families without an income, or corporations who can pay others for their works and use them for profit. While I believe there is a place for such things, should they be the only environment in which art is created?

If one of the goals of Orphan Work legislation is to make art available to the public. How can this goal be reached if there is a shrinking pool of art being created?

Whatever the intent of this kind of change in copyright law, I think the major beneficiaries will be large corporations whose works are easy to recognize and therefore wouldn't fall into the orphaned art category, and large corporations who can afford to comply with these regulations. As is the case with many such regulations, they may have the original intent of leveling the playing field, but they morph into an entity which serves the large player and hurts the individual or small business. This for the sake of providing the non creator of art access and ownership of something they haven't created, while stripping the right from the creator.

Another aspect of this change is the fact that a third party, a private sector corporation will be given control and great profit to facilitate the whole thing. Who could possible benefit from this beside for the corporation? And what part of The Constitution grants out government the right to give control of our property to a private corporation?

After years of raising children and working several jobs, I am working on my own to become a freelance illustrator. We are at a time in history when making art and reaching people is revolutionary because of the internet. An artist now has a way to reach an audience without having to go through the gatekeepers. Yesterday I downloaded my first e-picture book for children. It is a first step in my plan to create books for children and help other artists and writers do the same. These proposed changes to copyright law have placed me at a crossroads. It now may not be worth the risk and sacrifice to invest my time doing this. I will likely need to seek employment elsewhere. Therefore I will not have the time to create art and should I find employment, it will be a job that could have been filled by someone else.

Thank you for the opportunity to share my concern.

Sincerely,

Judith Kowalke
goFish Press