To: U.S. Copyright Office

RE: Notice of Inquiry, U.S. Copyright Office, Library of Congress

Orphan Works and Mass Digitilization (79 FR 7706)

Comments of Karen Horne, Yale College '81, MFA Painting, Pastel Society of America, American Impressionist Society

I have been a professional fine artist for over 3 decades. I completed a BA in Art from Yale College, and completed my MFA in Painting at Indiana University. My paintings, pastels and drawings, are in numerous corporate and public collections including American Express, Hilton Hotels, Utah State Collection, as well as in private collections through the US and in Europe. I have exhibited widely in the US, in major cities such as New York, Atlanta, San Francisco, and throughout the state of Utah. I've been fortunate to receive numerous grants and awards, including a major prize at the Annual Exhibition of the National Academy of Design, and was selected by the Cultural Olympiad committee as one of the 100 Honored Artists of Utah.

Over my career, I have already created many thousands of paintings, pastels and drawings. I will continue to produce unique works of art, on commission, and as part of continuing series. I also selectively authorize multiples of my work, giglees etc, to create another revenue stream. My work has been published in numerous books, magazines and periodicals, reinforcing my stature as an artist, name recognition and brand.

My business model rests on the fact that I create highly sought after, unique and original works of art, and have control of their copyright at the moment of the work's creation. It is crucial that I as the signing artist, am the presumed copyright holder. This is a highly workable arrangement, that does not need tampering with. As the artist, I am in the best position to determine the use and future of my creations. And my income rests on that.

I am extremely concerned about the impact that the proposed registries, and orphan works legislation would have on my business. It would be highly problematic to demand that I complete paperwork to register each and every one of my thousands of creations with a public or private registry. It would be an undue burden, to say the least. It would not jive with the pace or process of my creating now or in the past, nor of the numerous other duties I have in

sustaining my small business. And many of my works have multiple states, and revisions, and reworkings - how would that be handled? The nature of the creative process does not conform to outside registries. And why should my individual creations, the result of my effort, be subject to such requirements?

Nor is a registry necessary. I create my works, and sign them. When I sell them, I explicity let the buyer know that I am retaining copyright, unless that is otherwise negotiated. When authorizing use of images of my work, I require that they be attributed. It is important that I have the control over authorizing use of images of my work - so that I can dictate terms, or refuse use. The arrangement of someone approaching me directly to ask for permission is straightforward. I can be found easily at my studio, on the phone, through my website or by googling.

And it must be said that it is important that I can use publishing, both hard-copy and online, as a publicity tool - to boost stature and reach new markets for my originals and any multiples I may authorize. I need to know that images in circulation will be respected and presumed to be under copyright, not fodder for a mass digitilization effort, or raw material for reworking and theft.

I believe existing copyright law not only works well for professional visual artists, but is the basis on which our creative vision and income is protected. Our industry should not have to conform to the convenience and pressure of mass digitalization. Nor should the fruit of our training and talents be given to outside entities to control. As a professional artist with decades of effort under my belt, it is essential that am able to control how and by whom my work is used. Keep copyright law as it is.

Sincerely,

Karen Horne