milestone
documentary projects

20 July 2015

U. S. Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559-6000

To Whom It May Concern,

Thank you for your request for comments regarding an overhaul of current copyright laws. I am a professional photographer and have been earning a living as such for more than 40 years. I attended and graduated from the Art Center College of Design where the value of combining creative processes with a high standard of craftsmanship was drummed into us. I made a decision early in my career to pursue work that would have significant lasting value, both to myself and to my clients, rather than just chasing the almighty dollar. I had to learn to say "no" to clients who wanted to purchase all usage rights at bargain basement prices. I learned that the only power I have against marketplace bullies is the power to say no to unfair terms and conditions, and to protect my legal copyrights whenever necessary.

Much of my work has been done with film and has not been scanned. However, over the past decade more and more of my work is digitally executed and published. I endeavor to keep my copyright and contact information embedded in any files that are sent out, but many services (Facebook, Imgur, etc.) strip metadata from the files that I or my clients post, thus rendering them "orphans."

I am concerned that the proposed Orphan Works provisions will significantly undermine the sacrifices I have made to control how my work will be used. It will put at risk the investment I have made over the past 40 years in creating visual art that has increasing value with the passage of time. It potentially will require me to spend money and time digitizing and registering thousands of image files that are currently protected in order to make life easy for well funded entities who would like to claim the right to use my work without adequate compensation by claiming it is Orphan Work.

Why not instead, before implementing regulations sponsored by those who want to grab usage rights willy-nilly, require all services to retain retain all embedded copyright and metadata information in files that are posted with their services. Why not have a registry funded by those who want to use the work of independent authors, musicians and artists that notifies all those whose work has been downloaded or uploaded by third parties that such activity has taken place. If these provisions are implemented, then I would be more likely to support a revised Orphan Works law.

As it stands now, I have everything to lose and nothing to gain by what you are proposing.

Sincerely,

Kent Miles
Owner / Creative Director / Photographer