I am writing to you in regard to my concern over the US Copyright Office's Report on Orphan Works and Mass Digitization and recommendations it has proposed. I feel that it will have a severe negative effect on tax paying, American visual artists who create the work that has a great probability of ending up within the "Orphaned" classification. It will subject them to financial hardships they can ill afford.

Not only am I a visual artist dealing with these issues myself, I am also an Associate Professor of Illustration at Rochester Institute of Technology in Rochester New York. As an educator, I feel that my students will be especially hard hit by any statutory changes that are made. As these young people emerge from school to make their way into professional life, obstacles such as unscrupulous users of visual arts, unfair Work for Hire contracts imposed by publishers and this proposed amendment to the US Copyright Law make it intolerably difficult to start careers as illustrators.

Further, I feel these hard working students will certainly be the most vulnerable financially if their works are considered "Orphaned". If this proposition is allowed to go forward and applied retroactively they and many other artists won't understand that work lacking a notification of ownership will be part of a virtually unlimited supply of "Orphaned" work for those interested in using "free" art for commercial purposes. Students' careers could end in ruins before they ever begin if their work is misappropriated by users who declare that they can't "find" the creator. It is not far fetched to see that the neophyte has the most to loose when an unfair mechanism is in place which will require them to take a user of images who refuses to pay, to court. In such cases it will cost more to sue a user who refuses to pay than what can be reasonably expected to be recovered in actual damages. Court costs to new practitioners in the visual arts will be prohibitively expensive and force them to look for new ways to make a living beyond the use of their God-given talent.

I can tell you from experience that there are may extraordinarily talented young people in our colleges and universities who are the future creatives of our nation. They deserve the chance to make a living from their own creativity without fear of being taken advantage of. They should not have to continually look over their shoulders wondering if the hard work they have done is being stolen and used in an unfair or dishonest manner, the result being the inability to take advantage of the fruits of their own labor.

Thank you for your consideration of this issue and what it can mean to young people entering the creative work force.

Sincerely,

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