July 17, 2015

RE: 2015 Orphan Works and Mass Digitization Report

Dear Sir/Madam –

I am writing to you in regards to the "2015 Orphan Works and Mass Digitization Report". I am deeply concerned that I will lose exclusive rights to my artwork under this new act, which if passed, will have a detrimental impact on my financial livelihood as an artist.

I have been an artist in the Graphic Design industry for 22 years, and a children's book illustrator for 5 years. I exclusively make my living as an artist and have a Bachelor of Science in Graphic Design with a concentration in Illustration from San Jose State University, CA '89. I have worked for various graphic design firms, toy companies, and am the sole proprietor of Gabby & Company (gabbyandco.com), a design/illustration/lettering firm since 1998; as well as children's illustration via shirleyngbenitez.com as a professional children's book illustrator.

I believe copyright law is not an abstract legal issue, but the basis upon which my business rests. My copyrights are the exact products that I license. It means that infringing on my work is stealing my money. It's important to my business and livelihood that I remain able to determine the exact ways of how and to whom my work is used.

My work does NOT lose value upon publication, in fact, there have been instances in which a published work has opened up new arenas of business in different markets, and this new act would obliterate any of that opportunity or financial benefit. It is incredibly difficult and disheartening to think that if this new act goes through, I will have no rights to derivative. My ORIGINAL work could very well be slightly altered via programs like Photoshop, or any photo-editing application and could then be profited upon.

The mass digitization of artwork will also make any original art of mine vulnerable to exploitation and financial gain by others.

Everything that I create becomes a part of my business inventory. In this digital era, inventory is more valuable to me than ever before.

It is my opinion, that the passing of this new law will forever change my financial livelihood in extremely negative way. It will affect all artists and creators of content who make their living from art profoundly. I am incredibly interested in preserving my current and future rights to my artwork, and so I request, respectfully that this law/act does not change our current copyright protection and status in Article 1, Section 8 of the Constitution that guarantees each creator the exclusive right to his or her own work.

Sincerely,
Shirley A. Ng-Benitez
Owner of Gabby & Company, design/illustration/lettering – a graphic design firm; and shirleyngbenitez.com – Professional children's book illustrator
San Martin, CA
shirley@shirleyngbenitez.com
shirley@gabbyandco.com